

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0851.01 Jacob Baus x2173

HOUSE BILL 19-1178

HOUSE SPONSORSHIP

McLachlan, Van Winkle, Geitner, Buentello, McCluskie, Roberts, Singer

SENATE SPONSORSHIP

Donovan,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE NAME SIMPLIFICATION OF WESTERN STATE**
102 **COLORADO UNIVERSITY TO WESTERN 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://leg.colorado.gov>.)

The bill simplifies the name of Western state Colorado university to Western Colorado university.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 8, 2019

HOUSE
2nd Reading Unamended
March 7, 2019

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

3 **23-56-101. University established - role and mission.** There is
4 hereby established a university at Gunnison, which ~~shall be~~ IS known as
5 Western ~~state~~ Colorado university. Western ~~state~~ Colorado university
6 ~~shall be~~ IS a general baccalaureate institution with selective admission
7 standards. Western ~~state~~ Colorado university ~~shall offer~~ OFFERS
8 undergraduate liberal arts and sciences and professional degree programs,
9 basic skills courses receiving resident credit pursuant to section
10 23-1-113.3, and a limited number of graduate programs. Western ~~state~~
11 Colorado university ~~shall also serve~~ ALSO SERVES as a regional education
12 provider.

13 **SECTION 2.** In Colorado Revised Statutes, 23-56-102, **amend**
14 (1), (3), (4), (6), (7) introductory portion, and (7)(a) as follows:

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

- 22 (I) Acquire and hold property for the use of Western ~~state~~
23 Colorado university;
- 24 (II) Be a party to all suits and contracts; and
- 25 (III) Do all things necessary to carry out the provisions of this
26 ~~article~~ ARTICLE 56 in like manner as municipal corporations of this state,
27 including but not limited to the power to demand, receive, hold, and use

1 for the best interests of Western ~~state~~ Colorado university such money,
2 lands, or other property as may be donated or devised to or for the
3 university.

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

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

26 (4) The eleventh member ~~shall be~~ IS a member of the faculty of
27 Western ~~state~~ Colorado university elected by other members of the faculty

1 for a term of two years, beginning July 1, 2003, and beginning July 1
2 every odd-numbered year thereafter. The faculty member ~~shall be~~ IS
3 advisory, without the right to vote and without the right to attend
4 executive sessions of the board of trustees, as provided by section
5 24-6-402. ~~C.R.S.~~

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

14 (7) In addition to those powers conferred elsewhere in this ~~article~~
15 ARTICLE 56, the board of trustees has the power to:

16 (a) Appoint a president of Western ~~state~~ Colorado university;

17 **SECTION 3.** In Colorado Revised Statutes, 23-56-103, **amend**
18 (1) and (2); and **add** (5) as follows:

19 **23-56-103. Board of trustees for Western Colorado university**
20 **fund - creation - control - use - repeal.** (1) There is created in the state
21 treasury the board of trustees for Western ~~state~~ Colorado university fund,
22 referred to in this section as the "fund", which ~~shall be~~ IS under the
23 control of and administered by the board of trustees in accordance with
24 the provisions of this ~~article~~ ARTICLE 56. Except as otherwise allowed by
25 state law, including but not limited to section 24-36-103 (2), ~~C.R.S.~~, all
26 ~~moneys~~ MONEY received or acquired by the board of trustees or by
27 Western ~~state~~ Colorado university ~~shall~~ MUST be deposited in the fund,

1 whether received by appropriation, grant, contract, or gift or by sale or
2 lease of surplus real or personal property or by any other means, whose
3 disposition is not otherwise provided for by law. All interest and income
4 derived from the deposit and investment of ~~moneys~~ MONEY in the fund
5 ~~shall be~~ IS credited to the fund. The ~~moneys~~ MONEY in the fund ~~are hereby~~
6 IS continuously appropriated to the board of trustees and ~~shall remain~~
7 REMAINS in the fund and shall not be transferred or revert to the general
8 fund of the state at the end of a fiscal year.

9 (2) The ~~moneys~~ MONEY in the fund ~~shall remain~~ REMAINS under
10 the control of the board of trustees and ~~shall~~ MUST be used for the
11 payment of salaries and operating expenses of the board of trustees and
12 of Western ~~state~~ Colorado university and for the payment of any other
13 expenses incurred by the board of trustees in carrying out its powers and
14 duties.

15 (5) (a) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
16 AND UNENCUMBERED MONEY REMAINING IN THE BOARD OF TRUSTEES FOR
17 WESTERN STATE COLORADO UNIVERSITY FUND AS OF JULY 15, 2019, TO
18 THE BOARD OF TRUSTEES FOR WESTERN COLORADO UNIVERSITY FUND.

19 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2020.

20 **SECTION 4.** In Colorado Revised Statutes, **amend** 23-56-104 as
21 follows:

22 **23-56-104. Status and control.** The buildings and premises of the
23 Western ~~state~~ Colorado university ~~shall~~ form a part of the school system
24 of the state and ~~shall be~~ ARE controlled and managed by the board of
25 trustees.

26 **SECTION 5.** In Colorado Revised Statutes, **amend** 23-56-105 as
27 follows:

1 **23-56-105. Board of trustees empowered to lease grounds.** For
2 the purpose of providing dormitories, living and dining halls, or cottages
3 and equipment for the use of Western ~~state~~ Colorado university, and to
4 enable the construction, financing, and ultimate acquisition thereof, and
5 to aid in improving undeveloped portions of the grounds of the Western
6 ~~state~~ Colorado university, the board of trustees is empowered to lease
7 grounds under its control to private persons or corporations for a term not
8 exceeding fifty years and subject to regulations as it may prescribe, and
9 upon the condition that the private persons or corporations shall construct
10 and equip on the leased grounds buildings or improvements as the board
11 of trustees designates or approves and secure reimbursement for money
12 invested therein from the rentals of the buildings or from their sale to the
13 board of trustees acting for the state.

14 **SECTION 6.** In Colorado Revised Statutes, **amend** 23-56-106 as
15 follows:

16 **23-56-106. No authority to obligate state.** Nothing in this ~~article~~
17 ~~shall constitute~~ ARTICLE 56 CONSTITUTES authority to enter into a contract
18 ~~which~~ THAT in any way creates a debt or obligation upon the state on
19 account of the construction of buildings or improvements; but buildings
20 and improvements erected on lands under the control of the board of
21 trustees and devoted to the uses of Western ~~state~~ Colorado university
22 under the terms of this ~~article~~ ARTICLE 56 and the leasehold interest ~~shall~~
23 ~~be~~ ARE exempt from taxation so far as permitted by the state constitution.

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

26 **23-1-108. Duties and powers of the commission with regard to**
27 **systemwide planning - reporting - definitions.** (7) (g) As used in this

1 subsection (7), unless the context otherwise requires:

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

4 (F) The board of trustees of Western ~~state~~ Colorado university;

5 **SECTION 8.** In Colorado Revised Statutes, 23-1-113.3, **amend**
6 (2)(a) and (3) introductory portion as follows:

7 **23-1-113.3. Commission directive - basic skills courses -**
8 **report.** (2) (a) Adams state university, Colorado Mesa university,
9 Western ~~state~~ Colorado university in Chaffee and Gunnison counties, any
10 local community college, and any community college governed by the
11 state board for community colleges and occupational education may offer
12 basic skills courses, as defined in section 23-1-113 (11)(b), and receive
13 stipend payments from the state on behalf of eligible undergraduate
14 students, as defined in section 23-18-102 (5), enrolled in basic skills
15 courses.

16 (3) The state board for community colleges and occupational
17 education, local community colleges, Adams state university, Colorado
18 Mesa university, and Western ~~state~~ Colorado university shall:

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

21 **23-1-113.5. Commission directive - resident admissions -**
22 **report - definitions.** (2) (a) The provisions of subsection (1) of this
23 section regarding the fraction of students who are in-state students
24 attending the Colorado school of mines shall also apply to ~~western state~~
25 WESTERN Colorado university.

26 (b) Repealed.

27 (c) After one hundred percent of all qualified Colorado applicants

1 have been accepted by Adams state university, Colorado Mesa university,
2 and Western ~~state~~ Colorado university, the provisions of subsection (1)
3 of this section regarding the fraction of students who are in-state students
4 ~~shall cease~~ CEASES to apply to said three state institutions of higher
5 education.

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

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

14 **23-1-127. Commission directive - regional education providers**
15 **- criteria.** (1) The general assembly finds, determines, and declares that:

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

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

25 (3) The Colorado commission on higher education shall, in
26 consultation with Adams state university, Colorado Mesa university, and
27 Western ~~state~~ Colorado university, establish the criteria for designation

1 as a regional education provider.

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

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

8 (j) ~~Western state~~ Colorado university:

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

12 (d) Any auxiliary facilities of ~~Western state~~ Colorado university
13 that were a part of any state colleges enterprise pursuant to ~~paragraph (g)~~
14 ~~of subsection (4)~~ SUBSECTION (4)(g) of this section in existence prior to
15 the establishment of the board of trustees of ~~Western state~~ Colorado
16 university in section 23-56-102 shall, as they relate to ~~Western state~~
17 Colorado university, be designated enterprises of the board of trustees of
18 ~~Western state~~ 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 university, Colorado
25 Mesa university, Metropolitan state university of Denver, Fort Lewis
26 college, ~~Western state~~ 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~~ Colorado university shall not refuse
13 to admit any Colorado resident qualified in accordance with applicable
14 Colorado commission on higher education admission standards.

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

17 **23-5-117. Governing boards - delegation of personnel power.**
18 The governing board of any state-supported institution of higher
19 education, including the Auraria higher education center established in
20 article 70 of this ~~title~~ TITLE 23, may delegate all or part of its power over
21 personnel matters, including the power to hire or to fire employees
22 exempt from the personnel system, to the chief executive officer of the
23 institution governed by such board. The governing board may authorize
24 the chief executive officer to delegate to other officers of the institution
25 any power so delegated pursuant to this section. The governing board of
26 each state-supported institution of higher education, except the university
27 of Colorado, Colorado state university, the university of northern

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

9 **SECTION 15.** In Colorado Revised Statutes, 23-5-124, **amend**
10 (6)(c)(X) as follows:

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

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

16 (X) The board of trustees for Western ~~state~~ Colorado university;

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

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

27 **SECTION 17.** In Colorado Revised Statutes, 23-7.4-302, **amend**

1 (3)(a) as follows:

2 **23-7.4-302. Tuition for members of the National Guard -**
3 **definitions.** (3) (a) For purposes of this section, "designated institution
4 of higher education" means the Colorado state university - Pueblo, Adams
5 state university, Colorado Mesa university, Metropolitan state university
6 of Denver, Fort Lewis college, Western ~~state~~ Colorado university, all
7 independent area technical colleges, all local district colleges, the
8 university of northern Colorado, the university of Colorado at Boulder,
9 the university of Colorado at Denver, the university of Colorado at
10 Colorado Springs, Colorado state university, the Colorado school of
11 mines, the university of Colorado health sciences center, all community
12 colleges governed by the state board for community colleges and
13 occupational education, and any private institution of higher education in
14 Colorado that qualifies for the college opportunity fund pursuant to article
15 18 of this title 23 and that offers an accredited certificate or degree
16 program in homeland security. For a member of the Colorado National
17 Guard enrolled in a private institution of higher education, tuition
18 assistance is limited to the completion of the accredited certificate or
19 degree program in homeland security and is provided at the discretion of
20 the adjutant general of the department of military and veterans affairs.

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

23 **23-18-102. Definitions.** As used in parts 1 and 2 of this article 18,
24 unless the context otherwise requires:

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

27 (VI) The board of trustees of Western ~~state~~ Colorado university;

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

3 **24-1-114. Department of higher education - creation.** (4) For
4 the purposes of section 22 of article IV of the state constitution, the
5 following are allocated to the department of higher education but shall
6 otherwise continue to be administered as provided by law:

7 (k) The board of trustees for Western ~~state~~ Colorado university,
8 created by article 56 of title 23; ~~C.R.S.~~;

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

11 **38-2-105. Higher education governing boards have right of**
12 **eminent domain.** The regents of the university of Colorado, the board of
13 governors of the Colorado state university system for Colorado state
14 university and Colorado state university - Pueblo, the board of trustees for
15 Fort Lewis college, the board of trustees of the Colorado school of mines,
16 the board of trustees for the university of northern Colorado, the board of
17 trustees for Adams state university, the board of trustees for Colorado
18 Mesa university, the board of trustees for Western ~~state~~ Colorado
19 university, and the board of trustees for Metropolitan state university of
20 Denver have the power to acquire real property, which they may deem
21 necessary, by the exercise of eminent domain through condemnation
22 proceedings in accordance with law.

23 **SECTION 21. Effective date.** This act takes effect July 1, 2019.

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