

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

**INTRODUCED**

LLS NO. 19-0531.01 Pierce Lively x2059

**HOUSE BILL 19-1048**

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**HOUSE SPONSORSHIP**

**Lewis,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ELECTION OF LIBRARY DISTRICT TRUSTEES.**

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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>.)*

Under current law, library district trustees are appointed directly by a committee appointed by the legislative bodies of the governmental units that established the library district. The bill allows the registered voters within a library district's service area to determine by vote whether their library district trustees should be elected. The bill also sets out how library district trustees would be elected, the length of their terms, and how they could be removed.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-90-108, **amend**  
3 (2)(c), (3), (5), and (6); and **add** (7) as follows:

4 **24-90-108. Board of trustees of public libraries.** (2) (c) EXCEPT  
5 AS PROVIDED FOR IN SECTION 24-90-108.5, in a library district established  
6 by only one governmental unit, the legislative body of the governmental  
7 unit shall decide the number of its members to be appointed to the  
8 committee formed to appoint the initial board of trustees in accordance  
9 with the requirements of this ~~paragraph (c)~~ SUBSECTION (2)(c). In a library  
10 district established by more than one governmental unit, the legislative  
11 body of each participating governmental unit shall appoint two of its  
12 members to a committee that shall appoint the initial board of trustees.  
13 Thereafter, any such legislative body or bodies may either continue ~~such~~  
14 ~~a~~ THE committee or delegate to the board of trustees of the library district  
15 the authority to recommend new trustees. Trustee appointments ~~shall~~  
16 MUST be ratified by a two-thirds majority of the legislative body; except  
17 that the failure of a legislative body to act within sixty days upon a  
18 recommendation ~~shall~~ MUST be considered a ratification of ~~such~~ THE  
19 appointment.

20 (3) (a) The first appointments ~~of such~~ TO boards of trustees ~~shall~~  
21 ~~be~~ THAT ARE NOT ELECTED ARE for terms of one, two, three, four, and five  
22 years respectively if there are five trustees, one for each of ~~such~~ THE  
23 terms except the five-year term for which two ~~shall be~~ TRUSTEES ARE  
24 appointed if there are six trustees, and one for each of ~~such~~ THE terms  
25 except the four-year and five-year terms for each of which two ~~shall be~~  
26 TRUSTEES ARE appointed if there are seven trustees. Thereafter, a trustee

1 ~~shall be~~ IS appointed for the length of term specified by the legislative  
2 body or, in the case of a library district WITH AN APPOINTED BOARD OF  
3 TRUSTEES, by the bylaws adopted by its board of trustees. The number of  
4 terms a trustee may serve ~~shall~~ MUST be specified by the legislative body  
5 or, in the case of a library district WITH AN APPOINTED BOARD OF  
6 TRUSTEES, by the bylaws adopted by its board of trustees.

7 (b) Vacancies ~~shall~~ FOR APPOINTED TRUSTEES MUST be filled for  
8 the remainder of the unexpired term as soon as possible in the manner in  
9 which trustees are regularly chosen.

10 (5) ~~A library~~ AN APPOINTED trustee may be removed only by a  
11 majority vote of the appointing legislative body or bodies, but only upon  
12 a showing of good cause as defined in, but not limited to, the bylaws  
13 adopted by the board.

14 (6) The board of trustees, immediately after their appointment OR  
15 ELECTION, shall meet and organize by the election of a president and a  
16 secretary and ~~such~~ other officers as ~~deemed~~ THE BOARD DEEMS necessary.

17 (7) EACH TRUSTEE, WITHIN THIRTY DAYS AFTER HIS OR HER  
18 ELECTION OR APPOINTMENT, SHALL TAKE AN OATH OR AFFIRMATION IN  
19 ACCORDANCE WITH SECTION 24-12-101.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 24-90-108.5 as  
21 follows:

22 **24-90-108.5. Elected board of trustees in library districts.**

23 (1) THE LEGISLATIVE BODY OR BODIES OF A GOVERNMENTAL UNIT OR  
24 UNITS THAT ESTABLISH A LIBRARY DISTRICT MUST REFER A RESOLUTION  
25 TO THE REGISTERED VOTERS WITHIN THE LEGAL SERVICE AREA OF THE  
26 LIBRARY DISTRICT TO DETERMINE WHETHER A LIBRARY DISTRICT'S BOARD  
27 OF TRUSTEES IS TO BE APPOINTED OR ELECTED. IN THE CASE OF A LIBRARY

1 DISTRICT ALREADY IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS  
2 SECTION, THE LEGISLATIVE BODY OR BODIES OF A GOVERNMENTAL UNIT  
3 OR UNITS THAT ESTABLISHED THE LIBRARY DISTRICT MAY REFER THE SAME  
4 RESOLUTION TO THE REGISTERED VOTERS WITHIN THE LEGAL SERVICE  
5 AREA OF THE LIBRARY DISTRICT AT THE NEXT ELECTION.

6 (2) (a) IF A MAJORITY OF VOTERS APPROVE THE RESOLUTION  
7 SUBMITTED TO THEM IN ACCORDANCE WITH SUBSECTION (1) OF THIS  
8 SECTION, THE VOTERS SHALL ELECT A NEW BOARD OF TRUSTEES DURING  
9 THE NEXT ODD-NUMBERED YEAR COUNTY ELECTION.

10 (b) ALL ELECTIONS AUTHORIZED IN THIS SECTION MUST BE  
11 CONDUCTED PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1. FOR EACH  
12 ELECTION, THE LEGISLATIVE BODY OR BODIES OF A GOVERNMENTAL UNIT  
13 OR UNITS SHALL NAME A DESIGNATED ELECTION OFFICIAL WHO SHALL BE  
14 RESPONSIBLE FOR CALLING AND CONDUCTING THE AUTHORIZED ELECTION.

15 (c) NOT LESS THAN SEVENTY-FIVE DAYS NOR MORE THAN NINETY  
16 DAYS BEFORE THE ELECTION DATE, THE DESIGNATED ELECTION OFFICIAL  
17 SHALL PROVIDE NOTICE BY PUBLICATION OF A CALL FOR NOMINATIONS FOR  
18 LIBRARY BOARD TRUSTEE CANDIDATES IN THE UPCOMING ELECTION. THE  
19 CALL SHALL STATE WHERE A NOMINATION PETITION MAY BE OBTAINED,  
20 THE NUMBER OF SIGNATURES NECESSARY FOR THE NOMINATION PETITION,  
21 AND THE DEADLINE FOR SUBMITTING THE NOMINATION PETITION.

22 (d) (I) ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR THE  
23 OFFICE OF LIBRARY DISTRICT TRUSTEE SHALL FILE A WRITTEN NOTICE OF  
24 INTENTION, NO LATER THAN SIXTY-SEVEN DAYS BEFORE THE ELECTION  
25 DATE, WITH THE LEGISLATIVE BODY OR BODIES OF A GOVERNMENTAL UNIT  
26 OR UNITS THAT ESTABLISHED THE LIBRARY DISTRICT TOGETHER WITH A  
27 NOMINATION PETITION IN ACCORDANCE WITH SUBSECTION (2)(d)(II) OF

1 THIS SECTION AND PART 9 OF ARTICLE 4 OF TITLE 1. A PERSON WHO  
2 DESIRES TO BE A CANDIDATE FOR THE OFFICE OF LIBRARY DISTRICT  
3 TRUSTEE MAY NOT CIRCULATE THE NOMINATION PETITION FOR  
4 SIGNATURES PRIOR TO NINETY DAYS BEFORE THE ELECTION.

5 (II) ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR THE  
6 OFFICE OF LIBRARY DISTRICT TRUSTEE IN A LIBRARY DISTRICT IN WHICH  
7 THERE ARE FEWER THAN ONE THOUSAND RESIDENTS SHALL FILE A  
8 NOMINATION PETITION SIGNED BY AT LEAST TWENTY-FIVE ELIGIBLE  
9 VOTERS FROM WITHIN THE LIBRARY DISTRICT. ANY PERSON WHO DESIRES  
10 TO BE A CANDIDATE FOR THE OFFICE OF LIBRARY DISTRICT TRUSTEE IN A  
11 LIBRARY DISTRICT IN WHICH THERE ARE ONE THOUSAND OR MORE  
12 RESIDENTS SHALL FILE A NOMINATION PETITION SIGNED BY AT LEAST FIFTY  
13 ELIGIBLE VOTERS FROM WITHIN THE LIBRARY DISTRICT. AN ELIGIBLE  
14 VOTER MAY SIGN AS MANY PETITIONS AS CANDIDATES FOR WHOM THAT  
15 VOTER MAY VOTE.

16 (III) IF THE NUMBER OF VALID PETITIONS RECEIVED BY THE  
17 DESIGNATED ELECTION OFFICIAL ARE EQUAL OR LESS IN NUMBER THAN  
18 THE NUMBER OF SEATS ON THE BOARD OF TRUSTEES UP FOR ELECTION, THE  
19 CANDIDATES ARE DEEMED ELECTED.

20 (e) ANY APPOINTED TRUSTEE THAT WAS SERVING WHEN THE  
21 RESOLUTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION WAS  
22 REFERRED TO THE VOTERS SHALL SERVE UNTIL A SUCCESSOR IS DULY  
23 ELECTED AND COMMENCES THEIR TERM OF OFFICE AT THE FIRST MEETING  
24 OF THE BOARD OF TRUSTEES FOLLOWING THE DATE OF THE NEXT  
25 ELECTION, BUT NO LATER THAN THIRTY DAYS FOLLOWING THE SURVEY OF  
26 RETURNS AND UPON THE SIGNING OF AN OATH OR AFFIRMATION.

27 (f) THE TERM OF OFFICE FOR EACH ELECTED TRUSTEE IS FOUR

1 YEARS BEGINNING WITH THE FIRST MEETING OF THE BOARD OF TRUSTEES  
2 FOLLOWING THE DATE OF THEIR ELECTION; EXCEPT THAT, FOR THE INITIAL  
3 ELECTED BOARD, A MAJORITY NUMBER OF TRUSTEES SHALL SERVE  
4 FOUR-YEAR TERMS, AS DETERMINED BY THE CANDIDATES THAT RECEIVE  
5 THE GREATEST NUMBER OF VOTES, AND THE REMAINING TRUSTEES SHALL  
6 SERVE TWO-YEAR TERMS.

7 (g) VACANCIES OCCURRING AFTER THE INITIAL ELECTION ARE  
8 FILLED BY THE BOARD DESIGNATING A TEMPORARY TRUSTEE WHO SHALL  
9 SERVE UNTIL THE NEXT SCHEDULED ELECTION. AT THAT ELECTION, A  
10 TRUSTEE WILL BE ELECTED IN THE MANNER IN WHICH TRUSTEES ARE  
11 REGULARLY ELECTED. THE ELECTED TRUSTEE SHALL SERVE THE  
12 REMAINDER OF THE UNEXPIRED TERM AND PERFORM ALL DUTIES THAT ARE  
13 TO BE PERFORMED BY A LIBRARY DISTRICT TRUSTEE.

14 (3) IF THE MAJORITY OF THE ELECTORS DO NOT APPROVE THE  
15 RESOLUTION SUBMITTED TO THEM IN ACCORDANCE WITH SUBSECTION (1)  
16 OF THIS SECTION, THE TRUSTEES ARE APPOINTED IN ACCORDANCE WITH  
17 SECTION 24-40-108 (2)(c).

18 (4) (a) IF AT ANY TIME PRIOR TO THE LAST NINETY DAYS OF A  
19 TRUSTEE'S TERM OF OFFICE A PETITION REQUESTING AN ELECTION TO FILL  
20 A TRUSTEE'S SEAT ON THE BOARD OF TRUSTEES IS FILED WITH THE  
21 LEGISLATIVE BODY OR BODIES OF THE GOVERNMENTAL UNIT OR UNITS  
22 THAT ESTABLISHED THE LIBRARY DISTRICT, THE VOTERS SHALL ELECT A  
23 NEW TRUSTEE TO FILL THIS SEAT ON THE BOARD DURING THE NEXT  
24 COUNTY ELECTION IN THE MANNER IN WHICH TRUSTEES ARE ELECTED  
25 UNDER SUBSECTION (2) OF THIS SECTION.

26 (b) (I) IN A LIBRARY DISTRICT IN WHICH THERE ARE FEWER THAN  
27 ONE THOUSAND RESIDENTS, THE PETITION MUST BE SIGNED BY AT LEAST

1 TWENTY-FIVE ELIGIBLE VOTERS FROM WITHIN THE LIBRARY DISTRICT.

2 (II) IN A LIBRARY DISTRICT IN WHICH THERE ARE ONE THOUSAND  
3 OR MORE RESIDENTS, THE PETITION MUST BE SIGNED BY AT LEAST FIFTY  
4 ELIGIBLE VOTERS FROM WITHIN THE LIBRARY DISTRICT.

5 **SECTION 3.** In Colorado Revised Statutes, 24-90-109, **amend**  
6 (1)(a) as follows:

7 **24-90-109. Powers and duties of board of trustees.** (1) The  
8 board of trustees shall:

9 (a) Adopt ~~such~~ bylaws, rules, and regulations for its own guidance  
10 and policies for the governance of the library as it deems expedient. The  
11 bylaws ~~shall~~ MUST include, but not be limited to, provisions for the  
12 definition of good cause to be applied in the removal of a trustee pursuant  
13 to section 24-90-108 (5); designation of those officers to be appointed or  
14 elected and the manner of ~~such~~ THE appointment or election; rules and  
15 regulations for the conducting of meetings; rules for public participation  
16 in meetings; and procedures for amending the bylaws. The bylaws of a  
17 library district ~~shall~~ MUST further provide for the ~~length and~~ number of  
18 terms of board members AND FOR THE LENGTH OF TERMS FOR APPOINTED  
19 TRUSTEES. A copy of the bylaws ~~shall~~ MUST be filed with the legislative  
20 body of each participating governmental unit and the state library in  
21 accordance with section 24-90-105 (1)(m). THE BOARD MUST GIVE  
22 WRITTEN NOTICE TO THE LEGISLATIVE BODY OR BODIES OF THE  
23 GOVERNMENTAL UNIT OR UNITS THAT ESTABLISHED THE LIBRARY DISTRICT  
24 AT LEAST THIRTY DAYS BEFORE AMENDING THE BYLAWS.

25 **SECTION 4. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2020 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.