

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 15-0390.01 Gregg Fraser x4325

**HOUSE BILL 15-1074**

---

**HOUSE SPONSORSHIP**

**Vigil,**

**SENATE SPONSORSHIP**

**Crowder,**

---

**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/billsummaries>.)*

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.*

HOUSE  
3rd Reading Unamended  
February 3, 2015

HOUSE  
2nd Reading Unamended  
February 2, 2015

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.