

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0662.02 Bob Lackner x4350

SENATE BILL 22-136

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SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Weissman and Boesenecker,

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Senate Committees  
Local Government

House Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROMOTE THE GOVERNANCE OF SPECIAL  
102 DISTRICTS, AND, IN CONNECTION THEREWITH, REQUIRING  
103 GREATER DISCLOSURE OF DEVELOPER-AFFILIATED BOARD  
104 ACTIVITY, REQUIRING PROCESSES TO FACILITATE RESIDENT  
105 REPRESENTATION ON SPECIAL DISTRICT BOARDS, AND  
106 EXTENDING THE POWERS OF INITIATIVE AND REFERENDUM TO  
107 THE ELECTORS OF SPECIAL DISTRICTS.

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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://leg.colorado.gov>.)*

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

**Section 1** of the bill extends the powers of the initiative and referendum reserved to the people in the state constitution to the electors of special districts.

**Section 2** requires each developer-affiliated board (board) of a special district (district) to issue an agenda and board packet for each board meeting. The board must send the agenda and board packet by regular United States mail and by e-mail to each resident of the district along with a separate statement that expressly discloses to each resident the fact that the board has a conflict of interest with the residents and that residents of the district may serve on the board.

The bill also requires each board to send a self-nomination form to each resident of the district with each agenda and board packet with instructions that a resident may follow for completing the form and delivering the completed form to the manager and legal counsel of the district.

Immediately upon receiving a self-nomination form from a resident for a position on the board, the board must identify the board position to be terminated and immediately appoint the resident who submitted the self-nomination form to fill the position. A developer-affiliated position is immediately terminated upon receipt by the board of a self-nomination form from a resident. If self-nomination forms are received from residents in an amount that exceeds the positions on the board, the board is required to immediately call a special election to fill all of the developer-affiliated positions.

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1 *Be it enacted by the General Assembly of the State of Colorado:*  
2           **SECTION 1.** In Colorado Revised Statutes, **add** 32-1-810 as  
3 follows:  
4           **32-1-810. Initiative and referendum powers - electors of**  
5 **special districts.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
6 POWERS OF THE INITIATIVE AND REFERENDUM RESERVED TO THE PEOPLE  
7 IN SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION ARE HEREBY  
8 EXTENDED TO THE ELECTORS OF SPECIAL DISTRICTS. TO THE EXTENT  
9 APPLICABLE, SPECIAL DISTRICT INITIATIVES AND REFERENDA ARE  
10 GOVERNED IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN  
11 ARTICLE 11 OF TITLE 31, AS SUCH REQUIREMENTS MAY BE SUPPLEMENTED

1 OR MODIFIED BY THE BOARD OF THE SPECIAL DISTRICT. IN CONNECTION  
2 WITH THE APPLICATION OF THE REQUIREMENTS IN ARTICLE 11 OF TITLE 31  
3 TO THE EXERCISE OF THE RIGHTS OF INITIATIVE AND REFERENDA GRANTED  
4 BY THIS SECTION, THE DISTRICT SHALL IMPLEMENT THE REQUIREMENTS  
5 LIBERALLY SO AS TO FACILITATE AND NOT OBSTRUCT SUCH RIGHTS.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 32-1-903.5 as  
7 follows:

8 **32-1-903.5. Developer-affiliated boards - transition to control**  
9 **by resident controlled boards - disclosure - definitions.** (1) AS USED  
10 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "BOARD PACKET" MEANS A COLLECTION OF INFORMATIONAL  
12 MATERIALS DISTRIBUTED TO BOARD MEMBERS IN ADVANCE OF A BOARD  
13 MEETING THAT CONTAIN USEFUL INFORMATION FOR DISCUSSION AT THE  
14 BOARD MEETING.

15 (b) "DEVELOPER-AFFILIATED BOARD" MEANS THE BOARD OF  
16 DIRECTORS OF A SPECIAL DISTRICT, THE MAJORITY OF WHICH MEMBERS OF  
17 THE BOARD ARE NOT RESIDENTS OF THE DISTRICT AND QUALIFY FOR  
18 SERVICE ON THE BOARD PURSUANT TO SECTION 32-1-808 (2).

19 (c) "DEVELOPER-AFFILIATED POSITION" MEANS A POSITION ON A  
20 DEVELOPER-AFFILIATED BOARD THAT IS HELD BY AN INDIVIDUAL WHO IS  
21 NOT A RESIDENT OF THE DISTRICT AND QUALIFIES FOR SERVICE ON THE  
22 BOARD PURSUANT TO SECTION 32-1-808 (2).

23 (2) EACH DEVELOPER-AFFILIATED BOARD SHALL ISSUE AN AGENDA  
24 AND BOARD PACKET FOR EACH BOARD MEETING. THE BOARD SHALL SEND  
25 THE AGENDA AND BOARD PACKET BY REGULAR UNITED STATES MAIL AND  
26 BY E-MAIL TO EACH RESIDENT OF THE DISTRICT ALONG WITH A SEPARATE  
27 STATEMENT THAT EXPRESSLY DISCLOSES TO EACH RESIDENT THE FACT

1 THAT THE DEVELOPER-AFFILIATED BOARD HAS A CONFLICT OF INTEREST  
2 WITH THE RESIDENTS AND THAT RESIDENTS OF THE SPECIAL DISTRICT MAY  
3 SERVE ON THE BOARD.

4 (3) THE BOARD SHALL ALSO SEND A SELF-NOMINATION FORM TO  
5 EACH RESIDENT OF THE SPECIAL DISTRICT WITH EACH AGENDA AND BOARD  
6 PACKET WITH INSTRUCTIONS THAT A RESIDENT MAY FOLLOW FOR  
7 COMPLETING THE FORM AND DELIVERING THE COMPLETED FORM TO THE  
8 MANAGER AND LEGAL COUNSEL OF THE DISTRICT.

9 (4) IMMEDIATELY UPON RECEIVING A SELF-NOMINATION FORM  
10 FROM A RESIDENT FOR A POSITION ON THE BOARD, THE  
11 DEVELOPER-AFFILIATED BOARD SHALL IDENTIFY THE BOARD POSITION TO  
12 BE TERMINATED AND IMMEDIATELY APPOINT THE RESIDENT WHO  
13 SUBMITTED THE SELF-NOMINATION FORM TO FILL THE POSITION. A  
14 DEVELOPER-AFFILIATED POSITION IS IMMEDIATELY TERMINATED UPON  
15 RECEIPT BY THE DEVELOPER-AFFILIATED BOARD OF A SELF-NOMINATION  
16 FORM FROM A RESIDENT. IF SELF-NOMINATION FORMS ARE RECEIVED FROM  
17 RESIDENTS IN AN AMOUNT THAT EXCEEDS THE POSITIONS ON THE BOARD,  
18 THE BOARD SHALL IMMEDIATELY CALL A SPECIAL ELECTION TO FILL ALL  
19 OF THE DEVELOPER-AFFILIATED POSITIONS.

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

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.