

**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. 12-0883.01 Jane Ritter x4342

HOUSE BILL 12-1331

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A BILL FOR AN ACT

101 **CONCERNING CHANGING THE NAME OF WESTERN STATE COLLEGE OF**
102 **COLORADO TO WESTERN STATE COLORADO UNIVERSITY.**

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 changes the name of Western state college of Colorado to Western state Colorado university and makes conforming amendments.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, **amend** 23-56-101 as
2 follows:

3 **23-56-101. College established - role and mission.** There is
4 hereby established a college at Gunnison, which shall be known as
5 Western state ~~college of~~ Colorado UNIVERSITY. Western state ~~college of~~
6 Colorado UNIVERSITY shall be a general baccalaureate institution with
7 moderately selective admission standards. Western state ~~college of~~
8 Colorado UNIVERSITY shall offer undergraduate liberal arts and sciences,
9 teacher preparation, and business degree programs and a limited number
10 of graduate programs. Western state ~~college of~~ Colorado UNIVERSITY
11 shall also serve as a regional education provider.

12 **SECTION 2.** In Colorado Revised Statutes, 23-56-102, **amend**
13 (1), (3), (4), (6), and (7) as follows:

14 **23-56-102. Board of trustees - creation - members - powers -**
15 **duties.** (1) (a) There is established the board of trustees for Western state
16 ~~college of~~ Colorado UNIVERSITY, referred to in this article as the "board
17 of trustees", which shall consist of eleven members and shall be the
18 governing authority for Western state ~~college of~~ Colorado UNIVERSITY.
19 The board of trustees shall be, and is hereby declared to be, a body
20 corporate and, as such and by the names designated in this section, may:

21 (I) Acquire and hold property for the use of Western state ~~college~~
22 ~~of~~ Colorado UNIVERSITY;

23 (II) Be a party to all suits and contracts; and

24 (III) Do all things necessary to carry out the provisions of this
25 article in like manner as municipal corporations of this state, including
26 but not limited to the power to demand, receive, hold, and use for the best
27 interests of Western state ~~college of~~ Colorado UNIVERSITY such money,

1 lands, or other property as may be donated or devised to or for the college
2 UNIVERSITY.

3 (b) The board of trustees and its successors shall have perpetual
4 succession, shall have a seal, may make bylaws and regulations for the
5 well-ordering and governance of Western state college of Colorado
6 UNIVERSITY, and may conduct the business of the college UNIVERSITY in
7 a manner not repugnant to the constitution and laws of this state. The
8 board of trustees shall elect from the appointed members a chairperson,
9 whose duties and responsibilities shall be prescribed in the duly adopted
10 bylaws of the board of trustees. The board of trustees shall also elect a
11 secretary and a treasurer, who are not members of the board and whose
12 duties and responsibilities shall be prescribed in the duly adopted bylaws
13 of the board of trustees. The staff of Western state college of Colorado
14 UNIVERSITY shall provide staff support for the board of trustees.

15 (3) The tenth member of the board of trustees shall be a full-time
16 junior or senior student at Western state college of Colorado UNIVERSITY,
17 elected by the members of the student body of Western state college of
18 Colorado UNIVERSITY. The term of the student member shall be one year,
19 beginning July 1, 2003, and beginning July 1 each year thereafter. The
20 student member shall be advisory, without the right to vote and without
21 the right to attend executive sessions of the board of trustees, as provided
22 by section 24-6-402, C.R.S. The student member shall have resided in the
23 state of Colorado for not less than three years prior to the student's
24 election.

25 (4) The eleventh member shall be a member of the faculty of
26 Western state college of Colorado UNIVERSITY elected by other members
27 of the faculty for a term of two years, beginning July 1, 2003, and

1 beginning July 1 every odd-numbered year thereafter. The faculty
2 member shall be advisory, without the right to vote and without the right
3 to attend executive sessions of the board of trustees, as provided by
4 section 24-6-402, C.R.S.

5 (6) Except as otherwise provided in this subsection (6), the
6 powers, duties, and functions formerly performed by the trustees of the
7 state colleges in Colorado with respect to ~~Western state college of~~
8 Colorado UNIVERSITY are hereby transferred to the board of trustees.
9 Policies, resolutions, procedures, and agreements previously approved by
10 the trustees of the state colleges in Colorado and applicable to Western
11 state ~~college of~~ Colorado UNIVERSITY shall remain in force and effect
12 unless and until changed by the board of trustees.

13 (7) In addition to those powers conferred elsewhere in this article,
14 the board of trustees has the power to:

15 (a) Appoint a president of ~~Western state college of~~ Colorado
16 UNIVERSITY;

17 (b) Appoint such other executive officers of the ~~college~~
18 UNIVERSITY as may be required;

19 (c) Appoint faculty and employees as may be required;

20 (d) Determine the compensation to be paid to the president,
21 executive officers, faculty, and professional staff;

22 (e) With the advice of the faculty, prescribe the degree programs
23 for the ~~college~~ UNIVERSITY; and

24 (f) Prescribe the student admissions qualifications.

25 **SECTION 3.** In Colorado Revised Statutes, 23-56-102.5, **amend**
26 (1) as follows:

27 **23-56-102.5. Tuition - repeal.** (1) For fiscal years 2011-12

1 through 2015-16, the board of trustees, in accordance with section
2 23-5-130.5, shall annually set the amount of tuition to be paid by students
3 with in-state classification and by nonresident students who enroll in and
4 attend Western state college of Colorado UNIVERSITY.

5 **SECTION 4.** In Colorado Revised Statutes, 23-56-103, **amend**
6 (1) and (2); and **add** (4) as follows:

7 **23-56-103. Board of trustees for Western state Colorado**
8 **university fund - creation - control - use.** (1) There is created in the
9 state treasury the board of trustees for Western state college of Colorado
10 UNIVERSITY fund, referred to in this section as the "fund", which shall be
11 under the control of and administered by the board of trustees in
12 accordance with the provisions of this article. Except as otherwise
13 allowed by state law, including but not limited to section 24-36-103 (2),
14 C.R.S., all moneys received or acquired by the board of trustees or by
15 Western state college of Colorado UNIVERSITY shall be deposited in the
16 fund, whether received by appropriation, grant, contract, or gift or by sale
17 or lease of surplus real or personal property or by any other means, whose
18 disposition is not otherwise provided for by law. All interest and income
19 derived from the deposit and investment of moneys in the fund shall be
20 credited to the fund. The moneys in the fund are hereby continuously
21 appropriated to the board of trustees and shall remain in the fund and
22 shall not be transferred or revert to the general fund of the state at the end
23 of a fiscal year.

24 (2) The moneys in the fund shall remain under the control of the
25 board of trustees and shall be used for the payment of salaries and
26 operating expenses of the board of trustees and of Western state college
27 of Colorado UNIVERSITY and for the payment of any other expenses

1 incurred by the board of trustees in carrying out its powers and duties.

2 (4) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS
3 REMAINING IN THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF
4 COLORADO FUND AS OF AUGUST 7, 2012, SHALL BE TRANSFERRED TO THE
5 BOARD OF TRUSTEES FOR WESTERN STATE COLORADO UNIVERSITY FUND.

6 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2013.

7 **SECTION 5.** In Colorado Revised Statutes, **amend** 23-56-104 as
8 follows:

9 **23-56-104. Status and control.** The buildings and premises of
10 the Western state college of Colorado UNIVERSITY shall form a part of the
11 school system of the state and shall be controlled and managed by the
12 board of trustees.

13 **SECTION 6.** In Colorado Revised Statutes, **amend** 23-56-105 as
14 follows:

15 **23-56-105. Board of trustees empowered to lease grounds.** For
16 the purpose of providing dormitories, living and dining halls, or cottages
17 and equipment for the use of Western state college of Colorado
18 UNIVERSITY, and to enable the construction, financing, and ultimate
19 acquisition thereof, and to aid in improving undeveloped portions of the
20 grounds of the Western state college of Colorado UNIVERSITY, the board
21 of trustees is empowered to lease grounds under its control to private
22 persons or corporations for a term not exceeding fifty years and subject
23 to regulations as it may prescribe, and upon the condition that the private
24 persons or corporations shall construct and equip on the leased grounds
25 buildings or improvements as the board of trustees designates or approves
26 and secure reimbursement for money invested therein from the rentals of
27 the buildings or from their sale to the board of trustees acting for the state.

1 **SECTION 7.** In Colorado Revised Statutes, **amend** 23-56-106 as
2 follows:

3 **23-56-106. No authority to obligate state.** Nothing in this article
4 shall constitute authority to enter into a contract which in any way creates
5 a debt or obligation upon the state on account of the construction of
6 buildings or improvements; but buildings and improvements erected on
7 lands under the control of the board of trustees and devoted to the uses of
8 Western state ~~college~~ of Colorado UNIVERSITY under the terms of this
9 article and the leasehold interest shall be exempt from taxation so far as
10 permitted by the state constitution.

11 **SECTION 8.** In Colorado Revised Statutes, 23-1-108, **amend** (7)
12 (g) (II) (F) as follows:

13 **23-1-108. Duties and powers of the commission with regard to**
14 **systemwide planning.** (7) (g) As used in this subsection (7), unless the
15 context otherwise requires:

16 (II) "State institution of higher education" means a public
17 postsecondary institution that is governed by:

18 (F) The board of trustees of Western state ~~college~~ of Colorado
19 UNIVERSITY;

20 **SECTION 9.** In Colorado Revised Statutes, 23-1-113.5, **amend**
21 (2) as follows:

22 **23-1-113.5. Commission directive - resident admissions.**

23 (2) (a) The provisions of subsection (1) of this section regarding the
24 fraction of students who are in-state students attending the Colorado
25 school of mines shall also apply to Western state ~~college~~ COLORADO
26 UNIVERSITY.

27 (b) Repealed.

1 (c) After one hundred percent of all qualified Colorado applicants
2 have been accepted by Adams state college, Colorado Mesa university,
3 and Western state ~~college~~ of Colorado UNIVERSITY, the provisions of
4 subsection (1) of this section regarding the fraction of students who are
5 in-state students shall cease to apply to said three state institutions of
6 higher education.

7 (d) After one hundred percent of all qualified Colorado applicants
8 have been accepted by Adams state college, Fort Lewis college, Colorado
9 Mesa university, and Western state ~~college~~ of Colorado UNIVERSITY, the
10 provisions of subsection (1) of this section regarding the fraction of
11 students who are in-state students shall cease to apply to said four state
12 institutions of higher education.

13 **SECTION 10.** In Colorado Revised Statutes, 23-1-127, **amend**
14 (1) and (3) as follows:

15 **23-1-127. Commission directive - regional education providers**
16 **- criteria.** (1) The general assembly finds, determines, and declares that:

17 (a) The Colorado commission on higher education can better serve
18 the citizens of this state by providing oversight and direction for the
19 provision of regional education at Adams state college, Colorado Mesa
20 university, and Western state ~~college~~ of Colorado UNIVERSITY; and

21 (b) As regional education providers, Adams state college,
22 Colorado Mesa university, and Western state ~~college~~ of Colorado
23 UNIVERSITY shall have as their primary goal the assessment of regional
24 educational needs and, in consultation with the Colorado commission on
25 higher education, the allocation of resources for the purposes of meeting
26 those needs.

27 (3) The Colorado commission on higher education shall, in

1 consultation with Adams state college, Colorado Mesa university, and
2 Western state ~~college of Colorado~~ UNIVERSITY, establish the criteria for
3 designation as a regional education provider.

4 **SECTION 11.** In Colorado Revised Statutes, 23-5-101.5, **amend**
5 (4) (j) introductory portion and (6) (d) as follows:

6 **23-5-101.5. Enterprise status of auxiliary facilities -**
7 **definitions.** (4) The following auxiliary facilities shall be designated as
8 enterprises in accordance with the requirements of this section:

9 (j) Western state ~~college of Colorado~~ UNIVERSITY:

10 (6) Notwithstanding paragraph (a) of subsection (3) of this section
11 relating to the designation of auxiliary facilities as enterprises:

12 (d) Any auxiliary facilities of Western state ~~college of Colorado~~
13 UNIVERSITY that were a part of any state colleges enterprise pursuant to
14 paragraph (g) of subsection (4) of this section in existence prior to the
15 establishment of the board of trustees of Western state ~~college of~~
16 Colorado UNIVERSITY in section 23-56-102 shall, as they relate to
17 Western state ~~college of Colorado~~ UNIVERSITY, be designated enterprises
18 of the board of trustees of Western state ~~college of Colorado~~ UNIVERSITY.

19 **SECTION 12.** In Colorado Revised Statutes, 23-5-101.7, **amend**
20 (1) as follows:

21 **23-5-101.7. Enterprise status of institutions of higher**
22 **education.** (1) As used in this section, unless the context otherwise
23 requires, "institution of higher education" or "institution" means the
24 Colorado state university - Pueblo, Adams state college, Colorado Mesa
25 university, Metropolitan state college of Denver, Fort Lewis college,
26 Western state ~~college of Colorado~~ UNIVERSITY, the university of northern
27 Colorado, Colorado school of mines, the university of Colorado,

1 Colorado state university, and all community colleges governed by the
2 state board for community colleges and occupational education.

3 **SECTION 13.** In Colorado Revised Statutes, 23-5-106, **amend**
4 (1) as follows:

5 **23-5-106. Authority of governing boards - general - health**
6 **care insurance - contracts of indemnity.** (1) The governing board of
7 any state institution of higher education has the authority to promulgate
8 rules and regulations for the safety and welfare of students, employees,
9 and property, to promulgate rules and regulations necessary for the
10 governance of the respective institutions, and to promulgate rules and
11 regulations deemed necessary to carry out the provisions of sections
12 23-5-106 to 23-5-110. ~~Western state college~~ COLORADO UNIVERSITY shall
13 not refuse to admit any Colorado resident qualified in accordance with
14 applicable Colorado commission on higher education admission
15 standards.

16 **SECTION 14.** In Colorado Revised Statutes, 23-5-111.4, **amend**
17 (3) (a) as follows:

18 **23-5-111.4. Tuition for members of the National Guard.**
19 (3) (a) For the purposes of this section, "designated institution of higher
20 education" means the Colorado state university - Pueblo, Adams state
21 college, Colorado Mesa university, Metropolitan state college of Denver,
22 Fort Lewis college, ~~Western state college of Colorado~~ UNIVERSITY, all
23 independent area vocational schools, all local district colleges, the
24 university of northern Colorado, the university of Colorado at Boulder,
25 the university of Colorado at Denver, the university of Colorado at
26 Colorado Springs, Colorado state university, the Colorado school of
27 mines, the university of Colorado health sciences center, all community

1 colleges governed by the state board for community colleges and
2 occupational education, and any private institution of higher education in
3 Colorado that qualifies for the college opportunity fund pursuant to article
4 18 of this title and that offers an accredited certificate or degree program
5 in homeland security. For a member of the Colorado National Guard
6 enrolled in a private institution of higher education, tuition assistance
7 shall be limited to the completion of the accredited certificate or degree
8 program in homeland security and shall be provided at the discretion of
9 the adjutant general of the department of military and veterans affairs.
10 The tuition benefit to members of the Colorado National Guard under this
11 subsection (3) for an accredited certificate or degree program in homeland
12 security shall not exceed the moneys appropriated annually to the
13 Colorado National Guard pursuant to section 23-3.3-202.

14 **SECTION 15.** In Colorado Revised Statutes, **amend** 23-5-117 as
15 follows:

16 **23-5-117. Governing boards - delegation of personnel**
17 **power.** The governing board of any state-supported institution of higher
18 education may delegate all or part of its power over personnel matters,
19 including the power to hire or to fire employees exempt from the
20 personnel system, to the chief executive officer of the institution
21 governed by such board. The governing board may authorize the chief
22 executive officer to delegate to other officers of the institution any power
23 so delegated pursuant to this section. The governing board of each
24 state-supported institution of higher education, except the university of
25 Colorado, Colorado state university, the university of northern Colorado,
26 the Colorado school of mines, Fort Lewis college, Adams state college,
27 Colorado Mesa university, Western state college of Colorado

1 UNIVERSITY, or Metropolitan state college of Denver, after consultation
2 with faculty representatives chosen by the faculty, shall prepare, enact,
3 promulgate, administer, and maintain in place policies and practices
4 which afford due process procedures for those faculty members exempt
5 from the state personnel system who are terminated, including
6 terminations resulting from reductions in force.

7 **SECTION 16.** In Colorado Revised Statutes, 23-5-124, **amend**
8 (6) (c) (X) as follows:

9 **23-5-124. Student enrollment - prohibition - public peace and**
10 **order convictions.** (6) For purposes of this section, unless the context
11 otherwise requires:

12 (c) "State-supported institution of higher education" means any
13 postsecondary institution that is governed by:

14 (X) The board of trustees for Western state college of Colorado
15 UNIVERSITY;

16 **SECTION 17.** In Colorado Revised Statutes, 23-5-127, **amend**
17 (4) (b) as follows:

18 **23-5-127. Unique student identifying number - social security**
19 **number - prohibition.** (4) (b) Adams state college, Colorado Mesa
20 university, Western state college COLORADO UNIVERSITY, and
21 Metropolitan state college of Denver shall implement the provisions of
22 paragraph (a) of this subsection (4) on or before July 1, 2008. All other
23 postsecondary institutions shall implement the provisions of paragraph (a)
24 of this subsection (4) on or before July 1, 2009.

25 **SECTION 18.** In Colorado Revised Statutes, 23-18-102, **amend**
26 (10) (a) (VI) as follows:

27 **23-18-102. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (10) (a) "State institution of higher education" means a public
3 postsecondary institution that is governed by:

4 (VI) The board of trustees of Western state college of Colorado
5 UNIVERSITY;

6 **SECTION 19.** In Colorado Revised Statutes, 24-1-114, **amend**
7 (4) (k) as follows:

8 **24-1-114. Department of higher education - creation.** (4) For
9 the purposes of section 22 of article IV of the state constitution, the
10 following are allocated to the department of higher education but shall
11 otherwise continue to be administered as provided by law:

12 (k) The board of trustees for Western state college of Colorado
13 UNIVERSITY, created by article 56 of title 23, C.R.S.;

14 **SECTION 20.** In Colorado Revised Statutes, **amend** 38-2-105 as
15 follows:

16 **38-2-105. Higher education governing boards have right of**
17 **eminent domain.** The regents of the university of Colorado, the board
18 of governors of the Colorado state university system for Colorado state
19 university and Colorado state university - Pueblo, the board of trustees for
20 Fort Lewis college, the board of trustees of the Colorado school of mines,
21 the board of trustees for the university of northern Colorado, the board of
22 trustees for Adams state college, the board of trustees for Colorado Mesa
23 university, the board of trustees for Western state college of Colorado
24 UNIVERSITY, and the board of trustees for Metropolitan state college of
25 Denver have the power to acquire real property, which they may deem
26 necessary, by the exercise of eminent domain through condemnation
27 proceedings in accordance with law.

1 **SECTION 21. Effective date.** This act takes effect August 1,
2 2012.

3 **SECTION 22. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.