

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0465.02 Julie Pelegrin x2700

HOUSE BILL 16-1259

HOUSE SPONSORSHIP

Mitsch Bush and Wilson, Hamner, Rankin

SENATE SPONSORSHIP

Cooke and Donovan,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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/bills summaries>.)

Under current law, the board of trustees for a local district college can have either 5 or 7 members. The bill allows the board of trustees to expand its membership to 9 or 11 members.

Under existing law, a school district or group of districts that seeks to be annexed to a local college district must be adjacent to the local

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
2nd Reading Unamended
March 29, 2016

HOUSE
3rd Reading Unamended
March 17, 2016

HOUSE
Amended 2nd Reading
March 16, 2016

college district. The bill allows a school district or group of districts to be annexed to a local college district if the district or group of districts is located entirely within the boundaries of the local district college's service area.

The bill specifies the procedures by which a local college district board of trustees may take an action without holding a regular or special meeting.

The bill authorizes the revisor of statutes to change the phrase "local junior college" or "junior college" to "local district college" throughout the statutes and the phrases "local junior college district" and "junior college district" to "local college district" throughout the statutes.

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

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

4 **23-71-104. Petition of electors.** A ~~junior~~ LOCAL college district
5 may be formed upon the petition of five hundred eligible electors residing
6 in the area of the proposed district and having the qualifications
7 prescribed in section 23-71-107. If the petition is for the formation of a
8 ~~junior~~ LOCAL college district consisting of an area within a single county,
9 it ~~shall~~ MUST be filed with the county clerk and recorder of the county,
10 and, if the petition is for the formation of a ~~junior~~ LOCAL college district
11 situated in two or more counties, the petition ~~shall~~ MUST be filed with the
12 secretary of state. Each petition ~~shall~~ MUST specify whether a
13 ~~five-member board or a seven-member board shall be elected as the first~~
14 board of trustees CONSISTS OF FIVE, SEVEN, NINE, OR ELEVEN ELECTED
15 MEMBERS following a successful election to organize the ~~junior~~ LOCAL
16 college district.

17 **SECTION 2.** In Colorado Revised Statutes, 23-71-110, **amend**
18 (1), (3), and (8) as follows:

19 **23-71-110. Election of board - members and terms.** (1) Each

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

8 (3) The board of trustees of each ~~junior~~ LOCAL college district
9 existing on or after July 1, 1984, and before July 1, 1986, shall determine
10 whether the board of trustees ~~shall consist~~ CONSISTS of five, SEVEN, NINE,
11 OR ELEVEN members. ~~or seven members.~~ The board of trustees of each
12 ~~junior~~ LOCAL college district created after July 1, 1986, ~~shall consist of a~~
13 ~~five-member or seven-member board~~ CONSISTS OF FIVE, SEVEN, NINE, OR
14 ELEVEN MEMBERS as specified in the organization petition; EXCEPT THAT
15 THE BOARD OF TRUSTEES MAY SUBSEQUENTLY INCREASE THE NUMBER OF
16 BOARD MEMBERS AS PROVIDED IN SUBSECTION (8) OF THIS SECTION. The
17 board of trustees of each ~~junior~~ LOCAL college district shall determine the
18 number of vacancies existing and the length of term of each vacancy for
19 the next and subsequent regular elections for board members. Except for
20 the election of members who were appointed pursuant to subsection (8)
21 of this section and section 23-71-121, ~~this shall be done so~~ THE BOARD OF
22 TRUSTEES SHALL ENSURE that there ~~will be~~ ARE no more than three
23 vacancies at any regular election for a five-member board, ~~and~~ NO MORE
24 THAN four vacancies at any regular election for a seven-member board,
25 NO MORE THAN FIVE VACANCIES AT ANY REGULAR ELECTION FOR A
26 NINE-MEMBER BOARD, AND NO MORE THAN SIX VACANCIES AT ANY
27 REGULAR ELECTION FOR AN ELEVEN-MEMBER BOARD ~~and so~~ that each

1 board member ~~will have~~ HAS a term of four years.

2 (8) ~~Each junior~~ A LOCAL college district ~~which~~ THAT has a
3 five-member board of trustees may increase the board membership to
4 seven members at any time by the appointment of two new members. A
5 LOCAL COLLEGE DISTRICT THAT HAS A SEVEN-MEMBER BOARD OF
6 TRUSTEES MAY INCREASE THE BOARD MEMBERS TO NINE OR ELEVEN
7 MEMBERS BY THE APPOINTMENT OF NEW MEMBERS IF ONE OR MORE
8 ADDITIONAL SCHOOL DISTRICTS IS ANNEXED INTO THE LOCAL COLLEGE
9 DISTRICT AS PROVIDED IN SECTION 23-71-128. Each person appointed
10 pursuant to this subsection (8) ~~shall~~ MUST be appointed at least one
11 hundred twenty days prior to the next regular biennial junior college
12 election and ~~shall~~ MAY serve AS AN APPOINTEE only until ~~such~~ THE
13 election and until THE APPOINTED PERSON, IF HE OR SHE SEEKS ELECTION,
14 OR his OR HER successor has been elected and has qualified.

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

17 **23-71-111. Election of first board - new district.** (1) In all
18 ~~junior~~ LOCAL college districts organized under the provisions of this part
19 1 or other applicable statutes on or after July 1, 1984, the first board of
20 trustees ~~shall~~ MUST be elected in the following manner:

21 (b) At the election, a ~~five-member board or a seven-member board~~
22 ~~as~~ BOARD CONSISTING OF THE NUMBER OF PERSONS specified in the
23 organization petition ~~shall~~ MUST be elected so that the first board
24 members ~~shall~~ serve staggered terms and thereafter their successors in
25 office ~~shall~~ serve staggered terms of four years.

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

1 **23-71-128. Additions to district - procedure.** (1) If ~~any~~ A school
2 district or group of districts THAT IS adjacent to a ~~junior~~ LOCAL college
3 district OR LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE LOCAL
4 DISTRICT COLLEGE'S SERVICE AREA, AS DETERMINED BY THE COLORADO
5 COMMISSION ON HIGHER EDUCATION, desires to be annexed to the existing
6 ~~junior~~ LOCAL college district, it may do so by satisfying both of the
7 following requirements:

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

10 **23-71-119. Regular meetings.** (1) The ~~regular meetings of the~~
11 ~~junior~~ LOCAL DISTRICT college board of trustees shall ~~be held~~ HOLD
12 REGULAR MEETINGS as the board ~~shall decide~~ DECIDES; except that ~~there~~
13 ~~shall be no less~~ THE BOARD SHALL HOLD NO FEWER than four regular
14 meetings each year. THE BOARD MAY HOLD additional or special meetings
15 ~~may be held~~ upon call of the president or a majority of the board. The
16 secretary of the board shall notify the members of all meetings. THE
17 BOARD SHALL HOLD all special and regular meetings of the board ~~shall be~~
18 ~~held~~ at locations ~~which~~ THAT are within the boundaries of the district or
19 ~~which~~ THAT are within the boundaries of ~~any~~ A county in which the
20 district is located, in whole or in part, or in any county so long as the
21 meeting location ~~does not exceed~~ IS NOT FARTHER THAN twenty miles
22 from the district boundaries. The BOARD MAY WAIVE THE provisions of
23 this section governing the location of meetings ~~may be waived~~ only if the
24 proposed change of location of a meeting of the board appears on the
25 agenda of a regular or special meeting of the board and if THE BOARD
26 ADOPTS a resolution ~~is adopted by the board~~ stating the reason for which
27 a meeting of the board is to be held in a location other than under the

1 provisions of this section and further stating the date, time, and place of
2 ~~such~~ THE meeting.

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

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

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

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

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

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

24 (I) THE ACTION TO BE TAKEN;

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

26 AND

27 (III) THAT FAILURE TO RESPOND BY THE DATE STATED IN THE

1 NOTICE HAS THE SAME EFFECT AS VOTING AGAINST THE ACTION STATED IN
2 THE NOTICE.

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

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

25 (e) AN ACTION TAKEN PURSUANT TO THIS SUBSECTION (2) HAS THE
26 SAME EFFECT AS AN ACTION TAKEN AT A REGULAR OR SPECIAL MEETING
27 OF THE BOARD AND MAY BE DESCRIBED AS SUCH IN ANY DOCUMENT.

1 ELECTRONIC MAIL OR OTHER WRITTEN COMMUNICATIONS USED TO
2 PROVIDE NOTICE OR TO DISCUSS THE PROPOSED ACTION ARE SUBJECT TO
3 THE OPEN MEETING REQUIREMENTS SPECIFIED IN PART 4 OF ARTICLE 6 OF
4 TITLE 24, C.R.S.

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

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

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

17 **23-71-102.5. Local district college - local college district -**
18 **change in terms - authority of revisor.** (1) THE REVISOR OF STATUTES
19 IS AUTHORIZED TO CHANGE ALL REFERENCES TO "LOCAL JUNIOR COLLEGE"
20 OR "JUNIOR COLLEGE" THAT APPEAR IN THE COLORADO REVISED
21 STATUTES TO "LOCAL DISTRICT COLLEGE".

22 (2) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL
23 REFERENCES TO "LOCAL JUNIOR COLLEGE DISTRICT" AND "JUNIOR COLLEGE
24 DISTRICT" THAT APPEAR IN THE COLORADO REVISED STATUTES TO "LOCAL
25 COLLEGE DISTRICT".

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.