

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 17-0955.01 Esther van Mourik x4215

**HOUSE BILL 17-1198**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Gardner,**

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**House Committees**  
Local Government

**Senate Committees**  
Local Government

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**A BILL FOR AN ACT**

101 **CONCERNING THE AUTHORITY FOR A SPECIAL DISTRICT TO INCREASE**  
102 **THE NUMBER OF BOARD MEMBERS FROM FIVE TO SEVEN.**

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**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://leg.colorado.gov>.)*

The bill allows a special district having a 5-member board to increase the number of board members to 7 by the adoption of a resolution by the board and the approval of the resolution by the board of county commissioners or the governing body of the municipality that approved the service plan of the special district. If an increase is made, a board cannot be reduced back to 5 members. The bill also specifies the

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.*

SENATE  
3rd Reading Unamended  
March 27, 2017

SENATE  
2nd Reading Unamended  
March 23, 2017

HOUSE  
3rd Reading Unamended  
March 7, 2017

HOUSE  
Amended 2nd Reading  
March 6, 2017

length of the initial term of each new special district board member and sets forth the election requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 32-1-902.5 as  
3 follows:

4 **32-1-902.5. Increasing the number of board members.**

5 (1) (a) A SPECIAL DISTRICT HAVING A FIVE-MEMBER BOARD MAY  
6 INCREASE THE NUMBER OF BOARD MEMBERS TO SEVEN BY THE ADOPTION  
7 OF A RESOLUTION BY THE BOARD AND THE APPROVAL OF THE RESOLUTION  
8 AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION. THE BOARD SHALL  
9 CONSIDER THE RESOLUTION AT A PUBLIC MEETING AFTER PUBLICATION OF  
10 NOTICE REGARDING THE PLACE, TIME, AND DATE OF THE MEETING AND OF  
11 THE PROPOSED INCREASE IN THE NUMBER OF BOARD MEMBERS. PUBLIC  
12 INPUT MUST BE ALLOWED AT THE MEETING.

13 (b) UPON ADOPTING A RESOLUTION PURSUANT TO SUBSECTION  
14 (1)(a) OF THIS SECTION, THE BOARD SHALL FILE A CERTIFIED COPY OF THE  
15 RESOLUTION WITH THE BOARD OF COUNTY COMMISSIONERS OR GOVERNING  
16 BODY OF THE MUNICIPALITY THAT APPROVED THE SERVICE PLAN OF THE  
17 SPECIAL DISTRICT PURSUANT TO SECTION 32-1-204.5, 32-1-204.7, OR  
18 32-1-205. IF, NO LATER THAN FORTY-FIVE DAYS AFTER THE FILING OF THE  
19 CERTIFIED COPY OF THE RESOLUTION, NEITHER THE BOARD OF COUNTY  
20 COMMISSIONERS NOR THE GOVERNING BODY OF THE MUNICIPALITY HAS  
21 NOTIFIED THE BOARD THAT IT CONSIDERS THE PLAN TO INCREASE THE  
22 NUMBER OF BOARD MEMBERS TO SEVEN TO BE A MATERIAL MODIFICATION  
23 OF THE DISTRICT'S APPROVED SERVICE PLAN, THE BOARD SHALL FILE THE  
24 RESOLUTION WITH THE CLERK OF THE COURT, AND THE COURT SHALL  
25 ENTER AN EX PARTE ORDER ESTABLISHING THE NUMBER OF THE BOARD

1 MEMBERS. THE BOARD SHALL RECORD A CERTIFIED COPY OF THE ORDER IN  
2 THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EACH COUNTY  
3 WHERE THE SPECIAL DISTRICT IS ORGANIZED AND SHALL FILE A RECORDED  
4 CERTIFIED COPY OF THE ORDER WITH THE DIVISION.

5 (2) (a) IF A SPECIAL DISTRICT INCREASES THE NUMBER OF BOARD  
6 MEMBERS TO SEVEN AS ALLOWED IN SUBSECTION (1) OF THIS SECTION, THE  
7 ADDITIONAL DIRECTORS SHALL SERVE AS FOLLOWS:

8 (I) ONE PERSON ■ IS ELECTED AT THE NEXT REGULAR SPECIAL  
9 DISTRICT ELECTION FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE  
10 CERTIFIED COPY OF THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS  
11 SECTION, OR A SPECIAL ELECTION CALLED FOR THE PURPOSE OF ELECTING  
12 ADDITIONAL DIRECTORS, TO SERVE AN ORIGINAL TERM EXPIRING AT THE  
13 NEXT REGULAR SPECIAL DISTRICT ELECTION THEREAFTER; AND

14 (II) ONE PERSON ■ IS ELECTED AT THE NEXT REGULAR SPECIAL  
15 DISTRICT ELECTION FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE  
16 CERTIFIED COPY OF THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS  
17 SECTION, OR A SPECIAL ELECTION CALLED FOR THE PURPOSE OF ELECTING  
18 ADDITIONAL DIRECTORS, TO SERVE AN ORIGINAL TERM EXPIRING AT THE  
19 SECOND REGULAR SPECIAL DISTRICT ELECTION THEREAFTER.

20 (b) AFTER THE ORIGINAL TERMS SET FORTH IN SUBSECTION (2)(a)  
21 OF THIS SECTION, THE ADDITIONAL DIRECTORS SHALL SERVE FOUR-YEAR  
22 TERMS.

23 (3) IF A SPECIAL DISTRICT INCREASES TO A SEVEN-MEMBER BOARD  
24 AS ALLOWED IN THIS SECTION, THE SPECIAL DISTRICT IS NOT ALLOWED TO  
25 REDUCE TO A FIVE-MEMBER BOARD.

26 **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2018 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.