

## CHAPTER 242

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**GOVERNMENT - COUNTY**

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**HOUSE BILL 20-1029**

BY REPRESENTATIVE(S) Pelton, Arndt, Buentello, Catlin, Gray, Liston, McKean, Neville, Rich, Saine, Soper, Valdez D., Will, Wilson, Hooton, Sandridge, Singer;  
also SENATOR(S) Hisey, Crowder, Donovan, Marble, Moreno, Rankin, Smallwood, Tate, Woodward.

**AN ACT**

**CONCERNING THE AUTHORITY OF AN ELECTED COUNTY OFFICER TO ELECT TO RECEIVE A LOWER SALARY THAN THE AMOUNT PROVIDED FOR BY LAW.**

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

**SECTION 1.** In Colorado Revised Statutes, 30-2-102, **amend** (3)(e); and **add** (3)(f) as follows:

**30-2-102. Categorization of counties for fixing salaries of county officers - salary amounts - legislative declaration.** (3) (e) EXCEPT AS PROVIDED IN SUBSECTION (3)(f) OF THIS SECTION, no elected COUNTY officer shall have his OR HER compensation increased or decreased during the term of office to which he OR SHE has been elected or appointed. All actual and necessary expenses of an elected officer incurred while engaged in business on behalf of the county may be allowed by the board of county commissioners and paid out of the county treasury.

(f) AN ELECTED COUNTY OFFICER IN A COUNTY CLASSIFIED FOR SALARY PURPOSES UNDER SUBSECTION (1.5)(a)(III), (1.5)(a)(IV), (1.5)(a)(V), OR (1.5)(a)(VI) OF THIS SECTION MAY ELECT IN HIS OR HER SOLE DISCRETION TO RECEIVE AN AMOUNT OF SALARY THAT IS LOWER THAN THE AMOUNT PROVIDED FOR IN THIS SECTION. THE AMOUNT OF THE LOWER SALARY RECEIVED BY AN OFFICER SHALL BE FIFTY PERCENT OF THE AMOUNT OF THE SALARY OTHERWISE PROVIDED FOR THE OFFICER AS SET FORTH IN THIS SECTION. ANY SUCH ELECTION SHALL BE SET FORTH IN WRITING AND RECORDED WITH THE OFFICE OF THE COUNTY CLERK AND RECORDER DURING THE MONTH OF NOVEMBER. ANY ADDITIONAL MONEY AVAILABLE TO A COUNTY AS A RESULT OF AN ELECTED COUNTY OFFICER MAKING AN ELECTION PURSUANT TO THIS SUBSECTION (3)(f) SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE COUNTY GENERAL FUND. AN ELECTED COUNTY OFFICER WHO ELECTS TO RECEIVE A LOWER

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*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.*

SALARY PURSUANT TO THIS SUBSECTION (3)(f) MAY SUBSEQUENTLY ELECT TO RECEIVE A HIGHER SALARY SO LONG AS THE AMOUNT OF THE HIGHER SALARY DOES NOT EXCEED THE AMOUNT PROVIDED FOR IN THIS SECTION. IN NO EVENT SHALL AN ELECTED COUNTY OFFICER MAKE MORE THAN ONE ELECTION PER YEAR PURSUANT TO THIS SUBSECTION (3)(f).

**SECTION 2. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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: July 7, 2020