

CHAPTER 54

GOVERNMENT - COUNTY

SENATE BILL 23-068

BY SENATOR(S) Pelton R. and Exum, Priola, Roberts;
also REPRESENTATIVE(S) Lukens and Pugliese, Bird, Bockenfeld, Duran, Hamrick, Jodeh, Lindsay, Marshall, Martinez, Mauro,
McCormick, McLachlan, Michaelson Jenet, Ricks, Snyder, Soper, Weinberg, McCluskie.

AN ACT

**CONCERNING MODIFICATIONS TO THE OPERATIONS OF A PUBLIC HOSPITAL BOARD OF TRUSTEES
CREATED BY A BOARD OF COUNTY COMMISSIONERS.**

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

SECTION 1. Short title. The short title of this act is the "Colorado Frontier Hospitals Act of 2023".

SECTION 2. In Colorado Revised Statutes, 25-3-302, **amend** (3) as follows:

25-3-302. Board of trustees. (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION, in ~~those counties~~ ~~having~~ WITH a population of less than three thousand, the board of public hospital trustees shall consist of five citizens at large ~~having~~ THAT HAVE the same requirements with reference to their fitness for such office as all other counties. One of ~~said~~ THE trustees, so designated in such original appointment, shall hold office until the second Tuesday of January following ~~his~~ THEIR appointment, one until the second Tuesday of the second January following ~~his~~ THEIR appointment, one until the second Tuesday of the third January following ~~his~~ THEIR appointment, one until the second Tuesday of the fourth January following ~~his~~ THEIR appointment, and one until the second Tuesday of the fifth January following ~~his~~ THEIR appointment. The term of office and the method of filling vacancies shall be the same as for all other counties.

(b) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF LESS THAN THREE THOUSAND THAT CREATES A PUBLIC HOSPITAL BOARD OF TRUSTEES MAY DETERMINE, BY A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, THAT THE PUBLIC HOSPITAL BOARD OF TRUSTEES SHALL CONSIST OF SEVEN, RATHER THAN FIVE, CITIZENS AT LARGE THAT HAVE THE SAME

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.

REQUIREMENTS WITH REFERENCE TO THEIR FITNESS FOR SUCH OFFICE AS ALL OTHER COUNTIES. FOR A PUBLIC HOSPITAL BOARD OF TRUSTEES THAT IS CREATED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(b) AND THAT CONSISTS OF SEVEN MEMBERS PURSUANT TO THIS SUBSECTION (3)(b), THE TRUSTEES SHALL HOLD OFFICE AS IS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. FOR A PUBLIC HOSPITAL BOARD OF TRUSTEES THAT IS IN EXISTENCE WHEN THE BOARD OF COUNTY COMMISSIONERS DETERMINES THAT THE PUBLIC HOSPITAL BOARD OF TRUSTEES WILL CONSIST OF SEVEN MEMBERS, ONE OF THE ADDITIONAL TRUSTEES SHALL HOLD OFFICE UNTIL THE SECOND TUESDAY OF THE THIRD JANUARY FOLLOWING THEIR APPOINTMENT, AND THE OTHER ADDITIONAL TRUSTEE SHALL HOLD OFFICE UNTIL THE SECOND TUESDAY OF THE FIFTH JANUARY FROM THEIR APPOINTMENT. THE TERM OF OFFICE AND THE METHOD OF FILLING VACANCIES SHALL BE THE SAME AS FOR ALL OTHER COUNTIES.

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

25-3-304. Trustees - powers and duties. (1) (c) 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 money received for hospital purposes 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 money received for the hospital must be deposited in the treasury of the hospital and paid out only upon order of 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, by conveyance or transfer of title, then title to all lands must be in EITHER the name of the county OR THE PUBLIC HOSPITAL'S CORPORATE NAME FOR THE HOSPITAL'S USE AND BENEFIT. County hospitals situated in home rule counties have the additional borrowing authority granted by section 30-35-201 (23)(b).

(2) (a) ~~The board of public hospital BOARD OF trustees shall have~~ HAS THE power to hire, retain, and remove agents and employees, including administrative, nursing, and professional personnel, engineers, architects, and attorneys, and to fix their compensation; ~~shall have~~ HAS the power to borrow money and incur indebtedness, and to issue bonds and other evidence of such indebtedness; except that no indebtedness shall be created, except as otherwise provided by statute, in excess of the revenue which may reasonably be expected to be available to the hospital for repayment thereof in the fiscal year in which such indebtedness is to be created, and except that no such indebtedness shall be incurred without the approval of the board of county commissioners IF THE REPAYMENT OF SUCH INDEBTEDNESS IS DEPENDENT ON TAX MONEY RECEIVED FOR HOSPITAL PURPOSES FROM THE BOARD OF COUNTY COMMISSIONERS; and shall in general carry out the spirit and intent of this part 3 in establishing and maintaining a county public hospital. ANY INDEBTEDNESS INCURRED BY A PUBLIC HOSPITAL BOARD OF TRUSTEES IS AN OBLIGATION OF THE PUBLIC HOSPITAL BOARD OF TRUSTEES AND NOT AN OBLIGATION OF THE BOARD OF COUNTY COMMISSIONERS THAT APPROVED THE INDEBTEDNESS.

(b) ~~Such~~ A board of public hospital trustees ~~shall~~ MUST hold meetings at least once each month and ~~shall~~ MUST keep a complete record of all its proceedings. Four members of the board ~~shall constitute~~ CONSTITUTES a quorum for the transaction of

business. One of the trustees ~~shall~~ MUST visit and examine said hospital at least twice each month, and the public hospital board, during the first week in each January and July, ~~shall~~ MUST file with the board of county commissioners a report of their proceedings with reference to such hospital and a statement of all receipts and expenditures during the half year. On or before each October first, the board ~~shall~~ MUST certify to the board of county commissioners the amount necessary to maintain and improve said hospital for the ensuing year. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

(c) A PUBLIC HOSPITAL BOARD OF TRUSTEES MAY OFFER TO THE GENERAL PUBLIC PRODUCTS AND SERVICES OF ANY HEALTH-CARE ORGANIZATION, ASSOCIATION, PARTNERSHIP, OR CORPORATION TO THE EXTENT THAT THE PRODUCTS AND SERVICES ARE CONSISTENT WITH THE POWERS AND DUTIES OF A COUNTY PUBLIC HOSPITAL PURSUANT TO THIS PART 3.

SECTION 4. In Colorado Revised Statutes, **amend 25-3-308** as follows:

25-3-308. Improvements or enlargements. In counties exercising the rights conferred by this part 3, the board of county commissioners may appropriate ~~each year~~ MONEY FROM ITS GENERAL FUND, in addition to the tax for THE hospital fund provided for in section 25-3-301, ~~not more than five percent of its general fund~~ IN AN AMOUNT THAT THE BOARD OF COUNTY COMMISSIONERS DEEMS APPROPRIATE for the improvement, OPERATION, or enlargement of any public hospital so established.

SECTION 5. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 3, 2023