

CHAPTER 89

GOVERNMENT - COUNTY

HOUSE BILL 15-1074

BY REPRESENTATIVE(S) Vigil, Brown, Esgar, Fields, Humphrey, Klingenschmitt, Mitsch Bush, Moreno, Rosenthal, Saine, Duran, Pabon, Hulinghorst; also SENATOR(S) Crowder.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 1-45-117, **amend** (4) as follows:

1-45-117. State and political subdivisions - limitations on contributions.

(4) (a) Any violation of this section shall be subject to the provisions of sections 9 (2) and 10 (1) of article XXVIII of the state constitution or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) IF A BOARD OF COUNTY COMMISSIONERS IS FOUND TO HAVE MADE A CONTRIBUTION OR EXPENDITURE IN VIOLATION OF THIS SECTION, AN INDIVIDUAL MEMBER OF THE BOARD WHO VOTED IN FAVOR OF OR OTHERWISE AUTHORIZED THE CONTRIBUTION OR EXPENDITURE MAY BE ORDERED TO REIMBURSE AN AMOUNT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AS LONG AS THE AMOUNT DOES NOT EXCEED THE AMOUNT ORDERED TO BE REIMBURSED BY ANY OTHER INDIVIDUAL OF THE BOARD WHO VOTED IN FAVOR OR OTHERWISE AUTHORIZED THE CONTRIBUTION OR EXPENDITURE.

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, 2015, if adjournment sine die is on

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 8, 2015