

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0468.01 Gregg Fraser x4325

HOUSE BILL 12-1157

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Guzman,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE COURT HEARING ON A PETITION FOR THE
102 ORGANIZATION OF A SPECIAL DISTRICT.

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>.)

If a service plan for a proposed special district is approved by a board of county commissioners, current law requires any interested party who appeared and objected to the plan to be given notice and have the right to appear at a court hearing on the petition to organize the district. **Section 1** of the bill would require the party to also be a taxpayer or

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.

eligible elector of the proposed district in order to be given notice and have the right to appear at the hearing. **Section 2** requires the notice of court hearing to be sent by certified mail rather than registered mail.

Current law allows the court, in the order authorizing the organizational election, to name an eligible elector as the designated election official. **Section 3** allows the court, by any order of the court, to name a person experienced in conducting special district elections to serve as the designated election official.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-206, **amend** (2)
3 as follows:

4 **32-1-206. Judicial review.** (2) If the service plan is approved by
5 the board of county commissioners, any interested party as defined in
6 section 32-1-204 (1), ~~if such party had~~ WHO IS EITHER A TAXPAYER OF THE
7 PROPOSED SPECIAL DISTRICT OR AN ELIGIBLE ELECTOR OF THE PROPOSED
8 SPECIAL DISTRICT AND WHO appeared and presented ~~its~~ HIS OR HER
9 objections before the board of county commissioners, shall be given
10 notice and have the right to appear and be heard at the hearing on the
11 court petition for the organization of the special district, and the court
12 may dismiss the court petition upon a determination that the decision of
13 the board of county commissioners was arbitrary, capricious, or
14 unreasonable.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 32-1-304 as
16 follows:

17 **32-1-304. Notice of court hearing.** Except as otherwise provided
18 in section 32-1-304.5, immediately after the filing of a petition, the court
19 wherein the petition is filed, by order, shall fix a place and time, not less
20 than twenty days nor more than forty days after the petition is filed, for
21 hearing thereon. Thereupon the clerk of the court shall cause notice by

1 publication to be made of the pendency of the petition, the purposes and
2 boundaries of the special district, and the time and place of hearing
3 thereon. The clerk of the court shall also forthwith cause a copy of the
4 notice to be mailed by United States ~~registered~~ CERTIFIED mail to the
5 board of county commissioners of each of the several counties and to
6 each party entitled to notice pursuant to section 32-1-206 (2). The notice
7 shall include a general description of the land contained within the
8 boundaries of the proposed special district and information explaining
9 methods and procedures for the filing of a petition for exclusion of
10 territory pursuant to section 32-1-305 (3).

11 **SECTION 3.** In Colorado Revised Statutes, 32-1-305.5, **amend**
12 (1) as follows:

13 **32-1-305.5. Organizational election - new special district - first**
14 **directors.** (1) ~~In the order authorizing the election~~ BY ORDER, the court
15 shall name either the clerk and recorder of the county in which the district
16 is to be or another ~~eligible elector~~ PERSON EXPERIENCED IN CONDUCTING
17 SPECIAL DISTRICT ELECTIONS as the designated election official
18 responsible for the conducting of the election.

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 32-1-803.5
20 as follows:

21 **32-1-803.5. Organizational election - new special district.** At
22 any election for the organization of a new special district, the court shall
23 also order the submission of the proposition of issuing general obligation
24 bonds or creating other general obligation indebtedness or any question
25 or questions necessary to implement the provisions of section 20 of article
26 X of the ~~Colorado~~ STATE constitution as applied to the new special
27 district, if the petition filed pursuant to section 32-1-301 requests that

1 such questions be submitted at the organizational election. The order of
2 the court shall make the determinations required by section 32-1-1101 (2)
3 and (3) (a) and require the ~~clerk of the court~~ DESIGNATED ELECTION
4 OFFICIAL, AS DETERMINED IN SECTION 32-1-305.5 (1), to conduct the
5 election in accordance with section 20 of article X of the ~~Colorado~~ STATE
6 constitution.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2012 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.