

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO.**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 10-0189.01 Bob Lackner

SENATE BILL 10-053

SENATE SPONSORSHIP

Foster,

HOUSE SPONSORSHIP

Acree,

Senate Committees

Local Government and Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXCEPTION OF WEIGHTED VOTES FROM VOTING**
102 **REQUIREMENTS GOVERNING THE BOARD OF DIRECTORS OF A**
103 **METROPOLITAN SEWAGE DISPOSAL DISTRICT.**

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://www.leg.state.co.us/billsummaries>.)

Current law requires any action of a board of directors of a metropolitan sewage disposal district to have the approval of a majority of board members present and voting at a regular or special meeting at which a quorum consisting of one-half of the total membership of 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 Unam ended
January 28, 2010

SENATE
2nd Reading Unam ended
January 26, 2010

board of directors is present. The bill excepts weighted voting conducted in accordance with bylaws of the district, applicable resolutions of the board, or other laws or rules governing the procedures of the board from these requirements.

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

2 **SECTION 1.** 32-4-509 (7) (c), Colorado Revised Statutes, is
3 amended to read:

4 **32-4-509. Board of directors.** (7) The board of directors has the
5 following powers:

6 (c) ~~No~~ Business of the board shall be transacted ~~except~~ at a
7 regular or special meeting at which a quorum consisting of one-half of the
8 total membership of the board of directors is present. Any action of the
9 board shall require the affirmative vote of the majority of the directors
10 present and voting, ~~but~~ EXCEPT WHEN A WEIGHTED VOTE IS CONDUCTED
11 IN ACCORDANCE WITH THE BYLAWS OF THE DISTRICT, APPLICABLE
12 RESOLUTIONS OF THE BOARD, OR OTHER LAWS OR RULES GOVERNING THE
13 PROCEDURES OF THE BOARD. Questions involving inclusion or exclusion
14 of territories or authorizing any expenditures in excess of fifty thousand
15 dollars shall require the approval of a majority of the entire membership
16 of the board. A majority of the entire membership of the board may
17 authorize by resolution any project authorized in this part 5 and also
18 thereby authorize expenditures from time to time appertaining to such
19 project in excess of fifty thousand dollars approved by an affirmative vote
20 of the majority of the directors present and voting at any subsequent
21 meeting. A smaller number of directors than a quorum may adjourn from
22 time to time and may compel the attendance of absent members in such
23 manner and under such penalties as the board may provide.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2010 and shall take effect on the date of the official
10 declaration of the vote thereon by the governor.