

CHAPTER 100

EDUCATION - POSTSECONDARY

HOUSE BILL 12-1220

BY REPRESENTATIVE(S) Becker, Conti, Fields, Fischer, Gerou, Holbert, Kefalas, Liston, Massey, Nikkel, Pace, Priola, Schafer S., Todd, Vigil, Young, McNulty;
also SENATOR(S) Bacon, Boyd, Foster, Heath, King K., Lundberg, Newell, Schwartz, Spence, Williams S.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add** article 31.3 to title 23 as follows:

ARTICLE 31.3**Colorado State University - Global Campus**

23-31.3-101. University established - role and mission. THERE IS HEREBY ESTABLISHED AN ON-LINE UNIVERSITY TO BE KNOWN AS COLORADO STATE UNIVERSITY - GLOBAL CAMPUS, REFERRED TO IN THIS ARTICLE AS "CSU GLOBAL CAMPUS". CSU GLOBAL CAMPUS IS A BACCALAUREATE AND GRADUATE ON-LINE UNIVERSITY WITH THE MISSION IN COLORADO OF OFFERING UPPER DIVISION BACCALAUREATE DEGREE COMPLETION PROGRAMS FOR NONTRADITIONAL STUDENTS IN PARTNERSHIP WITH THE COLORADO COMMUNITY COLLEGE SYSTEM AND SELECTED MASTER-LEVEL GRADUATE PROGRAMS. CSU GLOBAL CAMPUS SHALL COMPLY WITH ALL APPLICABLE STATUTES AND RULES.

23-31.3-102. Board of governors of the Colorado state university system to supervise. THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM HAS THE GENERAL SUPERVISION OF CSU GLOBAL CAMPUS AND THE CONTROL AND DIRECTION OF THE FUNDS AND APPROPRIATIONS MADE THERETO. THE BOARD HAS THE POWER TO RECEIVE, DEMAND, AND HOLD FOR THE USES AND PURPOSES OF CSU GLOBAL CAMPUS ALL MONEY, LANDS, AND OTHER PROPERTY THAT MAY BE DONATED, DEVEISED, OR CONVEYED THERETO AND TO UTILIZE THE

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

SAME IN SUCH MANNER AS SHALL BEST SERVE THE OBJECTS AND INTERESTS OF CSU GLOBAL CAMPUS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(g) Notwithstanding any other provision of this section, the term of each member serving on the board of governors 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 December 31, 2006, the governor shall appoint a succeeding member on or before March 1 immediately following the expiration of the term.~~

(h) ~~No~~ A person, elected or appointed under this section, shall NOT 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, shall continue to serve until a successor is elected or appointed and confirmed by the senate.

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

23-30-102. Board body corporate - powers relating to real and personal property. (1) The board of governors of the Colorado state university system is a body corporate, capable in law of suing and being sued; of taking, holding, acquiring, exchanging, selling, and determining the uses of personal property and real estate, or any interest therein, the ownership of which is vested in the board of governors of the Colorado state university system or the entities governed by it; of contracting and being contracted with; of having and using a corporate seal; HAVING DUTIES AND POWERS TO CONTROL, MANAGE, AND DIRECT THE FISCAL AND ALL OTHER AFFAIRS OF THE COLORADO STATE UNIVERSITY SYSTEM AND THE ENTITIES IT GOVERNS; and of causing to be done all things necessary to carry out the provisions of this article.

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

23-30-104. Meetings of board. The board shall meet at the Colorado state university twice annually and may meet at other times and places at the call of the chair who has the power in case of emergency to call special meetings of the board.

THE CHAIR, WITH THE CONSENT OF THE BOARD, SHALL ANNUALLY SET THE SCHEDULE FOR REGULAR BOARD MEETINGS. Upon the written request of any three members of the board, it is the duty of the chair of the board to call a special meeting thereof at such time and place as shall be designated in the written request therefor. A quorum of the board ~~shall be~~ is a majority of voting members of the board.

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

23-30-105. Election of officers - terms. (1) The board of governors of the Colorado state university system shall ~~at a meeting to be held in May~~ elect from its membership a chair and a vice-chair and also from its membership or from outside its membership a secretary and a treasurer, all of which said officers shall hold the office to which they are chosen for a period of two years from the date of election and until their successors are duly elected and qualified. The secretary shall give bond in an amount deemed sufficient by the board and discharge all the duties of said office ~~account for all moneys which lawfully come into the secretary's hands, and pay the same over to the treasurer of the board on or before the tenth day of each month~~ IN ACCORDANCE WITH SECTION 23-30-107. The treasurer shall give bond in an amount deemed sufficient by the board and safely keep and account for all moneys received by the treasurer and pay the same out only on warrants of the board of governors of the Colorado state university system, signed by its chair and countersigned by its chief financial officer IN ACCORDANCE WITH SECTION 23-30-108. THE BOARD OF GOVERNORS MAY WAIVE THE BOND REQUIREMENTS SET FORTH IN THIS SUBSECTION (1) AND IN LIEU THEREOF UTILIZE ALL APPLICABLE GOVERNMENTAL INSURANCE COVERAGE.

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

23-30-106. Board of governors of the Colorado state university system fund - creation - control - use. (1) There is hereby created in the state treasury the board of governors of the Colorado state university system fund which ~~shall be~~ is under the control of and administered by the board of governors of the Colorado state university system in accordance with the provisions of this article. The board of governors ~~shall have~~ HAS authority and responsibility for all moneys of the board of governors and any entity governed by it. The board of governors shall designate, pursuant to its CONSTITUTIONAL AND statutory authority, those moneys received or acquired by the board of governors of the Colorado state university system or any of the entities it governs, whether by appropriation, grant, contract, or gift, by sale or lease of surplus real or personal property, or by any other means, whose disposition is not otherwise provided for by law, that shall be credited to the fund. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated to the board of governors of the Colorado state university system and shall remain in the fund under the control of the board of governors and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(2) The moneys in the board of governors of the Colorado state university system fund shall be used by the board of governors of the Colorado state university system for the payment of salaries and operating expenses of the board and the entities it

governs and for the payment of any other expenses incurred by the board AND THE ENTITIES IT GOVERNS in carrying out its statutory powers and duties.

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

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

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

23-30-108. Duties of treasurer - financial instruments signed by whom - accounts. (1) ~~All expenses of the board of governors of the Colorado state university system shall be paid from the amounts duly set aside by the board for said purpose by warrants duly signed by its chair and countersigned by its chief financial officer as appointed by the board.~~ THE TREASURER OF THE BOARD SHALL KEEP A TRUE AND FAITHFUL ACCOUNT OF ALL FUNDS SO RECEIVED IN SEPARATE ACCOUNTS ACCORDING TO THE SOURCE OF THE FUNDS. THE TREASURER SHALL REPORT ON THE FUNDS TO THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, INCLUDING AN ANNUAL REPORT AT THE CLOSE OF THE FISCAL YEAR AND OTHER REPORTS AS THE BOARD MAY REQUIRE. THE DUTIES OF THE TREASURER MAY, UPON APPROVAL BY THE BOARD, BE DELEGATED TO THE CHIEF FINANCIAL OFFICER OF THE COLORADO STATE UNIVERSITY SYSTEM.

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

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

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

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

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

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

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

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

23-30-120. Payment of expenses. ~~(1) The current~~ THE BOARD OF GOVERNORS SHALL HAVE GENERAL SUPERVISION, CONTROL, AND DIRECTION OF THE FUNDS AND APPROPRIATIONS MADE THERETO. ALL expenses of the board of governors of the Colorado state university system ~~the Colorado state university, and the Colorado state university - Pueblo~~ AND THE ENTITIES IT GOVERNS shall be paid from ~~the amounts duly set aside by the board for said purpose, by warrants drawn on the~~ treasurer of the board, duly signed by its chair and countersigned by its secretary FUNDS RECEIVED OR MAINTAINED BY THE BOARD OR THE ENTITIES IT GOVERNS IN ACCORDANCE WITH THE PROCEDURES LISTED IN SECTION 23-30-108.

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

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

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

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

24-51-1101. Employment after service retirement. (1.8) (e) (II) As used in this paragraph (e), "principal campus" means:

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

SECTION 15. Act subject to petition - effective date. This act takes 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 8, 2012, if adjournment sine die is on May 9, 2012); 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 will not take effect

unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 12, 2012