

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
12.8.20

DRAFT

LLS NO. 21-0224.01 Pierce Lively x2059

HOUSE BILL

HOUSE SPONSORSHIP

Kipp,

SENATE SPONSORSHIP

Ginal,

BILL TOPIC: "Board Of Health Member Requirements"

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF MEMBERS OF BOARDS OF HEALTH,
102 AND, IN CONNECTION THEREWITH, REGULATING THE MEMBERS
103 OF COUNTY AND DISTRICT BOARDS OF HEALTH. <{*This title*
104 *covers both county and district boards of health, but it could also*
105 *be read as covering municipal boards of health. I could not think*
106 *of a title that did not violate the single subject and only covered*
107 *county and district boards of health.*>

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>.)

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

The bill requires that the members of a county or district board of health not serve concurrently as members of a board of county commissioners and as members of a county or district board of health. The bill also allows members of a county or district board of health to be removed for malfeasance or other specified reasons.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-508, **amend**
3 (2)(b) and (3)(b); **repeal** (2)(c) and (2)(d); and **add** (7) as follows:

4 **25-1-508. County or district boards of public health - public**
5 **health directors.** (2) (b) Each member of the county board of health
6 shall be a resident of the county in which the county agency is located.
7 Appointments shall be made to the board so that no business or
8 professional group or governmental entity shall constitute a majority of
9 the board AND SO THAT NO MEMBER OF THE BOARD OF COUNTY
10 COMMISSIONERS SERVES CONCURRENTLY ON THE COUNTY BOARD OF
11 HEALTH AND THE BOARD OF COUNTY COMMISSIONERS. Any vacancy on the
12 board shall be filled in the same manner as full-term appointments by the
13 appointment of a qualified person for the unexpired term.

14 ~~(c) In a county with a population of less than one hundred~~
15 ~~thousand people that, as of July 1, 2008, does not have a board of health~~
16 ~~that is separate from the board of county commissioners, the board of~~
17 ~~county commissioners may designate itself as the county board of health~~
18 ~~as of July 1, 2008. The terms of the members of the county board of~~
19 ~~health shall coincide with their terms as commissioners. Such county~~
20 ~~boards shall assume all the duties of appointed county boards.~~

21 ~~(d) Notwithstanding the provisions of paragraphs (a) to (c) of this~~
22 ~~subsection (2), a county board of health in a home-rule county shall~~

1 ~~comply with the requirements of its home-rule charter.~~

2 (3) (b) Each member of the district board shall be a resident of one
3 of the counties comprising the district, and there shall be at least one
4 member from each of the counties comprising the district. Appointments
5 shall be made to the district board so that no business or professional
6 group or governmental entity shall constitute a majority of the district
7 board AND SO THAT NO MEMBER OF A BOARD OF COUNTY COMMISSIONERS
8 SERVES CONCURRENTLY ON THE DISTRICT BOARD AND THE BOARD OF
9 COUNTY COMMISSIONERS. The appointments committee shall fill any
10 vacancy on the district board by the appointment of a qualified person for
11 the remainder of the unexpired term.

12 (7) ANY MEMBER OF THE BOARD MAY BE REMOVED FROM OFFICE
13 BY THE BOARD OF COUNTY COMMISSIONERS ONLY FOR MALFEASANCE, FOR
14 WILLFUL NEGLECT OF DUTY, OR FOR ANY CAUSE WHICH RENDERS A
15 MEMBER OF THE BOARD INCAPABLE OF OR UNABLE TO DISCHARGE THE
16 DUTIES OF HIS OR HER OFFICE. <*I have removed the suggested language*
17 *of "or when the member of the board's term expires" because I do not*
18 *think it is accurate to say that someone is removed from office when*
19 *their term of office expires. Other areas of statute are silent about what*
20 *happens when the term ends for other term-limited offices.*>

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.