

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0683.01 Kate Meyer x4348

HOUSE BILL 12-1244

HOUSE SPONSORSHIP

Scott,

SENATE SPONSORSHIP

Foster,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INVENTORY OF LOCAL GOVERNMENTAL ENTITIES**
102 **CREATED BY THE SECRETARY OF STATE, AND, IN CONNECTION**
103 **THEREWITH, SPECIFYING THE INFORMATION THAT MUST BE**
104 **INCLUDED IN THE INVENTORY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill directs the secretary of state to create an inventory of local governmental entities and describes the information that must be included

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

in the inventory. The inventory must be available electronically, but the secretary of state shall charge users a fee to access the data related to agents authorized to receive notices of claims under the "Colorado Governmental Immunity Act" (act).

Filing a notice of a claim arising under the act with a person listed as an agent in the inventory is deemed to satisfy requirements for filing such notice. Service to the most recently listed registered agent is deemed valid if the local governmental entity failed to timely update its registered agent information.

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

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

4 **24-10-109. Notice required - contents - to whom given -**
5 **limitations.** (3) (a) If the claim is against the state or an employee
6 thereof, the notice shall be filed with the attorney general. If the claim is
7 against any other public entity or an employee thereof, the notice shall be
8 filed with the governing body of the public entity or the attorney
9 representing the public entity. Such notice shall be effective upon mailing
10 by registered or certified mail, return receipt requested, or upon personal
11 service.

12 (b) A NOTICE REQUIRED UNDER THIS SECTION THAT IS PROPERLY
13 FILED WITH A PUBLIC ENTITY'S REGISTERED AGENT, WHO IS LISTED IN THE
14 INVENTORY OF LOCAL GOVERNMENTAL ENTITIES PURSUANT TO SECTION
15 24-21-113, IS DEEMED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 24-21-113 as
17 follows:

18 **24-21-113. Inventory of local governmental entities -**
19 **information required - fee for access - definitions.** (1) AS USED IN THIS
20 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

4 (b) "REGISTERED AGENT" MEANS A PERSON DESIGNATED BY A
5 LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF A NOTICE OF
6 CLAIM PURSUANT TO SECTION 24-10-109 (3).

7 (2) THE SECRETARY OF STATE SHALL CREATE AND MAINTAIN AN
8 INVENTORY OF LOCAL GOVERNMENTAL ENTITIES IN COLORADO.

9 (3) (a) NO LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE
10 DATE OF THIS SECTION, EACH LOCAL GOVERNMENTAL ENTITY IN THE STATE
11 SHALL PROVIDE THE FOLLOWING INFORMATION TO THE SECRETARY OF
12 STATE, WHO SHALL INCLUDE THE SAME IN THE INVENTORY CREATED
13 UNDER THIS SECTION:

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

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

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

19 (IV) THE NAME OF THE REGISTERED AGENT;

20 (V) THE MAILING ADDRESS OF THE REGISTERED AGENT;

21 (VI) IF OTHER THAN THE MAILING ADDRESS, THE STREET ADDRESS
22 OF THE REGISTERED AGENT; AND

23 (VII) THE TAXES LEVIED BY THE LOCAL GOVERNMENTAL ENTITY
24 AND THE RATE OR AMOUNT OF EACH TAX.

25 (b) A LOCAL GOVERNMENTAL ENTITY SHALL UPDATE ANY
26 INFORMATION PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS
27 SUBSECTION (3) AS NECESSARY. FAILURE TO UPDATE THE INFORMATION

1 PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) RENDERS
2 ANY NOTICE TO THE LAST REGISTERED AGENT IN THE INVENTORY OF THE
3 SECRETARY OF STATE VALID AS A MATTER OF LAW.

4 (4) THE SECRETARY OF STATE SHALL MAKE THE INVENTORY
5 AVAILABLE ON THE SECRETARY OF STATE'S WEB SITE AND SHALL CHARGE
6 A FEE, IN AN AMOUNT SUFFICIENT TO RECOVER THE ACTUAL COSTS OF
7 MAINTAINING THE INVENTORY, TO ACCESS THE REGISTERED AGENT
8 INFORMATION DESCRIBED IN SUBPARAGRAPHS (IV) AND (V) OF
9 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

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

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2012 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.