

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 21, 2011
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB11-1124 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. 32-1-804.3 (4), Colorado Revised Statutes, is
4 amended to read:

5 **32-1-804.3. Candidates for director - self-nomination and**
6 **acceptance form.** (4) The self-nomination and acceptance form or letter
7 ~~shall state~~ MUST CONTAIN the name of the special district in which the
8 election will be held, the special district director office sought by the
9 candidate, the term of office sought if more than one length of a director's
10 term is to be voted upon at the election, the date of the election, and the
11 full name of the candidate as it is to appear on the ballot, AND WHETHER
12 THE CANDIDATE IS A MEMBER OF AN EXECUTIVE BOARD OF A UNIT
13 OWNERS' ASSOCIATION, AS DEFINED IN SECTION 38-33.3-103, C.R.S.,
14 LOCATED WITHIN THE BOUNDARIES OF THE DIRECTOR DISTRICT FOR WHICH
15 THE CANDIDATE IS RUNNING FOR OFFICE. Unless physically unable, all
16 candidates and witnesses shall sign their own signature and shall print
17 their names, their respective residence addresses, including the street
18 number and name, the city or town, the county, telephone number, and the
19 date of signature on the self-nomination and acceptance form or letter.

20 **SECTION 2.** 38-33.3-209.5 (1) (b) (II), Colorado Revised
21 Statutes, is amended, and the said 38-33.3-209.5 is further amended BY
22 THE ADDITION OF A NEW SUBSECTION, to read:

23 **38-33.3-209.5. Responsible governance policies - due process**
24 **for imposition of fines.** (1) To promote responsible governance,
25 associations shall:

1 (b) Adopt policies, procedures, and rules and regulations
2 concerning:

3 (II) Handling of conflicts of interest involving board members,
4 WHICH POLICIES, PROCEDURES, AND RULES AND REGULATIONS MUST
5 INCLUDE, AT A MINIMUM, THE CRITERIA DESCRIBED IN SUBSECTION (4) OF
6 THIS SECTION;

7 (4)(a) THE POLICIES, PROCEDURES, AND RULES AND REGULATIONS
8 ADOPTED BY AN ASSOCIATION UNDER SUBPARAGRAPH (II) OF PARAGRAPH
9 (b) OF SUBSECTION (1) OF THIS SECTION MUST, AT A MINIMUM:

10 (I) DEFINE OR DESCRIBE THE CIRCUMSTANCES UNDER WHICH A
11 CONFLICT OF INTEREST EXISTS;

12 (II) SET FORTH PROCEDURES TO FOLLOW WHEN A CONFLICT OF
13 INTEREST EXISTS, INCLUDING HOW, AND TO WHOM, THE CONFLICT OF
14 INTEREST MUST BE DISCLOSED AND WHETHER A BOARD MEMBER MUST
15 RECUSE HIMSELF OR HERSELF FROM DISCUSSING OR VOTING ON THE ISSUE;
16 AND

17 (III) PROVIDE FOR THE PERIODIC REVIEW OF THE ASSOCIATION'S
18 CONFLICT OF INTEREST POLICIES, PROCEDURES, AND RULES AND
19 REGULATIONS.

20 (b) THE POLICIES, PROCEDURES, OR RULES AND REGULATIONS
21 ADOPTED UNDER THIS SUBSECTION (4) MUST BE IN ACCORDANCE WITH
22 SECTION 38-33.3-310.5.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety."

26 Page 1, line 102, strike "ASSOCIATION, AND, IN" and substitute
27 "ASSOCIATION."

28 Page 1, strike lines 103 through 107.

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