

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0390.01 Gregg Fraser x4325

HOUSE BILL 15-1074

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE LIABILITY OF AN INDIVIDUAL MEMBER OF A BOARD
102 OF COUNTY COMMISSIONERS IN A LEGAL PROCEEDING IN WHICH
103 THE BOARD IS FOUND LIABLE.

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/bills summaries>.)

The bill prohibits a judgment against a board of county commissioners arising solely from an act of the board from being enforced against an individual member of the board.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 30-11-105 as
3 follows:

4 **30-11-105. Suits by or against county.** (1) In all suits or
5 proceedings by or against a county, the name in which the county shall
6 sue or be sued shall be, "The board of county commissioners of the
7 county of"; but this provision shall not prevent county officers,
8 when authorized by law, from suing in their name of office for the benefit
9 of the county.

10 (2) ANY JUDGMENT AGAINST A BOARD OF COUNTY
11 COMMISSIONERS ARISING SOLELY FROM AN ACT OF THE BOARD EXERCISING
12 ITS AUTHORITY AS THE GOVERNING BODY OF A COUNTY SHALL NOT BE
13 ENFORCED AGAINST ONE OR MORE INDIVIDUAL MEMBERS OF THE BOARD.
14 NOTHING IN THIS SUBSECTION (2) PREVENTS THE JOINDER OF ONE OR MORE
15 INDIVIDUAL MEMBERS OF A BOARD OF COUNTY COMMISSIONERS IN THE
16 SAME OR A SEPARATE ACTION OR APPLIES TO A CASE WHERE AN
17 INDIVIDUAL MEMBER OF A BOARD OF COUNTY COMMISSIONERS IS FOUND
18 INDIVIDUALLY LIABLE FOR A VIOLATION OF LAW.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.