

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0723.01 Michael Dohr x4347

**HOUSE BILL 12-1220**

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**HOUSE SPONSORSHIP**

**Becker,**

**SENATE SPONSORSHIP**

**Bacon,**

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**House Committees**  
Education

**Senate Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING CHANGES TO THE GOVERNANCE STRUCTURE OF THE**  
102 **BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY**  
103 **SYSTEM, AND, IN CONNECTION THEREWITH, ESTABLISHING THE**  
104 **GOVERNANCE STRUCTURE FOR COLORADO STATE**  
105 **UNIVERSITY - GLOBAL CAMPUS.**

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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://www.leg.state.co.us/billsummaries>.)*

The bill establishes the governance structure for Colorado state

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.*

HOUSE  
3rd Reading Unam ended  
March 5, 2012

HOUSE  
2nd Reading Unam ended  
March 2, 2012



1 DONATED, DEvised, OR CONVEYED THERETO AND TO UTILIZE THE SAME IN  
2 SUCH MANNER AS SHALL BEST SERVE THE OBJECTS AND INTERESTS OF  
3 CSU GLOBAL CAMPUS.

4 **23-31.3-103. Academic policy.** THE PRESIDENT OF CSU GLOBAL  
5 CAMPUS, REFERRED TO IN THIS ARTICLE AS THE "PRESIDENT", IN  
6 CONSULTATION WITH THE GOVERNING COUNCIL AND THE FACULTY, HAS  
7 THE RESPONSIBILITY FOR MAKING ACADEMIC POLICY AND GOVERNING THE  
8 ACADEMIC AFFAIRS OF THE INSTITUTION.

9 **23-31.3-104. President - duties.** THE PRESIDENT IS CHIEF  
10 EXECUTIVE OFFICER OF CSU GLOBAL CAMPUS, AND IT IS THE DUTY OF THE  
11 PRESIDENT TO SEE THAT THE RULES OF THE BOARD OF GOVERNORS OF THE  
12 COLORADO STATE UNIVERSITY SYSTEM ARE OBSERVED AND EXECUTED.

13 **23-31.3-105. Board of governors - personnel power.** THE  
14 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM HAS  
15 AUTHORITY OVER ALL PERSONNEL MATTERS RELATING TO THE SYSTEM,  
16 INCLUDING CSU GLOBAL CAMPUS. IN ACCORDANCE WITH SECTION  
17 23-5-117, THE BOARD MAY DELEGATE ALL OR PART OF ITS POWER OVER  
18 PERSONNEL MATTERS. IF SUCH PERSONNEL POWERS ARE DELEGATED TO  
19 THE PRESIDENT, THEN ALL EMPLOYEES OF CSU GLOBAL CAMPUS ARE  
20 UNDER THE DIRECTION AND CONTROL OF THE PRESIDENT AND SHALL BE  
21 REMOVABLE AT THE PRESIDENT'S DISCRETION. THE PRESIDENT MAY FILL  
22 VACANCIES OF ALL EMPLOYEE POSITIONS AS DEEMED NECESSARY, SUBJECT  
23 TO HIS OR HER PERSONNEL POWER.

24 **23-31.3-106. President may be an instructor.** THE PRESIDENT  
25 MAY PERFORM THE DUTIES OF AN INSTRUCTOR, AS THE BOARD OF  
26 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM SHALL  
27 DETERMINE.

1           **23-31.3-107. Power to acquire land.** THE BOARD OF GOVERNORS  
2 OF THE COLORADO STATE UNIVERSITY SYSTEM HAS THE POWER TO TAKE  
3 AND HOLD, BY GIFT, DEVISE, OR PURCHASE, SO MUCH LAND AS MAY  
4 BECOME NECESSARY FOR THE LOCATION AND CONSTRUCTION OF  
5 BUILDINGS, STRUCTURES, AND OTHER FACILITIES AS MAY BE REQUIRED FOR  
6 THE USES AND PURPOSES OF COLORADO.

7           **SECTION 2.** In Colorado Revised Statutes, 23-30-101, **amend**  
8 (1) (a), (1) (b), (1) (g), and (1) (h) as follows:

9           **23-30-101. Board of governors of the Colorado state university**  
10 **system.** (1) (a) A board is hereby established that shall be known by the  
11 name and title of the board of governors of the Colorado state university  
12 system, referred to in this section as the "board". It shall consist of a total  
13 of ~~thirteen~~ FIFTEEN members as provided in paragraphs (b) and (c) of this  
14 subsection (1).

15           (b) ~~Four~~ SIX of the members shall be advisory, without the right  
16 to vote. The ~~four~~ SIX advisory members shall be elected OR APPOINTED by  
17 their respective governing bodies from their membership. The advisory  
18 officers shall serve terms of one academic year. The advisory members  
19 shall consist of:

20           (I) One elected officer of the student body who is a full-time  
21 junior or senior student at Colorado state university;

22           (II) One elected officer of the faculty council of Colorado state  
23 university having the rank of associate professor or higher;

24           (III) One elected officer of the student body who is a full-time  
25 junior or senior student at the Colorado state university - Pueblo; ~~and~~

26           (IV) One elected officer of the faculty council of the Colorado  
27 state university - Pueblo having the rank of associate professor or higher;

1 (V) ONE STUDENT IN GOOD STANDING FROM THE CSU GLOBAL  
2 CAMPUS STUDENT BODY, TO BE RECOMMENDED BY THE STUDENT AFFAIRS  
3 COMMITTEE AND APPROVED BY THE GOVERNING COUNCIL AT CSU GLOBAL  
4 CAMPUS; AND

5 (VI) ONE CSU GLOBAL CAMPUS FACULTY MEMBER WITH A  
6 MINIMUM OF THREE YEARS OF SERVICE ON THE CSU GLOBAL CAMPUS  
7 FACULTY, TO BE RECOMMENDED BY THE FACULTY AFFAIRS COMMITTEE  
8 AND APPROVED BY THE GOVERNING COUNCIL AT CSU GLOBAL CAMPUS.

9 (g) ~~Notwithstanding any other provision of this section, the term~~  
10 ~~of each member serving on the board of governors as of May 26, 2006,~~  
11 ~~shall be extended to expire on December 31 of the calendar year in which~~  
12 ~~the member's appointed term would otherwise expire. Members appointed~~  
13 ~~on or after January 1, 2007, shall serve terms of up to four years, expiring~~  
14 ~~on December 31 of the third calendar year following the calendar year in~~  
15 ~~which the member is appointed. For terms ending on or after December~~  
16 ~~31, 2006, the governor shall appoint a succeeding member on or before~~  
17 ~~March 1 immediately following the expiration of the term.~~

18 (h) ~~No~~ A person, elected or appointed under this section, shall  
19 NOT serve on the board for more than two terms; ~~regardless of the length~~  
20 ~~of the terms;~~ except that a member of the board, whether elected or  
21 appointed, shall continue to serve until a successor is elected or appointed  
22 and confirmed by the senate.

23 **SECTION 3.** In Colorado Revised Statutes, 23-30-102, **amend**  
24 (1) as follows:

25 **23-30-102. Board body corporate - powers relating to real and**  
26 **personal property.** (1) The board of governors of the Colorado state  
27 university system is a body corporate, capable in law of suing and being

1 sued; of taking, holding, acquiring, exchanging, selling, and determining  
2 the uses of personal property and real estate, or any interest therein, the  
3 ownership of which is vested in the board of governors of the Colorado  
4 state university system or the entities governed by it; of contracting and  
5 being contracted with; of having and using a corporate seal; HAVING  
6 DUTIES AND POWERS TO CONTROL, MANAGE, AND DIRECT THE FISCAL AND  
7 ALL OTHER AFFAIRS OF THE COLORADO STATE UNIVERSITY SYSTEM AND  
8 THE ENTITIES IT GOVERNS; and of causing to be done all things necessary  
9 to carry out the provisions of this article.

10 **SECTION 4.** In Colorado Revised Statutes, **amend** 23-30-104 as  
11 follows:

12 **23-30-104. Meetings of board.** The board shall meet at the  
13 Colorado state university twice annually and may meet at other times and  
14 places at the call of the chair who has the power in case of emergency to  
15 call special meetings of the board. THE CHAIR, WITH THE CONSENT OF THE  
16 BOARD, SHALL ANNUALLY SET THE SCHEDULE FOR REGULAR BOARD  
17 MEETINGS. Upon the written request of any three members of the board,  
18 it is the duty of the chair of the board to call a special meeting thereof at  
19 such time and place as shall be designated in the written request therefor.  
20 A quorum of the board shall be IS a majority of voting members of the  
21 board.

22 **SECTION 5.** In Colorado Revised Statutes, 23-30-105, **amend**  
23 (1) as follows:

24 **23-30-105. Election of officers - terms.** (1) The board of  
25 governors of the Colorado state university system shall ~~at a meeting to be~~  
26 ~~held in May~~ elect from its membership a chair and a vice-chair and also  
27 from its membership or from outside its membership a secretary and a

1 treasurer, all of which said officers shall hold the office to which they are  
2 chosen for a period of two years from the date of election and until their  
3 successors are duly elected and qualified. The secretary shall give bond  
4 in an amount deemed sufficient by the board and discharge all the duties  
5 of said office ~~account for all moneys which lawfully come into the~~  
6 ~~secretary's hands, and pay the same over to the treasurer of the board on~~  
7 ~~or before the tenth day of each month~~ IN ACCORDANCE WITH SECTION  
8 23-30-107. The treasurer shall give bond in an amount deemed sufficient  
9 by the board and safely keep and account for all moneys received by the  
10 treasurer and pay the same out only on warrants of the board of governors  
11 of the Colorado state university system, signed by its chair and  
12 countersigned by its chief financial officer IN ACCORDANCE WITH SECTION  
13 23-30-108. THE BOARD OF GOVERNORS MAY WAIVE THE BOND  
14 REQUIREMENTS SET FORTH IN THIS SUBSECTION (1) AND IN LIEU THEREOF  
15 UTILIZE ALL APPLICABLE GOVERNMENTAL INSURANCE COVERAGE.

16 **SECTION 6.** In Colorado Revised Statutes, 23-30-106, **amend**  
17 (1) and (2) as follows:

18 **23-30-106. Board of governors of the Colorado state university**  
19 **system fund - creation - control - use.** (1) There is hereby created in the  
20 state treasury the board of governors of the Colorado state university  
21 system fund which ~~shall be~~ IS under the control of and administered by  
22 the board of governors of the Colorado state university system in  
23 accordance with the provisions of this article. The board of governors  
24 ~~shall have~~ HAS authority and responsibility for all moneys of the board of  
25 governors and any entity governed by it. The board of governors shall  
26 designate, pursuant to its CONSTITUTIONAL AND statutory authority, those  
27 moneys received or acquired by the board of governors of the Colorado

1 state university system or any of the entities it governs, whether by  
2 appropriation, grant, contract, or gift, by sale or lease of surplus real or  
3 personal property, or by any other means, whose disposition is not  
4 otherwise provided for by law, that shall be credited to the fund. All  
5 interest derived from the deposit and investment of moneys in the fund  
6 shall be credited to the fund. The moneys in the fund are hereby  
7 continuously appropriated to the board of governors of the Colorado state  
8 university system and shall remain in the fund under the control of the  
9 board of governors and shall not be transferred or revert to the general  
10 fund of the state at the end of any fiscal year.

11 (2) The moneys in the board of governors of the Colorado state  
12 university system fund shall be used by the board of governors of the  
13 Colorado state university system for the payment of salaries and operating  
14 expenses of the board and the entities it governs and for the payment of  
15 any other expenses incurred by the board AND THE ENTITIES IT GOVERNS  
16 in carrying out its statutory powers and duties.

17 **SECTION 7.** In Colorado Revised Statutes, **amend** 23-30-107 as  
18 follows:

19 **23-30-107. Duties of secretary.** ~~The secretary of the board shall~~  
20 ~~keep the secretary's office at such place as the board directs.~~ It is the duty  
21 of the secretary to keep a record of the transactions of the board of  
22 governors of the Colorado state university system and keep and file all  
23 reports that may be required at any time, which shall be open at all times  
24 to the inspection of any citizen of the state. The secretary shall also have  
25 the custody of all books, papers, documents, and other property which  
26 may be deposited in the secretary's office.

27 **SECTION 8.** In Colorado Revised Statutes, **amend** 23-30-108 as



1 follows:

2 **23-30-108. Duties of treasurer - financial instruments signed**  
3 **by whom - accounts.** (1) ~~All expenses of the board of governors of the~~  
4 ~~Colorado state university system shall be paid from the amounts duly set~~  
5 ~~aside by the board for said purpose by warrants duly signed by its chair~~  
6 ~~and countersigned by its chief financial officer as appointed by the board.~~

7 THE TREASURER OF THE BOARD SHALL KEEP A TRUE AND FAITHFUL  
8 ACCOUNT OF ALL FUNDS SO RECEIVED IN SEPARATE ACCOUNTS ACCORDING  
9 TO THE SOURCE OF THE FUNDS. THE TREASURER SHALL REPORT ON THE  
10 FUNDS TO THE BOARD OF GOVERNORS OF THE COLORADO STATE  
11 UNIVERSITY SYSTEM, INCLUDING AN ANNUAL REPORT AT THE CLOSE OF  
12 THE FISCAL YEAR AND OTHER REPORTS AS THE BOARD MAY REQUIRE. THE  
13 DUTIES OF THE TREASURER MAY, UPON APPROVAL BY THE BOARD, BE  
14 DELEGATED TO THE CHIEF FINANCIAL OFFICER OF THE COLORADO STATE  
15 UNIVERSITY SYSTEM.

16 (2) WARRANTS, CHECKS, OR OTHER FINANCIAL INSTRUMENTS  
17 SHALL BE USED TO PAY THE EXPENSES OF THE BOARD OF GOVERNORS OF  
18 THE COLORADO STATE UNIVERSITY SYSTEM AND THE ENTITIES IT  
19 GOVERNS, AND SHALL BE DULY SIGNED BY THE CHAIR AND  
20 COUNTERSIGNED BY THE TREASURER OR THE CHIEF FINANCIAL OFFICER  
21 APPOINTED BY THE BOARD FOR THE COLORADO STATE UNIVERSITY  
22 SYSTEM, OR THE PRESIDENTS OR THEIR DELEGATES.

23 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-30-109  
24 as follows:

25 **23-30-109. Program to be made.** The board of governors of the  
26 Colorado state university system and faculty shall, ~~annually~~ WHEN  
27 DEEMED APPROPRIATE BY THE BOARD, make programs of theoretical and

1 practical instruction.

2 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-30-118  
3 as follows:

4 **23-30-118. Board to fix salaries.** The board shall fix the salaries  
5 of the chancellor, presidents, AND OTHER SYSTEM STAFF THAT REPORT  
6 DIRECTLY TO THE BOARD AND SHALL PRESCRIBE THEIR RESPECTIVE  
7 DUTIES. THE BOARD MAY DELEGATE THE AUTHORITY TO SET SALARIES FOR  
8 professors and other employees of the system ~~and universities and~~  
9 ~~prescribe their respective duties~~ TO THE CHANCELLOR AND PRESIDENTS.  
10 The board may remove the chancellor, presidents, or subordinate officers  
11 and fill all vacancies.

12 **SECTION 11.** In Colorado Revised Statutes, **amend** 23-30-119  
13 as follows:

14 **23-30-119. Board to confer degrees.** The board, with the advice  
15 of the ~~faculty~~ INSTITUTIONS IT GOVERNS, shall confer such degrees or  
16 testimonials as are conferred by similar institutions.

17 **SECTION 12.** In Colorado Revised Statutes, **amend** 23-30-120  
18 as follows:

19 **23-30-120. Payment of expenses.** ~~(1) The current~~ THE BOARD OF  
20 GOVERNORS SHALL HAVE GENERAL SUPERVISION, CONTROL, AND  
21 DIRECTION OF THE FUNDS AND APPROPRIATIONS MADE THERETO. ALL  
22 expenses of the board of governors of the Colorado state university  
23 system ~~the Colorado state university, and the Colorado state university=~~  
24 ~~Pueblo~~ AND THE ENTITIES IT GOVERNS shall be paid from ~~the amounts~~  
25 ~~duly set aside by the board for said purpose, by warrants drawn on the~~  
26 ~~treasurer of the board, duly signed by its chair and countersigned by its~~  
27 ~~secretary~~ FUNDS RECEIVED OR MAINTAINED BY THE BOARD OR THE

1 ENTITIES IT GOVERNS IN ACCORDANCE WITH THE PROCEDURES LISTED IN  
2 SECTION 23-30-108.

3 ~~(2) It is the duty of the controller when any funds are available for  
4 the use and benefit of the board or the entities it governs, upon an order  
5 signed by the chair and countersigned by the secretary of the board of  
6 governors of the Colorado state university system in favor of the treasurer  
7 of the board, to issue a warrant upon the state treasurer in favor of the  
8 treasurer of the board.~~

9 ~~(3) The treasurer of the board shall keep a just and true account  
10 of all funds so received in separate accounts according to the source of  
11 the funds and make a report thereon, from time to time, to the board of  
12 governors of the Colorado state university system, including an annual  
13 report at the close of the fiscal year and such separate and other reports  
14 as the board may require, concerning all of the funds. The duties of the  
15 treasurer may, upon approval by the board, be delegated to the chief  
16 financial officer of the Colorado state university system.~~

17 **SECTION 13.** In Colorado Revised Statutes, **repeal** 23-30-124.

18 **SECTION 14.** In Colorado Revised Statutes, 24-51-1101, **amend**  
19 (1.8) (e) (II) (B) as follows:

20 **24-51-1101. Employment after service retirement.**

21 (1.8) (e) (II) As used in this paragraph (e), "principal campus" means:

22 (B) Each institution of the Colorado state university system  
23 established in sections 23-31-101 and 23-31.5-101, C.R.S., but not  
24 including the on-line university established in section ~~23-30-124~~,  
25 23-31.3-101, C.R.S.; and

26 **SECTION 15. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2012 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.