

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 12-0126.01 Jane Ritter x4342

HOUSE BILL 12-1080

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Schwartz,

House Committees

State, Veterans, & Military Affairs
Education

Senate Committees

Education

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE NAME OF ADAMS STATE COLLEGE TO**
102 **ADAMS STATE 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 Adams state college to Adams state 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.

SENATE
3rd Reading Unam ended
April 11, 2012

SENATE
2nd Reading Unam ended
April 10, 2012

HOUSE
3rd Reading Unam ended
March 27, 2012

HOUSE
2nd Reading Unam ended
March 26, 2012

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

3 **23-51-101. University established - role and mission.** There
4 is hereby established a college at Alamosa, to be known as Adams state
5 ~~college~~ UNIVERSITY, which shall be a general baccalaureate institution
6 with moderately selective admission standards. Adams state ~~college~~
7 UNIVERSITY shall offer undergraduate liberal arts and sciences, teacher
8 preparation, and business degree programs, a limited number of ~~master's~~
9 GRADUATE level programs, and two-year transfer programs with a
10 community college role and mission. ~~Adams state college shall not offer~~
11 ~~vocational education programs.~~ Adams state ~~college~~ UNIVERSITY shall
12 receive resident credit for two-year course offerings in its
13 commission-approved service area. Adams state ~~college~~ UNIVERSITY has
14 a significant responsibility to provide access to teacher education in rural
15 Colorado. Adams state ~~college~~ UNIVERSITY shall also serve as a regional
16 education provider. In addition, Adams state ~~college~~ UNIVERSITY shall
17 offer programs, when feasible, that preserve and promote the unique
18 history and culture of the region.

19 **SECTION 2.** In Colorado Revised Statutes, 23-51-102, **amend**
20 (1), (3), (4), (6), and (7) as follows:

21 **23-51-102. Board of trustees - creation - members - powers -**
22 **duties.** (1) (a) There is established the board of trustees for Adams state
23 ~~college~~ UNIVERSITY, referred to in this article as the "board of trustees",
24 which shall consist of eleven members and shall be the governing
25 authority for Adams state ~~college~~ UNIVERSITY. The board of trustees shall
26 be, and is hereby declared to be, a body corporate and, as such and by the
27 names designated in this section, may:

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

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

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

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

21 (3) The tenth member of the board of trustees shall be a full-time
22 junior or senior student at Adams state college UNIVERSITY, elected by the
23 members of the student body of Adams state college UNIVERSITY. The
24 term of the student member shall be one year, beginning July 1, 2003, and
25 beginning July 1 each year thereafter. The student member shall be
26 advisory, without the right to vote and without the right to attend
27 executive sessions of the board of trustees, as provided by section

1 24-6-402, C.R.S. The student member shall have resided in the state of
2 Colorado for not less than three years prior to the student's election.

3 (4) The eleventh member shall be a member of the faculty of
4 Adams state ~~college~~ UNIVERSITY elected by other members of the faculty
5 for a term of two years, beginning July 1, 2003, and beginning July 1
6 every odd-numbered year thereafter. The faculty member shall be
7 advisory, without the right to vote and without the right to attend
8 executive sessions of the board of trustees, as provided by section
9 24-6-402, C.R.S.

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

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

- 20 (a) Appoint a president of Adams state ~~college~~ UNIVERSITY;
- 21 (b) Appoint such other executive officers of the ~~college~~
22 UNIVERSITY as may be required;
- 23 (c) Appoint faculty and employees as may be required;
- 24 (d) Determine the compensation to be paid to the president,
25 executive officers, faculty, and professional staff;
- 26 (e) With the advice of the faculty, prescribe the degree programs
27 for the ~~college~~ UNIVERSITY; and

1 (f) Prescribe the student admissions qualifications.

2 **SECTION 3.** In Colorado Revised Statutes, 23-51-102.5, **amend**

3 (1) as follows:

4 **23-51-102.5. Tuition - repeal.** (1) For fiscal years 2011-12
5 through 2015-16, the board of trustees, in accordance with section
6 23-5-130.5, shall annually set the amount of tuition to be paid by students
7 with in-state classification and by nonresident students who enroll in and
8 attend Adams state ~~college~~ UNIVERSITY.

9 **SECTION 4.** In Colorado Revised Statutes, 23-51-103, **amend**

10 (1) and (2); and **add** (4) as follows:

11 **23-51-103. Board of trustees for Adams state university fund**

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

27 (2) The moneys in the fund shall remain under the control of the

1 board of trustees and shall be used for the payment of salaries and
2 operating expenses of the board of trustees and of Adams state college
3 UNIVERSITY and for the payment of any other expenses incurred by the
4 board of trustees in carrying out its powers and duties.

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

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

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

12 **23-51-104. Lease of grounds - construction.** For the purpose of
13 providing dormitories, living and dining halls, or cottages and equipment
14 for the use of the school, to enable the construction, financing, and
15 ultimate acquisition thereof, and to aid in improving undeveloped
16 portions of the grounds of Adams state college UNIVERSITY, the board of
17 trustees is empowered to lease grounds under its control to private
18 persons or corporations for a term not exceeding fifty years and subject
19 to such regulations as it may prescribe, and upon the condition that
20 private persons or corporations shall construct and equip on the leased
21 grounds buildings or improvements as the board of trustees designates or
22 approves and secure reimbursement for money invested therein from the
23 rentals of such buildings or from their sale to the board of trustees acting
24 for the state.

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

27 **23-51-105. No authority to create state obligation.** Nothing in

1 this article constitutes authority to enter into a contract which shall in any
2 way create a debt or obligation upon the state on account of the
3 construction of buildings or improvements; except that buildings and
4 improvements erected on lands under the control of the board of trustees
5 and devoted to the uses of Adams state college UNIVERSITY under the
6 terms of this article and the leasehold interest shall be exempt from
7 taxation so far as permitted by the state constitution.

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

10 **12-47.1-701.5. Revenues attributable to local revisions to**
11 **gaming limits - extended limited gaming fund - identification -**
12 **separate administration - distribution - definitions. (4) Definitions.**

13 As used in this section:

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

27 (c) (II) With respect to the two-year mission at Adams state

1 college UNIVERSITY, full-time equivalent student enrollment shall be
2 limited to enrollment in the associate's degree programs that existed as of
3 November 4, 2008.

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

6 **23-1-108. Duties and powers of the commission with regard to**
7 **systemwide planning.** (7) (g) As used in this subsection (7), unless the
8 context otherwise requires:

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

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

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

14 **23-1-109. Duties and powers of the commission with regard to**
15 **off-campus instruction.** (3) The general assembly declares its intent that
16 all instruction at two-year institutions, including the first two years of
17 instruction at Adams state college UNIVERSITY and Colorado Mesa
18 university, shall be funded throughout the institutions'
19 commission-approved service area on the same basis as on-campus
20 instruction.

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

23 **23-1-113.3. Commission directive - basic skills courses.**

24 (2) (a) Adams state college UNIVERSITY, Colorado Mesa university, any
25 local community college, and any community college governed by the
26 state board for community colleges and occupational education may offer
27 basic skills courses, as defined in section 23-1-113 (1) (b) (II) (A.7), and

1 receive stipend payments from the state on behalf of eligible
2 undergraduate students, as defined in section 23-18-102 (5), enrolled in
3 basic skills courses.

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

7 (5.5) As soon as practicable after a community college, Adams
8 state ~~college~~ UNIVERSITY, Colorado Mesa university, or any other state
9 institution of higher education that provides basic skills courses begins
10 using the unique student identifiers as required in section 23-5-127 (4),
11 the institution and the department shall report the information specified
12 in subsections (3) and (4) of this section on an individual student basis,
13 using each student's unique student identifier.

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

16 **23-1-113.5. Commission directive - resident admissions.**

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

23 (d) After one hundred percent of all qualified Colorado applicants
24 have been accepted by Adams state ~~college~~ UNIVERSITY, Fort Lewis
25 college, Colorado Mesa university, and Western state college of
26 Colorado, the provisions of subsection (1) of this section regarding the
27 fraction of students who are in-state students shall cease to apply to said

1 four state institutions of higher education.

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

4 **23-1-127. Commission directive - regional education providers**
5 **- criteria.** (1) The general assembly finds, determines, and declares that:

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

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

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

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

22 **23-5-101.5. Enterprise status of auxiliary facilities -**
23 **definitions.** (4) The following auxiliary facilities shall be designated as
24 enterprises in accordance with the requirements of this section:

- 25 (g) Adams state ~~college~~ UNIVERSITY:
- 26 (I) Student and faculty services; and
- 27 (II) Continuing education;

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

3 (a) Any auxiliary facilities of Adams state ~~college~~ UNIVERSITY
4 that were a part of any state colleges enterprise pursuant to paragraph (g)
5 of subsection (4) of this section in existence prior to the establishment of
6 the board of trustees of Adams state ~~college~~ UNIVERSITY in section
7 23-51-102 shall, as they relate to Adams state ~~college~~ UNIVERSITY, be
8 designated enterprises of the board of trustees of Adams state ~~college~~
9 UNIVERSITY.

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

12 **23-5-101.7. Enterprise status of institutions of higher**
13 **education.** (1) As used in this section, unless the context otherwise
14 requires, "institution of higher education" or "institution" means the
15 Colorado state university - Pueblo, Adams state ~~college~~ UNIVERSITY,
16 Colorado Mesa university, Metropolitan state college of Denver, Fort
17 Lewis college, Western state college of Colorado, the university of
18 northern Colorado, Colorado school of mines, the university of Colorado,
19 Colorado state university, and all community colleges governed by the
20 state board for community colleges and occupational education.

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

23 **23-5-111.4. Tuition for members of the National Guard.**
24 (3) (a) For the purposes of this section, "designated institution of higher
25 education" means the Colorado state university - Pueblo, Adams state
26 ~~college~~ UNIVERSITY, Colorado Mesa university, Metropolitan state college
27 of Denver, Fort Lewis college, Western state college of Colorado, all

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

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

21 **23-5-117. Governing boards - delegation of personnel**
22 **power.** The governing board of any state-supported institution of higher
23 education may delegate all or part of its power over personnel matters,
24 including the power to hire or to fire employees exempt from the
25 personnel system, to the chief executive officer of the institution
26 governed by such board. The governing board may authorize the chief
27 executive officer to delegate to other officers of the institution any power

1 so delegated pursuant to this section. The governing board of each
2 state-supported institution of higher education, except the university of
3 Colorado, Colorado state university, the university of northern Colorado,
4 the Colorado school of mines, Fort Lewis college, Adams state college
5 UNIVERSITY, Colorado Mesa university, Western state college of
6 Colorado, or Metropolitan state college of Denver, after consultation with
7 faculty representatives chosen by the faculty, shall prepare, enact,
8 promulgate, administer, and maintain in place policies and practices
9 which afford due process procedures for those faculty members exempt
10 from the state personnel system who are terminated, including
11 terminations resulting from reductions in force.

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

14 **23-5-124. Student enrollment - prohibition - public peace and**
15 **order convictions.** (6) For purposes of this section, unless the context
16 otherwise requires:

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

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

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

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

1 subsection (4) on or before July 1, 2009.

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

4 **23-18-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

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

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

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

11 **23-74-102. Legislative declaration.** (1) The general assembly
12 hereby finds that:

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

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

19 **23-74-104. Council for excellence in health careers education**
20 **- creation - membership.** (2) The council shall consist of no more than
21 fifteen members as follows:

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

25 (5) Notwithstanding section 2-2-307, C.R.S., the council members
26 shall serve without compensation and without reimbursement for
27 expenses. The council may request staff assistance from Adams state

1 ~~college~~ UNIVERSITY and from Trinidad state junior college in meeting its
2 purposes.

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

5 **23-74-106. Council for excellence in health careers education**
6 **- reporting requirements.** On or before March 1, 2008, and on or before
7 March 1 each year thereafter, the council shall submit to the education
8 committees of the house of representatives and the senate, or any
9 successor committees, and to the Colorado commission on higher
10 education a report explaining the activities of the council and its progress
11 in meeting the purposes and addressing the issues specified in this article.
12 The council shall also make the reports available publicly through the
13 web sites for Adams state ~~college~~ UNIVERSITY and Trinidad state junior
14 college.

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

17 **23-74-107. Council for excellence in health careers education**
18 **- funding.** Adams state ~~college~~ UNIVERSITY and Trinidad state junior
19 college are authorized to seek and accept on behalf of the council gifts,
20 grants, and donations from private or public sources for the purposes of
21 this article, including gifts, grants, or donations that include stated
22 conditions of use; except that a gift, grant, or donation shall not be
23 accepted if the conditions attached to the gift, grant, or donation require
24 its expenditure in a manner contrary to law. Subject to approval of the
25 council, Adams state ~~college~~ UNIVERSITY and Trinidad state junior
26 college are further authorized to expend any gifts, grants, or donations
27 accepted pursuant to this section. The council shall include in the annual

1 report required in section 23-74-106 an accounting of any moneys
2 received pursuant to this section and how they were used.

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

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

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

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

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

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