

CHAPTER 90

**HEALTH AND ENVIRONMENT**

HOUSE BILL 19-1065

BY REPRESENTATIVE(S) Soper and Roberts, Buentello, Galindo, Michaelson Jenet;  
also SENATOR(S) Rankin, Gardner, Moreno, Tate.

**AN ACT**

**CONCERNING PUBLIC HOSPITAL BOARDS OF TRUSTEES, AND, IN CONNECTION THEREWITH, ELIMINATING THE RESTRICTION THAT A BOARD MAY NOT INCLUDE MORE THAN FOUR LOCAL RESIDENTS AND ALLOWING A BOARD TO UNILATERALLY ACQUIRE REAL OR PERSONAL PROPERTY BY LEASE IF THE BOARD HAS DESIGNATED THE PUBLIC HOSPITAL AS AN ENTERPRISE.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-3-302, **amend** (1) as follows:

**25-3-302. Board of trustees.** (1) If ~~the~~ **A** board of county commissioners decides to create ~~such~~ **a** public hospital board OF TRUSTEES, levy ~~such~~ **an** annual tax, and appropriate funds to purchase, erect, and maintain or turn over to ~~it~~ **THE** PUBLIC HOSPITAL BOARD OF TRUSTEES control of ~~such~~ **a** county hospital, the board of county commissioners shall proceed at once to appoint TO THE PUBLIC HOSPITAL BOARD OF TRUSTEES, for designated terms, ~~a board of seven public hospital~~ trustees chosen from the citizens at large with reference to their fitness for ~~such~~ office. All of ~~whom shall~~ **THE** TRUSTEES MUST be residents of the county, and none of ~~whom shall~~ **MAY** be an ~~elective~~ **ELECTED** or ~~appointive~~ **APPOINTED** state, county, or city official. ~~Not more than four of said hospital trustees shall be residents of the city or town in which said hospital is to be located.~~ Nothing in this article shall require that **ARTICLE 3** REQUIRES a licensed physician TO be appointed to ~~the~~ **A** PUBLIC HOSPITAL board of ~~hospital~~ trustees; however, ~~should~~ **IF** a licensed physician ~~be~~ **IS** appointed to ~~the~~ **A** PUBLIC HOSPITAL board OF TRUSTEES, membership on that board shall be limited to one licensed physician at any given time. The seven appointees shall constitute the PUBLIC HOSPITAL board of ~~hospital~~ trustees for ~~said~~ **THE** public hospital. ~~Such~~ **THE** PUBLIC HOSPITAL board shall ~~be~~ **OF** TRUSTEES IS a body corporate under the name "Board of Trustees for ..... Hospital", the name of the hospital being inserted in the blank.

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 2.** In Colorado Revised Statutes, 25-3-304, **amend** (1) as follows:

**25-3-304. Trustees - powers and duties.** (1) (a) ~~The A PUBLIC HOSPITAL board of public hospital trustees shall make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the hospital as it deems expedient for the economic and equitable conduct thereof, not inconsistent with state law or the ordinances of the city or town wherein such~~ IN WHICH THE public hospital is located.

(b) The public hospital board ~~shall have the~~ OF TRUSTEES HAS exclusive control of:

(I) The use and expenditure of all ~~moneys~~ MONEY collected to the credit of the hospital, including the right to invest or have invested ~~hospital moneys and funds~~ MONEY held by the hospital or in the office of the county treasurer and to receive the interest and income therefrom;

(II) ~~and of~~ The purchase of sites;

(III) The purchase, construction, or enlargement of any hospital building; and

(IV) The supervision, care, and custody of ~~the~~ ANY grounds, rooms, or buildings ~~purchased, constructed, leased, or set apart for that purpose~~ THAT IT PURCHASES, CONSTRUCTS, OR LEASES.

(c) ~~the~~ EXCEPT AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION, A PUBLIC hospital board OF TRUSTEES may acquire by lease real and personal property subject to the approval of the board of county commissioners. All tax ~~moneys~~ MONEY received for hospital purposes ~~shall~~ MUST be paid out of the county treasury only upon warrants drawn by the county commissioners upon sworn vouchers approved by the PUBLIC hospital board OF TRUSTEES. All other ~~moneys~~ MONEY received for ~~such~~ THE hospital ~~shall~~ MUST be deposited in the treasury of the hospital and paid out only upon order of ~~said~~ THE PUBLIC hospital board OF TRUSTEES. IF A PUBLIC HOSPITAL BOARD OF TRUSTEES ACQUIRES AND HOLDS hospital property and facilities, including real and personal property, ~~may be acquired and held by lease or~~ BY conveyance on transfer of title, ~~but if by conveyance~~ THEN title to all lands ~~shall~~ MUST be in the name of the county. County hospitals situated in home rule counties ~~shall~~ have the additional borrowing authority ~~as~~ granted by section 30-35-201 (23)(b). ~~C.R.S.~~

(d) A PUBLIC HOSPITAL BOARD OF TRUSTEES THAT HAS ELECTED TO DESIGNATE ITS PUBLIC HOSPITAL AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, IS NOT REQUIRED TO OBTAIN THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE ACQUIRING REAL OR PERSONAL PROPERTY BY LEASE.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of

this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 10, 2019