

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

REREVISED

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

LLS NO. 21-0958.01 Pierce Lively x2059

HOUSE BILL 21-1278

HOUSE SPONSORSHIP

Exum, Bernett, Bird, Duran, Gray, Hooton, Kennedy, Kipp, Lontine, Ortiz, Ricks, Snyder, Titone

SENATE SPONSORSHIP

Sonnenberg, Coram, Kirkmeyer, Moreno, Priola, Rankin, Scott, Story

House Committees

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A BILL FOR AN ACT

101 **CONCERNING MEETING REQUIREMENTS FOR THE BOARDS OF SPECIAL**
102 **DISTRICTS.**

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 clarifies what qualifies as a meeting and a location for purposes of the meeting of a board of a special district. The bill also prohibits a challenge to the method of conducting any special district board meeting that was held virtually before the effective date of the bill.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 27, 2021

SENATE
Amended 2nd Reading
May 26, 2021

HOUSE
3rd Reading Unamended
May 11, 2021

HOUSE
Amended 2nd Reading
May 10, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 32-1-903 as
3 follows:

4 **32-1-903. Meetings - definitions.** (1) The board shall meet
5 regularly at a time and in a ~~place~~ LOCATION to be designated by the board.
6 Special meetings may be held as often as the needs of the special district
7 require, upon notice to each director. Special meetings include study
8 sessions at which a quorum of the board is in attendance and notice of the
9 meetings has been given in accordance with subsection (2) of this section
10 or section 24-6-402 (2)(c), and at which information is presented but no
11 official action can be taken by the board.

12 (1.5) All ~~special and regular~~ meetings of the board ~~shall~~ THAT ARE
13 HELD SOLELY AT PHYSICAL LOCATIONS MUST be held at PHYSICAL
14 locations ~~which~~ THAT are within the boundaries of the district or ~~which~~
15 THAT are within the boundaries of any county in which the district is
16 located, in whole or in part, or in any county so long as the ~~meeting~~
17 PHYSICAL location does not exceed twenty miles from the district
18 boundaries. The provisions of this ~~subsection (1)~~ SUBSECTION (1.5)
19 governing the PHYSICAL location of meetings may be waived only if the
20 following criteria are met:

21 (a) The proposed change of THE PHYSICAL location of a meeting
22 of the board appears on the agenda of a ~~regular or special~~ meeting of the
23 board; and

24 (b) A resolution is adopted by the board stating the reason for
25 which a ~~meeting~~ MEETINGS of the board ~~is~~ ARE to be held in a PHYSICAL
26 location other than under the provisions of this ~~subsection (1)~~
27 SUBSECTION (1.5) and further stating the date, time, and ~~place~~ PHYSICAL

1 LOCATION of such meeting.

2 (2) (a) Notice of time and place LOCATION designated for all
3 ~~regular and special~~ meetings shall be IS provided in accordance with
4 section 24-6-402. Special meetings may be called by any director by
5 informing the other directors of the date, time, and place LOCATION of
6 such special meeting, and the purpose for which it is called, and by
7 providing notice in accordance with section 24-6-402. All official
8 business of the board shall MUST be conducted only during ~~said regular~~
9 ~~or special~~ meetings at which a quorum is present IN ATTENDANCE AT ANY
10 LOCATION, and all said meetings shall be open to the public.

11 (b) THE MEETING NOTICE OF ALL MEETINGS OF THE BOARD THAT
12 ARE HELD TELEPHONICALLY, ELECTRONICALLY, OR BY OTHER MEANS NOT
13 INCLUDING PHYSICAL PRESENCE MUST INCLUDE THE METHOD OR
14 PROCEDURE, INCLUDING THE CONFERENCE NUMBER OR LINK, BY WHICH
15 MEMBERS OF THE PUBLIC CAN ATTEND THE MEETING.

16 (3) The notice posted pursuant to subsection (2) of this section for
17 any regular or special meeting at which the board intends to make a final
18 determination to issue or refund general obligation indebtedness, to
19 consolidate the special district with another special district, to dissolve the
20 special district, to file a plan for the adjustment of debt under federal
21 bankruptcy law, or to enter into a private contract with a director, or not
22 to make a scheduled bond payment, shall set forth such proposed action.

23 (4) THE METHOD OF CONDUCTING ANY MEETING HELD PRIOR TO
24 THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, BY TELEPHONIC,
25 ELECTRONIC, OR OTHER VIRTUAL MEANS IS VALIDATED, RATIFIED,
26 CONFIRMED, AND MAY NOT BE CHALLENGED.

27 (5) AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "LOCATION" MEANS THE PHYSICAL, TELEPHONIC, ELECTRONIC,
3 OTHER VIRTUAL PLACE, OR COMBINATION OF SUCH MEANS WHERE A
4 MEETING CAN BE ATTENDED.

5 (b) "MEETING" HAS THE SAME MEANING AS SET FORTH IN SECTION
6 24-6-402 (1)(b).

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.