

## CHAPTER 268

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**EDUCATION - UNIVERSITIES AND COLLEGES**

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## SENATE BILL 06-204

BY SENATOR(S) Windels, Bacon, Fitz-Gerald, Groff, Isgar, Keller, Shaffer, and Williams;  
also REPRESENTATIVE(S) Madden, Butcher, Carroll M., Coleman, Gallegos, Green, Merrifield, Pommer, and Todd.

**AN ACT****CONCERNING APPOINTMENTS TO THE GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION.**

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

**SECTION 1.** 23-30-101 (1), Colorado Revised Statutes, is amended to read:

**23-30-101. Board of governors of the Colorado state university system.**

(1) A board is hereby constituted and established that shall be known by the name and title of the board of governors of the Colorado state university system. It shall consist of a total of thirteen members. Four of the offices shall be advisory, without the right to vote. One shall be filled by an elected officer of the student body who is a full-time junior or senior student at Colorado state university, one by an elected officer of the faculty council of Colorado state university having the rank of associate professor or higher, one by an elected officer of the student body who is a full-time junior or senior student at the Colorado state university - Pueblo, and one by an elected officer of the faculty council of the Colorado state university - Pueblo having the rank of associate professor or higher. The four advisory members shall be elected by their respective governing bodies from their membership. The terms of these advisory offices shall be for one academic year. Commencing with appointments made in 1974 and subsequent years, the remaining nine members, AT LEAST ONE OF WHOM SHALL BE A GRADUATE OF THE COLORADO STATE UNIVERSITY SYSTEM AND at least two of whom shall have some connection with agriculture, shall be appointed by the governor, with the consent of the senate, for basic terms of four years, although interim appointments may be made for lesser periods so that at least two of the nine terms will expire in each calendar year. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF GOVERNORS AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR

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

YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. No person, elected under this section, shall serve on the board for more than two terms, regardless of the length of the terms; except that a member of the board, whether elected or appointed, ~~may~~ SHALL continue to serve until a successor is elected or appointed and ~~qualified~~ CONFIRMED BY THE SENATE. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FIVE MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. For the purposes of this section, "full-time student" means the same as it does in the respective institutions.

**SECTION 2.** 23-40-104 (1) (b), Colorado Revised Statutes, is amended to read:

**23-40-104. Board of trustees.** (1) (b) The governor shall appoint, with the consent of the senate, seven members of the board of trustees created by this subsection (1). The initial members of said board shall take office on July 1, 1973. The terms of said seven members of the said board of trustees appointed prior to June 15, 1987, shall be six years; except that appointments of members to take office on July 1, 1973, shall be made so that two members of the board have terms expiring on June 30, 1975, two members of the board have terms expiring on June 30, 1977, and three members of the board have terms expiring on June 30, 1979. Persons who are appointed members and who are holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S. Thereafter the terms of said seven members of the board of trustees shall be four years; EXCEPT THAT A MEMBER OF THE BOARD WHO IS APPOINTED BY THE GOVERNOR SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND CONFIRMED BY THE SENATE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FOUR MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. The eighth office shall be filled by an elected member of the student body who is a full-time junior or senior student at the university of northern Colorado. The term of said elected office shall be one year, beginning July 1. The elected student office shall be advisory, without the right to vote. The elected student member of the board shall have resided in the state of Colorado not less than three years prior to his election. For purposes of this paragraph (b), "full-time student" means the equivalent of the definition of "full-time equivalent student" used by the joint budget committee of the general assembly. The ninth office shall be filled by an elected member of the faculty at large elected by other members of the faculty at large for a term of one year, beginning July 1, and such office shall be advisory, without the right to vote. All vacancies in the office of any member appointed by the governor

shall be filled by appointment by the governor for the unexpired term, and any vacancy in either of the elected offices on the board shall be filled by reelection for the unexpired term. Each trustee shall take and subscribe to the oath of office prescribed by the constitution of this state before entering upon the duties of his office, which oath shall be placed and kept on file in the office of the secretary of state.

**SECTION 3.** 23-41-102 (1) (a), Colorado Revised Statutes, is amended to read:

**23-41-102. Board of trustees - term.** (1) (a) There shall be a board of trustees of the Colorado school of mines to be composed of eight persons. The five members serving on the board on July 1, 1973, shall continue to serve the terms for which they were appointed. On or before July 1, 1973, the governor shall appoint two additional members of the board, of which one shall be appointed for a term to expire on March 1, 1975, and one shall be appointed for a term to expire on March 1, 1977. Prior to June 15, 1987, the governor shall fill the vacancies in appointed offices occurring every two years by appointments of members of the board for terms of six years each, in accordance with this arrangement. Persons who are appointed members and who are holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S. Thereafter the terms of such appointed members shall be four years. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FOUR MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. The remaining office shall be filled by an elected member of the student body who is a full-time junior or senior student at the Colorado school of mines, and the term of said elected office shall be one year, beginning July 1. The elected office shall be advisory, without the right to vote. The elected member of the board shall have resided in the state of Colorado not less than three years prior to the member's election. For the purposes of this subsection (1), "full-time student" means the equivalent of the definition of "full-time equivalent student" used by the joint budget committee of the general assembly.

**SECTION 4.** 23-51-102 (2), Colorado Revised Statutes, is amended to read:

**23-51-102. Board of trustees - creation - members - powers - duties.** (2) The governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members INITIALLY appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to the board of trustees shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007,

and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. Of the nine members appointed by the governor, at least two shall reside in Alamosa, Conejos, Costilla, Huerfano, Mineral, Rio Grande, or Saguache county. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FIVE MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. Each trustee shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and **qualified** CONFIRMED BY THE SENATE.

**SECTION 5.** 23-52-102 (2), Colorado Revised Statutes, is amended to read:

**23-52-102. Board of trustees - creation - members - powers - duties.** (2) The governor shall appoint, on or before August 1, 2002, with the consent of the senate, seven members of the board of trustees. Members INITIALLY appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to said board shall take office on or before August 1, 2002. Appointments of members to take office on or before August 1, 2002, shall be made so that two members of the board have terms expiring on January 1, 2004, two members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, and one member of the board has a term expiring on January 1, 2007; thereafter, the terms of said seven members of the board of trustees shall be four years. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. EACH TRUSTEE FOLLOWING THE INITIAL APPOINTMENTS SHALL HOLD OFFICE FOR THE TERM FOR WHICH THE TRUSTEE IS APPOINTED AND UNTIL THE TRUSTEE'S SUCCESSOR IS APPOINTED AND CONFIRMED BY THE SENATE. Of the seven members appointed by the governor, no more than four shall be from any one political party and no more or less than two shall be residents of southwestern Colorado. The board members from southwestern Colorado shall reside in Archuleta, Dolores, La Plata, Montezuma, or San Juan county.

**SECTION 6.** 23-53-102 (2), Colorado Revised Statutes, is amended to read:

**23-53-102. Board of trustees - creation - members - powers - duties.** (2) The

governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to said board shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007, and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FIVE MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. Of the nine members appointed by the governor, at least two shall reside in Delta, Garfield, Mesa, or Montrose county. Each trustee shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and ~~qualified~~ CONFIRMED BY THE SENATE.

**SECTION 7.** 23-54-102 (2), Colorado Revised Statutes, is amended to read:

**23-54-102. Board of trustees - creation - members - powers - duties.** (2) The governor shall appoint, with the consent of the senate, nine members of the board of trustees. The members first appointed to said board shall take office on July 1, 2002. The terms of appointed members of the board of trustees shall be four years; except that, of the members first appointed, the governor shall select two members who shall serve one-year terms, two members who shall serve two-year terms, and five members who shall serve four-year terms. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. All appointed members shall serve until their successors are appointed and qualified. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FIVE MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY.

**SECTION 8.** 23-56-102 (2), Colorado Revised Statutes, is amended to read:

**23-56-102. Board of trustees - creation - members - powers - duties.** (2) The

governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members INITIALLY appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to said board shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007, and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FIVE MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY. Of the nine members appointed by the governor, at least two shall reside in Gunnison county. Each trustee FOLLOWING THE INITIAL APPOINTMENTS shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and ~~qualified~~ CONFIRMED BY THE SENATE.

**SECTION 9.** 23-60-104 (2) (b), Colorado Revised Statutes, is amended to read:

**23-60-104. State board for community colleges and occupational education - student advisory council - state advisory council.** (2) (b) Of the members first appointed to the board, two members representing a congressional district shall be appointed for a term expiring July 1, 1987; one member representing a congressional district and one at-large member shall be appointed for a term expiring July 1, 1988; one member representing a congressional district and one at-large member shall be appointed for a term expiring July 1, 1989; and two members representing a congressional district and one at-large member shall be appointed for a term expiring July 1, 1990. Thereafter, all members shall be appointed for terms of four years each; EXCEPT THAT A MEMBER OF THE BOARD WHO IS APPOINTED BY THE GOVERNOR SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND CONFIRMED BY THE SENATE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TERM OF EACH MEMBER SERVING ON THE BOARD OF TRUSTEES AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, SHALL BE EXTENDED TO EXPIRE ON DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE MEMBER'S APPOINTED TERM WOULD OTHERWISE EXPIRE. MEMBERS APPOINTED ON OR AFTER JANUARY 1, 2007, SHALL SERVE TERMS OF UP TO FOUR YEARS, EXPIRING ON DECEMBER 31 OF THE THIRD CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER IS APPOINTED. FOR TERMS ENDING ON OR AFTER DECEMBER 31, 2006, THE GOVERNOR SHALL APPOINT A SUCCEEDING MEMBER ON OR BEFORE MARCH 1 IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM. The terms of the offices of members of the state student advisory council shall be one year, beginning July 1, 1977, and any such student member shall be classified

as an in-state student for tuition purposes in accordance with section 23-7-102 (5) prior to election to the state student advisory council. No member appointed to the board shall serve for more than two consecutive full four-year terms. Members of the board shall receive fifty dollars per diem for attendance at official meetings, plus actual and necessary expenses incurred in the conduct of official business.

**SECTION 10.** Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-5-133. Appointments to governing boards - considerations.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GOVERNOR SHALL CONSIDER, WHEN APPOINTING INDIVIDUALS TO SERVE ON GOVERNING BOARDS OF INSTITUTIONS OF HIGHER EDUCATION, AN INDIVIDUAL'S:

- (a) COMMITMENT TO PUBLIC EDUCATION;
- (b) RECORD OF PUBLIC OR COMMUNITY SERVICE;
- (c) KNOWLEDGE OF COMPLEX ORGANIZATIONS AND ACADEMIC INSTITUTIONS;
- (d) DEMONSTRATED COLLABORATIVE LEADERSHIP;
- (e) COMMITMENT TO OPEN-MINDED, NONPARTISAN DECISION-MAKING; AND
- (f) RECORD OF INTEGRITY AND CIVIC VIRTUE.

**SECTION 11. 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: May 26, 2006