

CHAPTER 123

EDUCATION - POSTSECONDARY

HOUSE BILL 16-1259

BY REPRESENTATIVE(S) Mitsch Bush and Wilson, Hamner, Rankin, Duran, Fields, Lontine, Pabon, Windholz, Young;
also SENATOR(S) Cooke and Donovan, Heath, Johnston, Merrifield, Newell, Todd, Woods.

AN ACT

**CONCERNING LOCAL DISTRICT JUNIOR COLLEGES, AND, IN CONNECTION THEREWITH, CHANGING
THE TERM LOCAL DISTRICT JUNIOR COLLEGE TO LOCAL DISTRICT COLLEGE.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 23-71-104 as follows:

23-71-104. Petition of electors. A ~~junior~~ LOCAL college district may be formed upon the petition of five hundred eligible electors residing in the area of the proposed district and having the qualifications prescribed in section 23-71-107. If the petition is for the formation of a ~~junior~~ LOCAL college district consisting of an area within a single county, it ~~shall~~ MUST be filed with the county clerk and recorder of the county, and, if the petition is for the formation of a ~~junior~~ LOCAL college district situated in two or more counties, the petition ~~shall~~ MUST be filed with the secretary of state. Each petition ~~shall~~ MUST specify whether a ~~five-member board or a seven-member board shall be elected as~~ the first board of trustees CONSISTS OF FIVE, SEVEN, NINE, OR ELEVEN ELECTED MEMBERS following a successful election to organize the ~~junior~~ LOCAL college district.

SECTION 2. In Colorado Revised Statutes, 23-71-110, **amend** (1), (3), and (8) as follows:

23-71-110. Election of board - members and terms. (1) Each public ~~junior~~ LOCAL college district established under the provisions of this part 1 ~~shall~~ MUST have a board of control, known as the board of trustees, consisting of ~~either five, members or seven, NINE, OR ELEVEN~~ members elected at public elections for staggered terms of four years each. The first board of trustees ~~shall be~~ is elected in the manner provided in section 23-71-111. Thereafter, regular elections of board members ~~shall be~~ ARE held in accordance with subsection (2) of this section.

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

(3) The board of trustees of each ~~junior~~ LOCAL college district existing on or after July 1, 1984, and before July 1, 1986, shall determine whether the board of trustees ~~shall consist~~ CONSISTS OF FIVE, SEVEN, NINE, OR ELEVEN MEMBERS. ~~or seven members.~~ The board of trustees of each ~~junior~~ LOCAL college district created after July 1, 1986, ~~shall consist of a five-member or seven-member board~~ CONSISTS OF FIVE, SEVEN, NINE, OR ELEVEN MEMBERS AS SPECIFIED IN THE ORGANIZATION PETITION; EXCEPT THAT THE BOARD OF TRUSTEES MAY SUBSEQUENTLY INCREASE THE NUMBER OF BOARD MEMBERS AS PROVIDED IN SUBSECTION (8) OF THIS SECTION. The board of trustees of each ~~junior~~ LOCAL college district shall determine the number of vacancies existing and the length of term of each vacancy for the next and subsequent regular elections for board members. Except for the election of members who were appointed pursuant to subsection (8) of this section and section 23-71-121, ~~this shall be done so~~ THE BOARD OF TRUSTEES SHALL ENSURE THAT THERE ~~will be~~ ARE NO MORE THAN THREE VACANCIES AT ANY REGULAR ELECTION FOR A FIVE-MEMBER BOARD, ~~and~~ NO MORE THAN FOUR VACANCIES AT ANY REGULAR ELECTION FOR A SEVEN-MEMBER BOARD, NO MORE THAN FIVE VACANCIES AT ANY REGULAR ELECTION FOR A NINE-MEMBER BOARD, AND NO MORE THAN SIX VACANCIES AT ANY REGULAR ELECTION FOR AN ELEVEN-MEMBER BOARD ~~and so that each board member will have~~ HAS A TERM OF FOUR YEARS.

(8) ~~Each junior~~ A LOCAL college district ~~which~~ THAT HAS A FIVE-MEMBER BOARD OF TRUSTEES MAY INCREASE THE BOARD MEMBERSHIP TO SEVEN MEMBERS AT ANY TIME BY THE APPOINTMENT OF TWO NEW MEMBERS. A LOCAL COLLEGE DISTRICT THAT HAS A SEVEN-MEMBER BOARD OF TRUSTEES MAY INCREASE THE BOARD MEMBERS TO NINE OR ELEVEN MEMBERS BY THE APPOINTMENT OF NEW MEMBERS IF ONE OR MORE ADDITIONAL SCHOOL DISTRICTS IS ANNEXED INTO THE LOCAL COLLEGE DISTRICT AS PROVIDED IN SECTION 23-71-128. Each person appointed pursuant to this subsection (8) ~~shall~~ MUST BE APPOINTED AT LEAST ONE HUNDRED TWENTY DAYS PRIOR TO THE NEXT REGULAR BIENNIAL JUNIOR COLLEGE ELECTION AND ~~shall~~ MAY SERVE AS AN APPOINTEE ONLY UNTIL ~~such~~ THE ELECTION AND UNTIL THE APPOINTED PERSON, IF HE OR SHE SEEKS ELECTION, OR HIS OR HER SUCCESSOR HAS BEEN ELECTED AND HAS QUALIFIED.

SECTION 3. In Colorado Revised Statutes, 23-71-111, **amend** (1) introductory portion and (1) (b) as follows:

23-71-111. Election of first board - new district. (1) In all ~~junior~~ LOCAL college districts organized under the provisions of this part 1 or other applicable statutes on or after July 1, 1984, the first board of trustees ~~shall~~ MUST BE ELECTED IN THE FOLLOWING MANNER:

(b) At the election, a ~~five-member board or a seven-member board~~ as BOARD CONSISTING OF THE NUMBER OF PERSONS SPECIFIED IN THE ORGANIZATION PETITION ~~shall~~ MUST BE ELECTED SO THAT THE FIRST BOARD MEMBERS ~~shall~~ SERVE STAGGERED TERMS AND THEREAFTER THEIR SUCCESSORS IN OFFICE ~~shall~~ SERVE STAGGERED TERMS OF FOUR YEARS.

SECTION 4. In Colorado Revised Statutes, 23-71-128, **amend** (1) introductory portion as follows:

23-71-128. Additions to district - procedure. (1) If ~~any~~ A SCHOOL DISTRICT OR GROUP OF DISTRICTS THAT IS ADJACENT TO A ~~junior~~ LOCAL college district OR LOCATED

ENTIRELY WITHIN THE BOUNDARIES OF THE LOCAL DISTRICT COLLEGE'S SERVICE AREA, AS DETERMINED BY THE COLORADO COMMISSION ON HIGHER EDUCATION, desires to be annexed to the existing ~~junior~~ LOCAL college district, it may do so by satisfying both of the following requirements:

SECTION 5. In Colorado Revised Statutes, **amend** 23-71-119 as follows:

23-71-119. Regular meetings. (1) ~~The regular meetings of the junior~~ LOCAL DISTRICT college board of trustees shall ~~be held~~ HOLD REGULAR MEETINGS as the board ~~shall decide~~ DECIDES; except that ~~there shall be no less~~ THE BOARD SHALL HOLD NO FEWER than four regular meetings each year. THE BOARD MAY HOLD additional or special meetings ~~may be held~~ upon call of the president or a majority of the board. The secretary of the board shall notify the members of all meetings. THE BOARD SHALL HOLD all special and regular meetings of the board ~~shall be held~~ at locations ~~which~~ THAT are within the boundaries of the district or ~~which~~ THAT are within the boundaries of ~~any~~ A county in which the district is located, in whole or in part, or in any county so long as the meeting location ~~does not exceed~~ IS NOT FARTHER THAN twenty miles from the district boundaries. THE BOARD MAY WAIVE THE provisions of this section governing the location of meetings ~~may be waived~~ only if the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board and if THE BOARD ADOPTS a resolution ~~is adopted by the board~~ stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this section and further stating the date, time, and place of ~~such~~ THE meeting.

(2) (a) THE BOARD OF TRUSTEES OF COLORADO MOUNTAIN COLLEGE, WITHOUT HOLDING A MEETING, MAY TAKE AN ACTION THAT IS OTHERWISE REQUIRED OR PERMITTED TO BE TAKEN AT A BOARD MEETING IF:

(I) THE SECRETARY OF THE BOARD TRANSMITS IN WRITING TO EACH MEMBER OF THE BOARD NOTICE OF THE PROPOSED ACTION TO BE TAKEN WITHOUT A MEETING;

(II) A BOARD MEMBER DOES NOT DEMAND IN WRITING THAT THE ACTION DESCRIBED IN THE NOTICE BE DISCUSSED IN A REGULAR OR SPECIAL BOARD MEETING;

(III) AFTER THE BOARD RECEIVES NOTICE OF THE PROPOSED ACTION, THE BOARD SECRETARY PROVIDES FULL AND TIMELY NOTICE OF THE PROPOSED ACTION TO THE PUBLIC BY POSTING NOTICE OF THE PROPOSED ACTION IN THE DESIGNATED PUBLIC PLACE FOR POSTING NOTICE OF MEETINGS DESCRIBED IN SECTION 24-6-402 (2) (c), C.R.S., AND A MEMBER OF THE PUBLIC DOES NOT REQUEST THAT THE PROPOSED ACTION BE DISCUSSED IN A REGULAR OR SPECIAL BOARD MEETING; AND

(IV) EVERY MEMBER OF THE BOARD, BY THE DATE STATED IN THE NOTICE, DELIVERS A WRITTEN VOTE IN FAVOR OF TAKING THE ACTION.

(b) THE NOTICE REQUIRED BY THIS SUBSECTION (2) MUST, AT A MINIMUM, STATE:

(I) THE ACTION TO BE TAKEN;

(II) THE DATE BY WHICH EACH BOARD MEMBER MUST RESPOND; AND

(III) THAT FAILURE TO RESPOND BY THE DATE STATED IN THE NOTICE HAS THE SAME EFFECT AS VOTING AGAINST THE ACTION STATED IN THE NOTICE.

(c) THE BOARD OF TRUSTEES OF COLORADO MOUNTAIN COLLEGE MAY TAKE AN ACTION WITHOUT A MEETING AS PROVIDED IN THIS SUBSECTION (2) ONLY IF, BY THE DATE STATED IN THE NOTICE TRANSMITTED PURSUANT TO THIS SUBSECTION (2), THE BOARD PRESIDENT RECEIVES AN AFFIRMATIVE VOTE IN FAVOR OF THE ACTION IN WRITING FROM EACH MEMBER OF THE BOARD AND DOES NOT RECEIVE A WRITTEN DEMAND BY A BOARD MEMBER THAT THE ACTION NOT BE TAKEN WITHOUT A MEETING. UNLESS THE NOTICE TRANSMITTED PURSUANT TO THIS SUBSECTION (2) STATES A DIFFERENT EFFECTIVE DATE, AN ACTION TAKEN PURSUANT TO THIS SUBSECTION (2) IS EFFECTIVE ON THE DATE FOR RESPONSE STATED IN THE NOTICE TRANSMITTED PURSUANT TO THIS SUBSECTION (2).

(d) A WRITING BY A BOARD MEMBER UNDER THIS SUBSECTION (2) MUST, AT A MINIMUM, SPECIFY THE IDENTITY OF THE BOARD MEMBER; THE VOTE, ABSTENTION, DEMAND, OR REVOCATION OF THE BOARD MEMBER; AND THE PROPOSED ACTION TO WHICH THE VOTE, ABSTENTION, DEMAND, OR REVOCATION RELATES. UNLESS OTHERWISE PROVIDED BY AN ACTION OF THE BOARD, ALL COMMUNICATIONS UNDER THIS SUBSECTION (2) MAY BE TRANSMITTED OR RECEIVED BY ELECTRONICALLY TRANSMITTED FACSIMILE, ELECTRONIC MAIL, OR OTHER FORM OF WIRE OR WIRELESS COMMUNICATION. FOR PURPOSES OF THIS SUBSECTION (2), COMMUNICATIONS ARE NOT EFFECTIVE UNTIL RECEIVED.

(e) AN ACTION TAKEN PURSUANT TO THIS SUBSECTION (2) HAS THE SAME EFFECT AS AN ACTION TAKEN AT A REGULAR OR SPECIAL MEETING OF THE BOARD AND MAY BE DESCRIBED AS SUCH IN ANY DOCUMENT. ELECTRONIC MAIL OR OTHER WRITTEN COMMUNICATIONS USED TO PROVIDE NOTICE OR TO DISCUSS THE PROPOSED ACTION ARE SUBJECT TO THE OPEN MEETING REQUIREMENTS SPECIFIED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S.

(f) THE BOARD SECRETARY SHALL ENSURE THAT ALL WRITINGS MADE PURSUANT TO THIS SECTION ARE FILED WITH THE MINUTES OF THE BOARD MEETINGS.

(g) IN ADDITION TO THE LIST DESCRIBED IN SECTION 24-6-402 (7), C.R.S., THE BOARD SECRETARY SHALL MAINTAIN A LIST OF PERSONS WHO ASK FOR NOTICE OF A PROPOSED ACTION TO BE TAKEN PURSUANT TO THIS SUBSECTION (2). THE BOARD SECRETARY SHALL NOTIFY EACH PERSON ON THE LIST OF A PROPOSED ACTION AND SHALL SPECIFY IN THE NOTICE THAT A MEMBER OF THE PUBLIC MAY REQUEST THAT THE BOARD DISCUSS THE PROPOSED ACTION IN A REGULAR OR SPECIAL BOARD MEETING.

SECTION 6. In Colorado Revised Statutes, **add** 23-71-102.5 as follows:

23-71-102.5. Local district college - local college district - change in terms - authority of revisor. (1) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES TO "LOCAL JUNIOR COLLEGE" OR "JUNIOR COLLEGE" THAT APPEAR IN THE COLORADO REVISED STATUTES TO "LOCAL DISTRICT COLLEGE".

(2) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES TO "LOCAL JUNIOR COLLEGE DISTRICT" AND "JUNIOR COLLEGE DISTRICT" THAT APPEAR

IN THE COLORADO REVISED STATUTES TO "LOCAL COLLEGE DISTRICT".

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

Approved: April 21, 2016