

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 **MAINTAINED BY THE DEPARTMENT OF LOCAL AFFAIRS, AND, IN**
103 **CONNECTION THEREWITH, REQUIRING THE INCLUSION OF**
104 **CERTAIN INFORMATION 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 24-32-116, IS DEEMED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

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

18 **24-32-116. Inventory of local governmental entities -**
19 **information required - definitions.** (1) AS USED IN THIS SECTION,
20 UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

8 (d) "REGISTERED AGENT" MEANS A PERSON DESIGNATED BY A
9 LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF A NOTICE OF
10 CLAIM PURSUANT TO SECTION 24-10-109 (3).

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

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

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

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

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

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

26 (IV) THE NAME OF THE REGISTERED AGENT; AND

27 (V) THE MAILING ADDRESS OF THE REGISTERED AGENT.

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(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 TO THE LAST REGISTERED 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.