

## CHAPTER 189

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**EDUCATION - POSTSECONDARY**


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**HOUSE BILL 12-1080**

BY REPRESENTATIVE(S) Vigil, Duran, Fischer, Hamner, Kagan, Kerr J., Labuda, Massey, Pabon, Pace, Schafer S., Todd;  
also SENATOR(S) Schwartz, Bacon, Giron, Guzman, Heath, Johnston, King S.

**AN ACT**

**CONCERNING CHANGING THE NAME OF ADAMS STATE COLLEGE TO ADAMS STATE UNIVERSITY.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 23-51-101 as follows:

**23-51-101. University established - role and mission.** There is hereby established a college at Alamosa, to be known as Adams state ~~college~~ UNIVERSITY, which shall be a general baccalaureate institution with moderately selective admission standards. Adams state ~~college~~ UNIVERSITY shall offer undergraduate liberal arts and sciences, teacher preparation, and business degree programs, a limited number of ~~master's~~ GRADUATE level programs, and two-year transfer programs with a community college role and mission. ~~Adams state college shall not offer vocational education programs.~~ Adams state ~~college~~ UNIVERSITY shall receive resident credit for two-year course offerings in its commission-approved service area. Adams state ~~college~~ UNIVERSITY has a significant responsibility to provide access to teacher education in rural Colorado. Adams state ~~college~~ UNIVERSITY shall also serve as a regional education provider. In addition, Adams state ~~college~~ UNIVERSITY shall offer programs, when feasible, that preserve and promote the unique history and culture of the region.

**SECTION 2.** In Colorado Revised Statutes, 23-51-102, **amend** (1), (3), (4), (6), and (7) as follows:

**23-51-102. Board of trustees - creation - members - powers - duties.** (1) (a) There is established the board of trustees for Adams state ~~college~~ UNIVERSITY, referred to in this article as the "board of trustees", which shall consist of eleven members and shall be the governing authority for Adams state ~~college~~ UNIVERSITY. The board of trustees shall be, and is hereby declared to be, a body

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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.*

corporate and, as such and by the names designated in this section, may:

(I) Acquire and hold property for the use of Adams state ~~college~~ UNIVERSITY;

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

(III) Do all things necessary to carry out the provisions of this article in like manner as municipal corporations of this state, including but not limited to the power to demand, receive, hold, and use for the best interests of Adams state ~~college~~ UNIVERSITY such money, lands, or other property as may be donated or devised to or for the ~~college~~ UNIVERSITY.

(b) The board of trustees and its successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and governance of Adams state ~~college~~ UNIVERSITY, and may conduct the business of the ~~college~~ UNIVERSITY in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The board of trustees shall also elect a secretary and a treasurer, who are not members of the board and whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The staff of Adams state ~~college~~ UNIVERSITY shall provide staff support for the board of trustees.

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

(4) The eleventh member shall be a member of the faculty of Adams state ~~college~~ UNIVERSITY elected by other members of the faculty for a term of two years, beginning July 1, 2003, and beginning July 1 every odd-numbered year thereafter. The faculty member shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S.

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

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

(a) Appoint a president of Adams state ~~college~~ UNIVERSITY;

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

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

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

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

(f) Prescribe the student admissions qualifications.

**SECTION 3.** In Colorado Revised Statutes, 23-51-102.5, **amend** (1) as follows:

**23-51-102.5. Tuition - repeal.** (1) For fiscal years 2011-12 through 2015-16, the board of trustees, in accordance with section 23-5-130.5, shall annually set the amount of tuition to be paid by students with in-state classification and by nonresident students who enroll in and attend Adams state ~~college~~ UNIVERSITY.

**SECTION 4.** In Colorado Revised Statutes, 23-51-103, **amend** (1) and (2); and **add** (4) as follows:

**23-51-103. Board of trustees for Adams state university fund - creation - control - use - repeal.** (1) There is created in the state treasury the board of trustees for Adams state ~~college~~ UNIVERSITY fund, referred to in this section as the "fund", which shall be under the control of and administered by the board of trustees in accordance with the provisions of this article. Except as otherwise allowed by state law, including but not limited to section 24-36-103 (2), C.R.S., all moneys received or acquired by the board of trustees or by Adams state ~~college~~ UNIVERSITY shall be deposited in the fund, whether received by appropriation, grant, contract, or gift or by sale or lease of surplus real or personal property or by any other means, whose disposition is not otherwise provided for by law. All interest and income 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 trustees and shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of a fiscal year.

(2) The moneys in the fund shall remain under the control of the board of trustees and shall be used for the payment of salaries and operating expenses of the board of trustees and of Adams state ~~college~~ UNIVERSITY and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

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

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

**SECTION 5.** In Colorado Revised Statutes, **amend** 23-51-104 as follows:

**23-51-104. Lease of grounds - construction.** For the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of the school, to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of Adams state ~~college~~ UNIVERSITY, the board of trustees is empowered to lease grounds under its control to private persons or corporations for a term not exceeding fifty years and subject to such regulations as it may prescribe, and upon the condition that private persons or corporations shall construct and equip on the leased grounds buildings or improvements as the board of trustees designates or approves and secure reimbursement for money invested therein from the rentals of such buildings or from their sale to the board of trustees acting for the state.

**SECTION 6.** In Colorado Revised Statutes, **amend 23-51-105** as follows:

**23-51-105. No authority to create state obligation.** Nothing in this article constitutes authority to enter into a contract which shall in any way create a debt or obligation upon the state on account of the construction of buildings or improvements; except that buildings and improvements erected on lands under the control of the board of trustees and devoted to the uses of Adams state ~~college~~ UNIVERSITY under the terms of this article and the leasehold interest shall be exempt from taxation so far as permitted by the state constitution.

**SECTION 7.** In Colorado Revised Statutes, 12-47.1-701.5, **amend (4) (a) and (4) (c) (II)** as follows:

**12-47.1-701.5. Revenues attributable to local revisions to gaming limits - extended limited gaming fund - identification - separate administration - distribution - definitions. (4) Definitions.** As used in this section:

(a) "Colleges that were operating on and after January 1, 2008" means: Aims community college, Arapahoe community college, Colorado mountain college, Colorado Northwestern community college, the community college of Aurora, the community college of Denver, Front Range community college, Lamar community college, Morgan community college, Northeastern junior college, Otero junior college, Pikes Peak community college, Pueblo community college, Red Rocks community college, Trinidad state junior college, the two-year role and mission of Colorado Mesa university, currently referred to as Western Colorado community college division of Colorado Mesa university, the two-year academic role and mission of Adams state ~~college~~ UNIVERSITY, and the state board for community colleges and occupational education, for so long as each such college or board continues operating.

(c) (II) With respect to the two-year mission at Adams state ~~college~~ UNIVERSITY, full-time equivalent student enrollment shall be limited to enrollment in the associate's degree programs that existed as of November 4, 2008.

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

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

requires:

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

(E) The board of trustees of Adams state ~~college~~ UNIVERSITY;

**SECTION 9.** In Colorado Revised Statutes, 23-1-109, **amend** (3) as follows:

**23-1-109. Duties and powers of the commission with regard to off-campus instruction.** (3) The general assembly declares its intent that all instruction at two-year institutions, including the first two years of instruction at Adams state ~~college~~ UNIVERSITY and Colorado Mesa university, shall be funded throughout the institutions' commission-approved service area on the same basis as on-campus instruction.

**SECTION 10.** In Colorado Revised Statutes, 23-1-113.3, **amend** (2) (a), (3) introductory portion, and (5.5) as follows:

**23-1-113.3. Commission directive - basic skills courses.** (2) (a) Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, any local community college, and any community college governed by the state board for community colleges and occupational education may offer basic skills courses, as defined in section 23-1-113 (1) (b) (II) (A.7), and receive stipend payments from the state on behalf of eligible undergraduate students, as defined in section 23-18-102 (5), enrolled in basic skills courses.

(3) The state board for community colleges and occupational education, local community colleges, Adams state ~~college~~ UNIVERSITY, and Colorado Mesa university shall:

(5.5) As soon as practicable after a community college, Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, or any other state institution of higher education that provides basic skills courses begins using the unique student identifiers as required in section 23-5-127 (4), the institution and the department shall report the information specified in subsections (3) and (4) of this section on an individual student basis, using each student's unique student identifier.

**SECTION 11.** In Colorado Revised Statutes, 23-1-113.5, **amend** (2) (c) and (2) (d) as follows:

**23-1-113.5. Commission directive - resident admissions.** (2) (c) After one hundred percent of all qualified Colorado applicants have been accepted by Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, and Western state college of Colorado, the provisions of subsection (1) of this section regarding the fraction of students who are in-state students shall cease to apply to said three state institutions of higher education.

(d) After one hundred percent of all qualified Colorado applicants have been accepted by Adams state ~~college~~ UNIVERSITY, Fort Lewis college, Colorado Mesa university, and Western state college of Colorado, the provisions of subsection (1)

of this section regarding the fraction of students who are in-state students shall cease to apply to said four state institutions of higher education.

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

**23-1-127. Commission directive - regional education providers - criteria.**

(1) The general assembly finds, determines, and declares that:

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

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

(3) The Colorado commission on higher education shall, in consultation with Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, and Western state college of Colorado, establish the criteria for designation as a regional education provider.

**SECTION 13.** In Colorado Revised Statutes, 23-5-101.5, **amend** (4) (g) and (6) (a) as follows:

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

(g) Adams state ~~college~~ UNIVERSITY:

(I) Student and faculty services; and

(II) Continuing education;

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

(a) Any auxiliary facilities of Adams state ~~college~~ UNIVERSITY that were a part of any state colleges enterprise pursuant to paragraph (g) of subsection (4) of this section in existence prior to the establishment of the board of trustees of Adams state ~~college~~ UNIVERSITY in section 23-51-102 shall, as they relate to Adams state ~~college~~ UNIVERSITY, be designated enterprises of the board of trustees of Adams state ~~college~~ UNIVERSITY.

**SECTION 14.** In Colorado Revised Statutes, 23-5-101.7, **amend** (1) as follows:

**23-5-101.7. Enterprise status of institutions of higher education.** (1) As used

in this section, unless the context otherwise requires, "institution of higher education" or "institution" means the Colorado state university - Pueblo, Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, Metropolitan state college of Denver, Fort Lewis college, Western state college of Colorado, the university of northern Colorado, Colorado school of mines, the university of Colorado, Colorado state university, and all community colleges governed by the state board for community colleges and occupational education.

**SECTION 15.** In Colorado Revised Statutes, 23-5-111.4, **amend** (3) (a) as follows:

**23-5-111.4. Tuition for members of the National Guard.** (3) (a) For the purposes of this section, "designated institution of higher education" means the Colorado state university - Pueblo, Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, Metropolitan state college of Denver, Fort Lewis college, Western state college of Colorado, all independent area vocational schools, all local district colleges, the university of northern Colorado, the university of Colorado at Boulder, the university of Colorado at Denver, the university of Colorado at Colorado Springs, Colorado state university, the Colorado school of mines, the university of Colorado health sciences center, all community colleges governed by the state board for community colleges and occupational education, and any private institution of higher education in Colorado that qualifies for the college opportunity fund pursuant to article 18 of this title and that offers an accredited certificate or degree program in homeland security. For a member of the Colorado National Guard enrolled in a private institution of higher education, tuition assistance shall be limited to the completion of the accredited certificate or degree program in homeland security and shall be provided at the discretion of the adjutant general of the department of military and veterans affairs. The tuition benefit to members of the Colorado National Guard under this subsection (3) for an accredited certificate or degree program in homeland security shall not exceed the moneys appropriated annually to the Colorado National Guard pursuant to section 23-3.3-202.

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

**23-5-117. Governing boards - delegation of personnel power.** The governing board of any state-supported institution of higher education may delegate all or part of its power over personnel matters, including the power to hire or to fire employees exempt from the personnel system, to the chief executive officer of the institution governed by such board. The governing board may authorize the chief executive officer to delegate to other officers of the institution any power so delegated pursuant to this section. The governing board of each state-supported institution of higher education, except the university of Colorado, Colorado state university, the university of northern Colorado, the Colorado school of mines, Fort Lewis college, Adams state ~~college~~ UNIVERSITY, Colorado Mesa university, Western state college of Colorado, or Metropolitan state college of Denver, after consultation with faculty representatives chosen by the faculty, shall prepare, enact, promulgate, administer, and maintain in place policies and practices which afford due process procedures for those faculty members exempt from the state personnel system who are terminated, including terminations resulting from reductions in force.

**SECTION 17.** In Colorado Revised Statutes, 23-5-124, **amend** (6) (c) (VIII) as

follows:

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

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

(VIII) The board of trustees for Adams state ~~college~~ UNIVERSITY;

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

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

**SECTION 19.** In Colorado Revised Statutes, 23-18-102, **amend** (10) (a) (V) as follows:

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

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

(V) The board of trustees of Adams state ~~college~~ UNIVERSITY;

**SECTION 20.** In Colorado Revised Statutes, 23-74-102, **amend** (1) (a) as follows:

**23-74-102. Legislative declaration.** (1) The general assembly hereby finds that:

(a) Rural health education in southern Colorado is currently a product of several distinct entities, including Adams state ~~college~~ UNIVERSITY, Trinidad state junior college, and several private health care providers; and

**SECTION 21.** In Colorado Revised Statutes, 23-74-104, **amend** (2) (c) and (5) as follows:

**23-74-104. Council for excellence in health careers education - creation - membership.** (2) The council shall consist of no more than fifteen members as follows:

(c) Two representatives from Adams state ~~college~~ UNIVERSITY, who shall be appointed initially by the president of the ~~college~~ UNIVERSITY;

(5) Notwithstanding section 2-2-307, C.R.S., the council members shall serve

without compensation and without reimbursement for expenses. The council may request staff assistance from Adams state ~~college~~ UNIVERSITY and from Trinidad state junior college in meeting its purposes.

**SECTION 22.** In Colorado Revised Statutes, **amend** 23-74-106 as follows:

**23-74-106. Council for excellence in health careers education - reporting requirements.** On or before March 1, 2008, and on or before March 1 each year thereafter, the council shall submit to the education committees of the house of representatives and the senate, or any successor committees, and to the Colorado commission on higher education a report explaining the activities of the council and its progress in meeting the purposes and addressing the issues specified in this article. The council shall also make the reports available publicly through the web sites for Adams state ~~college~~ UNIVERSITY and Trinidad state junior college.

**SECTION 23.** In Colorado Revised Statutes, **amend** 23-74-107 as follows:

**23-74-107. Council for excellence in health careers education - funding.** Adams state ~~college~~ UNIVERSITY and Trinidad state junior college are authorized to seek and accept on behalf of the council gifts, grants, and donations from private or public sources for the purposes of this article, including gifts, grants, or donations that include stated conditions of use; except that a gift, grant, or donation shall not be accepted if the conditions attached to the gift, grant, or donation require its expenditure in a manner contrary to law. Subject to approval of the council, Adams state ~~college~~ UNIVERSITY and Trinidad state junior college are further authorized to expend any gifts, grants, or donations accepted pursuant to this section. The council shall include in the annual report required in section 23-74-106 an accounting of any moneys received pursuant to this section and how they were used.

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

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

(h) The board of trustees for Adams state ~~college~~ UNIVERSITY, created by article 51 of title 23, C.R.S.;

**SECTION 25.** In Colorado Revised Statutes, **amend** 38-2-105 as follows:

**38-2-105. Higher education governing boards have right of eminent domain.** The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university and Colorado state university - Pueblo, the board of trustees for Fort Lewis college, the board of trustees of the Colorado school of mines, the board of trustees for the university of northern Colorado, the board of trustees for Adams state ~~college~~ UNIVERSITY, the board of trustees for Colorado Mesa university, the board of trustees for Western state college of Colorado, and the board of trustees for Metropolitan state college of Denver have the power to acquire real property, which they may deem necessary,

by the exercise of eminent domain through condemnation proceedings in accordance with law.

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

Approved: May 19, 2012