

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
Local Government

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.

HOUSE
3rd Reading Unamended
February 28, 2012

HOUSE
Amended 2nd Reading
February 27, 2012

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 AGENT LISTED IN THE INVENTORY OF LOCAL
14 GOVERNMENTAL ENTITIES PURSUANT TO SECTION 24-32-116, IS DEEMED
15 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) "AGENT" MEANS:
2 (I) FOR A SPECIAL DISTRICT CREATED PURSUANT TO TITLE 32,
3 C.R.S., THE SPECIAL DISTRICT'S DESIGNATED LOCAL GOVERNMENT
4 CONTACT PERSON, AS REPORTED ANNUALLY BY THE SPECIAL DISTRICT AND
5 INCLUDED IN THE DATABASE BY THE DEPARTMENT; OR
6 (II) FOR ALL OTHER LOCAL GOVERNMENTAL ENTITIES, A PERSON
7 DESIGNATED BY A LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF
8 A NOTICE OF CLAIM PURSUANT TO SECTION 24-10-109 (3).
9 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.
10 (c) "INVENTORY" MEANS THE ON-LINE DATABASE OF ACTIVE
11 LOCAL GOVERNMENTS MAINTAINED BY THE DEPARTMENT AS OF THE
12 EFFECTIVE DATE OF THIS SECTION.
13 (d) "LOCAL GOVERNMENTAL ENTITY" MEANS A CITY, COUNTY,
14 CITY AND COUNTY, SPECIAL DISTRICT, SCHOOL DISTRICT, OR OTHER UNIT
15 OF LOCAL GOVERNMENT.
16 ==
17 (2) (a) THE DEPARTMENT SHALL UPDATE AND EXPAND THE
18 INVENTORY AND ANY ASSOCIATED FORMS OR DOCUMENTS AS NECESSARY
19 TO OBTAIN AND INTEGRATE, FOR EACH LOCAL GOVERNMENTAL ENTITY,
20 THE INFORMATION DESCRIBED IN SUBSECTION (3) OF THIS SECTION.
21 (b) NOTHING IN THIS SECTION PRECLUDES THE DEPARTMENT FROM
22 INCLUDING ADDITIONAL INFORMATION IN THE INVENTORY.
23 (3) (a) NO LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE
24 DATE OF THIS SECTION, EACH LOCAL GOVERNMENTAL ENTITY IN THE STATE
25 SHALL PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT,
26 WHICH SHALL INCLUDE THE SAME IN THE INVENTORY:
27 (I) THE OFFICIAL NAME OF THE LOCAL GOVERNMENTAL ENTITY;

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

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

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

7 (V) THE MAILING ADDRESS OF THE AGENT.

8
9 (b) A LOCAL GOVERNMENTAL ENTITY SHALL UPDATE ANY
10 INFORMATION PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS
11 SUBSECTION (3) AS REQUIRED BY THE DEPARTMENT. FAILURE TO UPDATE
12 THE INFORMATION PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS
13 SUBSECTION (3) RENDERS ANY NOTICE OF A CLAIM PURSUANT TO SECTION
14 24-10-109 TO THE LAST LOCAL GOVERNMENTAL ENTITY'S AGENT IN THE
15 INVENTORY VALID AS A MATTER OF LAW.

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

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

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.