

CHAPTER 172

GOVERNMENT - STATE

HOUSE BILL 12-1244

BY REPRESENTATIVE(S) Scott, Bradford, Ferrandino, Hullinghorst, Murray, Pace, Wilson, Kerr J.;
also SENATOR(S) Foster.

AN ACT

CONCERNING AN INVENTORY OF LOCAL GOVERNMENTAL ENTITIES MAINTAINED BY THE DEPARTMENT OF LOCAL AFFAIRS, AND, IN CONNECTION THEREWITH, REQUIRING THE INCLUSION OF CERTAIN INFORMATION IN THE INVENTORY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-10-109, **amend** (3) as follows:

24-10-109. Notice required - contents - to whom given - limitations. (3) (a) If the claim is against the state or an employee thereof, the notice shall be filed with the attorney general. If the claim is against any other public entity or an employee thereof, the notice shall be filed with the governing body of the public entity or the attorney representing the public entity. Such notice shall be effective upon mailing by registered or certified mail, return receipt requested, or upon personal service.

(b) A NOTICE REQUIRED UNDER THIS SECTION THAT IS PROPERLY FILED WITH A PUBLIC ENTITY'S AGENT LISTED IN THE INVENTORY OF LOCAL GOVERNMENTAL ENTITIES PURSUANT TO SECTION 24-32-116, IS DEEMED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, **add** 24-32-116 as follows:

24-32-116. Inventory of local governmental entities - information required - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AGENT" MEANS:

(I) FOR A SPECIAL DISTRICT CREATED PURSUANT TO TITLE 32, C.R.S., THE SPECIAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DISTRICT'S DESIGNATED LOCAL GOVERNMENT CONTACT PERSON, AS REPORTED ANNUALLY BY THE SPECIAL DISTRICT AND INCLUDED IN THE DATABASE BY THE DEPARTMENT; OR

(II) FOR ALL OTHER LOCAL GOVERNMENTAL ENTITIES, A PERSON DESIGNATED BY A LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF A NOTICE OF CLAIM PURSUANT TO SECTION 24-10-109 (3).

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(c) "INVENTORY" MEANS THE ON-LINE DATABASE OF ACTIVE LOCAL GOVERNMENTS MAINTAINED BY THE DEPARTMENT AS OF THE EFFECTIVE DATE OF THIS SECTION.

(d) "LOCAL GOVERNMENTAL ENTITY" MEANS A CITY, COUNTY, CITY AND COUNTY, SPECIAL DISTRICT, SCHOOL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT.

(2) (a) THE DEPARTMENT SHALL UPDATE AND EXPAND THE INVENTORY AND ANY ASSOCIATED FORMS OR DOCUMENTS AS NECESSARY TO OBTAIN AND INTEGRATE, FOR EACH LOCAL GOVERNMENTAL ENTITY, THE INFORMATION DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) NOTHING IN THIS SECTION PRECLUDES THE DEPARTMENT FROM INCLUDING ADDITIONAL INFORMATION IN THE INVENTORY.

(3) (a) NO LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, EACH LOCAL GOVERNMENTAL ENTITY IN THE STATE SHALL PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT, WHICH SHALL INCLUDE THE SAME IN THE INVENTORY:

(I) THE OFFICIAL NAME OF THE LOCAL GOVERNMENTAL ENTITY;

(II) THE PRINCIPAL ADDRESS OF THE LOCAL GOVERNMENTAL ENTITY;

(III) IF OTHER THAN THE PRINCIPAL ADDRESS, THE MAILING ADDRESS OF THE LOCAL GOVERNMENTAL ENTITY;

(IV) THE NAME OF THE LOCAL GOVERNMENTAL ENTITY'S AGENT; AND

(V) THE MAILING ADDRESS OF THE AGENT.

(b) A LOCAL GOVERNMENTAL ENTITY SHALL UPDATE ANY INFORMATION PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) AS REQUIRED BY THE DEPARTMENT. FAILURE TO UPDATE THE INFORMATION PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) RENDERS ANY NOTICE OF A CLAIM PURSUANT TO SECTION 24-10-109 TO THE LAST LOCAL GOVERNMENTAL ENTITY'S AGENT IN THE INVENTORY VALID AS A MATTER OF LAW.

(4) THE DEPARTMENT SHALL MAKE THE INVENTORY ACCESSIBLE FROM THE DEPARTMENT'S WEB SITE.

(5) NOTHING IN THIS SECTION PRECLUDES THE FILING OF A NOTICE OF CLAIM OR THE SERVICE OF PROCESS ON ANY PERSON AUTHORIZED BY LAW.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 11, 2012