

## CHAPTER 31

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**EDUCATION - POSTSECONDARY**


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**HOUSE BILL 11-1060**

BY REPRESENTATIVE(S) Todd, Acree, Hamner, Massey, Murray, Peniston, Priola, Riesberg, Schafer S., Solano, Summers, Beezley, Fields, Kefalas, Labuda, Nikkel, Wilson;  
also SENATOR(S) Renfro, Bacon, Heath, Hudak, King K., Kopp, Spence.

**AN ACT**

**CONCERNING TERM LENGTHS FOR THE GOVERNOR APPOINTMENTS TO THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO.**

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

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

**23-40-104. Board of trustees.** (1) (b) (I) 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~~ THE board shall take office on July 1, 1973. The terms of ~~said~~ THE 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~~ THE seven members of the board of trustees APPOINTED BY THE GOVERNOR 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.

(II) Notwithstanding any other provision of this section, the term of each member serving on the board of trustees as of May 26, 2006, 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

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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.*

December 31, 2006, the governor shall appoint a succeeding member on or before March 1 immediately following the expiration of the term.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE APPOINTMENTS TO SUCCEED MEMBERS WHOSE TERMS EXPIRE ON DECEMBER 31, 2011, SHALL BE AS FOLLOWS:

(A) TWO MEMBERS WHO SHALL SERVE FOUR-YEAR TERMS;

(B) TWO MEMBERS WHO SHALL SERVE THREE-YEAR TERMS; AND

(C) ONE MEMBER WHO SHALL SERVE A ONE-YEAR TERM.

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE APPOINTMENTS TO SUCCEED MEMBERS WHOSE TERMS EXPIRE ON OR AFTER DECEMBER 31, 2013, SHALL BE FOR FOUR-YEAR TERMS.

(V) Of the seven members appointed by the governor, no more than four members shall be from the same political party.

(VI) 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 OR HER 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.

(VII) 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.

(VIII) 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 OR HER office, which oath shall be placed and kept on file in the office of the secretary of state.

**SECTION 2.** 24-1-137, Colorado Revised Statutes, is amended to read:

**24-1-137. Effect of decrease in length of terms of office for certain state boards, commissions, authorities, and agencies.** Persons who are holding office on June 15, 1987, and who were appointed to terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104, 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, 22-80-104, 23-9-103, 23-15-104, 23-40-104, 23-41-102, 24-32-706, 24-42-102, 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401, 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior to June 15, 1987, shall continue to serve in such office, but such service shall be at the

pleasure of the governor, who may appoint a replacement to serve for the unexpired term of any member. However, if the governor has not appointed any such replacement on or before November 15, 1987, then the person who is holding such office on June 15, 1987, shall no longer be subject to replacement pursuant to this section but shall be subject to whatever removal provisions may otherwise apply for such office. Any such member for whom a replacement has been appointed shall continue to serve until his or her successor is duly qualified. Appointments to new terms of office made after June 15, 1987, shall be made for terms of four years ~~as~~ OR AS OTHERWISE prescribed by law; except that such provision shall not apply to terms of office of persons appointed pursuant to section 23-9-103, C.R.S., as it existed prior to July 1, 2006, or to section 24-48.5-303, which is the former section 23-9-103, C.R.S.

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 18, 2011