

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 11-0639.01 Jane Ritter

SENATE BILL 11-265

SENATE SPONSORSHIP

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Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE NAME OF MESA STATE COLLEGE TO**
102 **COLORADO MESA 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 Mesa state college to Colorado Mesa 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.*

HOUSE
2nd Reading Unamended
May 5, 2011

SENATE
3rd Reading Unamended
May 2, 2011

SENATE
Amended 2nd Reading
April 29, 2011

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 hereby finds and declares that:

3 (a) Colorado's system of higher education is one of the most
4 efficient systems in the country;

5 (b) Appointed by the governor and confirmed by the senate, the
6 governing boards of institutions of higher education in Colorado have a
7 fiduciary responsibility to oversee the operation of colleges and
8 universities throughout the state;

9 (c) With declining resources available for higher education in
10 Colorado, institutions of higher education are expected to develop
11 creative and innovative solutions to remain competitive and maintain
12 access for students;

13 (d) When compared with peer institutions of higher education
14 throughout the United States, the overwhelming majority of regional
15 comprehensive institutions that are similar in size and scope to Mesa state
16 college are labeled as "universities";

17 (e) The natural maturation, expansion, growth, and evolution of
18 Mesa state college in Grand Junction, along with the goals of eliminating
19 confusion regarding the nature and offerings of the institution and
20 enhancing the geographic and reputational distinctiveness of its name,
21 warrant a name change for the institution;

22 (f) Changing the name of an institution steeped in tradition and
23 history requires deliberate outreach and engagement to develop support
24 and agreement among affected constituents;

25 (g) Mesa state college has conducted extensive outreach to its
26 constituent community, and its governing board has recommended that its
27 name be changed;

1 (h) Any resources required to change the names of the institution
2 will not be derived from state general funds allocated to the institution;
3 and

4 (i) Given the lack of alignment of the general assembly's schedule
5 and that of institutional recruiting cycles, failure to act on a name change
6 proposal in this legislative session could postpone name change
7 implementation by as much as two years.

8 **SECTION 2.** 23-53-101, Colorado Revised Statutes, is amended
9 to read:

10 **23-53-101. University established - role and mission.** There is
11 hereby established a ~~college~~ UNIVERSITY at Grand Junction, to be known
12 as ~~Mesa state college~~ COLORADO MESA UNIVERSITY, which shall be a
13 general baccalaureate and graduate institution with moderately selective
14 admission standards. ~~Mesa state college~~ COLORADO MESA UNIVERSITY
15 shall offer liberal arts and sciences, professional, and technical degree
16 programs and a limited number of graduate programs. ~~Mesa state college~~
17 COLORADO MESA UNIVERSITY shall also maintain a community college
18 role and mission, including career and technical education programs.
19 ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall receive resident
20 credit for two-year course offerings in its commission-approved service
21 area. ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall also serve
22 as a regional education provider.

23 **SECTION 3.** 23-53-102, Colorado Revised Statutes, is amended
24 to read:

25 **23-53-102. Board of trustees - creation - members - powers -**
26 **duties.** (1) (a) There is established the board of trustees for ~~Mesa state~~
27 ~~college~~ COLORADO MESA UNIVERSITY, referred to in this article as the

1 "board of trustees", which shall consist of eleven members and shall be
2 the governing authority for ~~Mesa state college~~ COLORADO MESA
3 UNIVERSITY. The board of trustees shall be, and is hereby declared to be,
4 a body corporate and, as such and by the names designated in this section,
5 may:

6 (I) Acquire and hold property for the use of ~~Mesa state college~~
7 COLORADO MESA UNIVERSITY;

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

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

15 (b) The board of trustees and its successors shall have perpetual
16 succession, shall have a seal, may make bylaws and regulations for the
17 well-ordering and governance of ~~Mesa state college~~ COLORADO MESA
18 UNIVERSITY, and may conduct the business of the ~~college~~ UNIVERSITY in
19 a manner not repugnant to the constitution and laws of this state. The
20 board of trustees shall elect from the appointed members a chairperson,
21 whose duties and responsibilities shall be prescribed in the duly adopted
22 bylaws of the board of trustees. The board of trustees shall also elect a
23 secretary and a treasurer, who may be members of the board and whose
24 duties and responsibilities shall be prescribed in the duly adopted bylaws
25 of the board of trustees. The staff of ~~Mesa state college~~ COLORADO MESA
26 UNIVERSITY shall provide staff support for the board of trustees.

27 (2) The governor shall appoint, effective July 1, 2003, with the

1 consent of the senate, nine members of the board of trustees. Members
2 appointed to the board of trustees shall have the authority to act on behalf
3 of the board of trustees prior to obtaining confirmation by the senate. The
4 members first appointed to said board shall take office on July 1, 2003.
5 Appointments of members to take office on July 1, 2003, shall be made
6 so that three members of the board have terms expiring on January 1,
7 2005, two members of the board have terms expiring on January 1, 2006,
8 two members of the board have terms expiring on January 1, 2007, and
9 two members of the board have terms expiring on January 1, 2008;
10 thereafter, the terms of the nine appointed members of the board of
11 trustees shall be four years. Notwithstanding any other provision of this
12 section, the term of each member serving on the board of trustees as of
13 May 26, 2006, shall be extended to expire on December 31 of the
14 calendar year in which the member's appointed term would otherwise
15 expire. Members appointed on or after January 1, 2007, shall serve terms
16 of up to four years, expiring on December 31 of the third calendar year
17 following the calendar year in which the member is appointed. For terms
18 ending on or after December 31, 2006, the governor shall appoint a
19 succeeding member on or before March 1 immediately following the
20 expiration of the term. Of the nine members appointed by the governor,
21 no more than five members shall be from the same political party. Of the
22 nine members appointed by the governor, at least two shall reside in
23 Delta, Garfield, Mesa, or Montrose county. Each trustee shall hold office
24 for the term for which the trustee has been appointed and until the
25 trustee's successor is appointed and confirmed by the senate.

26 (3) The tenth member of the board of trustees shall be a full-time
27 junior or senior student at ~~Mesa state college~~ COLORADO MESA

1 UNIVERSITY, elected by the members of the student body of ~~Mesa state~~
2 ~~college~~ COLORADO MESA UNIVERSITY. The term of the student member
3 shall be one year, beginning July 1, 2003, and beginning July 1 each year
4 thereafter. The student member shall be advisory, without the right to
5 vote and without the right to attend executive sessions of the board of
6 trustees, as provided by section 24-6-402, C.R.S. The student member
7 shall have resided in the state of Colorado for not less than three years
8 prior to the student's election.

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

16 (5) A vacancy of an appointed member of the board of trustees
17 shall be filled by appointment by the governor for the unexpired term. A
18 vacancy of either of the elected members of the board of trustees shall be
19 filled by election for the unexpired term. Each member of the board of
20 trustees shall take and subscribe to the oath of office prescribed by the
21 constitution of this state before entering upon the duties of the office,
22 which oath shall be placed and kept on file in the office of the secretary
23 of state.

24 (6) (a) Except as otherwise provided in this subsection (6), the
25 powers, duties, and functions formerly performed by the trustees of the
26 state colleges in Colorado with respect to Mesa state college are hereby
27 transferred to the board of trustees. Policies, resolutions, procedures, and

1 agreements previously approved by the trustees of the state colleges in
2 Colorado and applicable to Mesa state college shall remain in force and
3 effect unless and until changed by the board of trustees.

4 (b) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (6), THE
5 POWERS, DUTIES, AND FUNCTIONS FORMERLY PERFORMED BY THE BOARD
6 OF TRUSTEES OF MESA STATE COLLEGE ARE HEREBY TRANSFERRED TO THE
7 BOARD OF TRUSTEES OF COLORADO MESA UNIVERSITY. POLICIES,
8 RESOLUTIONS, PROCEDURES, AND AGREEMENTS PREVIOUSLY APPROVED BY
9 THE BOARD OF TRUSTEES OF MESA STATE COLLEGE SHALL REMAIN IN
10 FORCE AND EFFECT UNLESS AND UNTIL CHANGED BY THE BOARD OF
11 TRUSTEES OF COLORADO MESA UNIVERSITY.

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

14 (a) Appoint a president of ~~Mesa state college~~ COLORADO MESA
15 UNIVERSITY;

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

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

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

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

23 (f) Prescribe the student admissions qualifications.

24 **SECTION 4.** 23-53-102.5 (1), Colorado Revised Statutes, is
25 amended to read:

26 **23-53-102.5. Tuition - repeal.** (1) For fiscal years 2011-12
27 through 2015-16, the board of trustees, in accordance with section

1 23-5-130.5, shall annually set the amount of tuition to be paid by students
2 with in-state classification and by nonresident students who enroll in and
3 attend ~~Mesa state college~~ COLORADO MESA UNIVERSITY.

4 **SECTION 5.** 23-53-103 (1), (2), and (4), Colorado Revised
5 Statutes, are amended, and the said 23-53-103 is further amended BY
6 THE ADDITION OF A NEW SUBSECTION, to read:

7 **23-53-103. Board of trustees for the Colorado Mesa university**
8 **fund - creation - control - use - repeal.** (1) There is created in the state
9 treasury the board of trustees for ~~Mesa state college~~ COLORADO MESA
10 UNIVERSITY fund, referred to in this section as the "fund", which shall be
11 under the control of and administered by the board of trustees in
12 accordance with the provisions of this article. The board of trustees shall
13 have authority and responsibility for all moneys of the board of trustees
14 and of ~~Mesa state college~~ COLORADO MESA UNIVERSITY. The board of
15 trustees shall designate, pursuant to its statutory authority, those moneys
16 received or acquired by the board of trustees or by ~~Mesa state college~~
17 COLORADO MESA UNIVERSITY, whether received by appropriation, grant,
18 contract, or gift or by sale or lease of surplus real or personal property or
19 by any other means, whose disposition is not otherwise provided for by
20 law, that shall be credited to the fund. All interest and income derived
21 from the deposit and investment of moneys in the fund shall be credited
22 to the fund. The moneys in the fund are hereby continuously appropriated
23 to the board of trustees and shall remain in the fund under the control of
24 the board of trustees and shall not be transferred or revert to the general
25 fund of the state at the end of a fiscal year.

26 (2) The moneys in the fund shall remain under the control of the
27 board of trustees and shall be used for the payment of salaries and

1 operating expenses of the board of trustees and of ~~Mesa state college~~
2 COLORADO MESA UNIVERSITY and for the payment of any other expenses
3 incurred by the board of trustees in carrying out its powers and duties.

4 (4) If the board of trustees votes to invest ~~Mesa state college's~~
5 COLORADO MESA UNIVERSITY assets pursuant to sections 23-53-103.3
6 and 23-53-103.4, the board shall establish an investment advisory
7 committee consisting of at least five members to make recommendations
8 to the board regarding investments. The investment advisory committee,
9 at a minimum, shall include the ~~Mesa state college~~ COLORADO MESA
10 UNIVERSITY treasurer, a member of the board, and three representatives
11 from the financial community.

12 (5) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS
13 REMAINING IN THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE FUND
14 AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (5) SHALL BE
15 TRANSFERRED TO THE COLORADO MESA UNIVERSITY FUND.

16 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2012.

17 **SECTION 6.** 23-53-103.4 (1) (b), Colorado Revised Statutes, is
18 amended to read:

19 **23-53-103.4. Corporate stock in name of nominee authorized.**

20 (1) In order to facilitate the investment, reinvestment, sale, and
21 disposition of corporate stocks, the board of trustees is authorized to hold
22 certificates of stock in the name of a nominee of its selection without
23 disclosing the fact that the certificates are held by the board of trustees or
24 are held in a fiduciary capacity if:

25 (b) The nominee deposits with the board a signed statement
26 showing the trust ownership, endorses the stock certificate in blank, and
27 does not have possession of or access to the stock certificate except under

1 the immediate supervision of the treasurer of ~~Mesa state college~~
2 COLORADO MESA UNIVERSITY or another person that the board of trustees
3 has designated.

4 **SECTION 7.** The introductory portion to 23-53-103.6 (1) and
5 23-53-103.6 (1) (a), (3), and (5), Colorado Revised Statutes, are amended
6 to read:

7 **23-53-103.6. Investment policy - fiduciary responsibility.**

8 (1) If the board of trustees votes to invest ~~Mesa state college's~~
9 COLORADO MESA UNIVERSITY'S assets pursuant to sections 23-53-103.3
10 and 23-53-103.4, then the board of trustees shall develop and annually
11 review a written investment policy for ~~Mesa state college~~ COLORADO
12 MESA UNIVERSITY, which policy shall include:

13 (a) An acknowledgment by the board of trustees of the board's
14 fiduciary responsibility with respect to oversight of the investment policy
15 of ~~Mesa state college~~ COLORADO MESA UNIVERSITY; and

16 (3) If the board of trustees votes to invest moneys pursuant to
17 sections 23-53-103.3 and 23-53-103.4, the board shall require annual
18 financial statements to be submitted to the board of trustees, the state
19 treasurer, the state auditor, and the joint budget committee of the general
20 assembly. The financial statements shall include, at a minimum,
21 information concerning investment income, gains, and losses, if any, of
22 ~~Mesa state college~~ COLORADO MESA UNIVERSITY. The financial
23 statements shall report the performance of investments on both a
24 gross-of-fee and a net-of-fee basis.

25 (5) ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall not
26 request from the general assembly any general fund appropriations to
27 replace any losses incurred due to investment activities conducted by the

1 board of trustees pursuant to sections 23-53-103.3 and 23-53-103.4.

2 **SECTION 8.** 23-53-104, Colorado Revised Statutes, is amended
3 to read:

4 **23-53-104. Board of trustees for Colorado Mesa university to**
5 **supervise.** The board of trustees shall have general supervision of ~~Mesa~~
6 ~~state college~~ COLORADO MESA UNIVERSITY and the control and direction
7 of the funds and appropriations made thereto, and the board of trustees
8 shall have power to receive, demand, and hold for the uses and purposes
9 of the ~~college~~ UNIVERSITY all money, lands, and other property which
10 may be donated, devised, or conveyed thereto and to apply the same in
11 such manner as shall best serve the UNIVERSITY'S objects and interests. ~~of~~
12 ~~the college.~~

13 **SECTION 9.** 23-53-105, Colorado Revised Statutes, is amended
14 to read:

15 **23-53-105. Power to acquire land.** The board of trustees shall
16 also have power to take and hold, by gift, devise, or purchase or through
17 exercise of the power of eminent domain pursuant to law, so much
18 additional land as may become necessary for the location and construction
19 of such additional buildings, structures, and other facilities as may be
20 required for the uses and purposes of ~~Mesa state college~~ COLORADO
21 MESA UNIVERSITY from funds appropriated by the general assembly.

22 **SECTION 10.** 23-53-106, Colorado Revised Statutes, is amended
23 to read:

24 **23-53-106. Board of trustees empowered to lease grounds.** For
25 the purpose of providing dormitories, living and dining halls, or cottages
26 and equipment for the use of ~~Mesa state college~~ COLORADO MESA
27 UNIVERSITY, and to enable the construction, financing, and ultimate

1 acquisition thereof, and to aid in improving undeveloped portions of the
2 grounds of ~~Mesa state college~~ COLORADO MESA UNIVERSITY, the board
3 of trustees is empowered to lease grounds under its control to private
4 persons or corporations for a term not exceeding fifty years, subject to
5 regulations as the board may prescribe and upon the condition that private
6 persons or corporations shall construct and equip on the leased grounds
7 buildings or improvements as the board of trustees designates or
8 approves, reimbursement for money invested therein to be secured from
9 the rentals of the buildings or from their sale to the board of trustees
10 acting for the state.

11 **SECTION 11.** 23-53-107, Colorado Revised Statutes, is amended
12 to read:

13 **23-53-107. No authority to obligate state.** Nothing in this article
14 shall constitute authority to enter into a contract which in any way creates
15 any debt or obligation upon the state on account of the construction of
16 buildings or improvements; but buildings and improvements erected on
17 lands under the control of the board of trustees and devoted to the uses of
18 ~~Mesa state college~~ COLORADO MESA UNIVERSITY under the terms of this
19 article and the leasehold interest shall be exempt from taxation so far as
20 permitted by the state constitution.

21 **SECTION 12.** 12-47.1-701.5 (4) (a), Colorado Revised Statutes,
22 is amended to read:

23 **12-47.1-701.5. Revenues attributable to local revisions to**
24 **gaming limits - extended limited gaming fund - identification -**
25 **separate administration - distribution - definitions. (4) Definitions.**

26 As used in this section:

27 (a) "Colleges that were operating on and after January 1, 2008"

1 means: Aims community college, Arapahoe community college,
2 Colorado mountain college, Colorado Northwestern community college,
3 the community college of Aurora, the community college of Denver,
4 Front Range community college, Lamar community college, Morgan
5 community college, Northeastern junior college, Otero junior college,
6 Pikes Peak community college, Pueblo community college, Red Rocks
7 community college, Trinidad state junior college, the two-year role and
8 mission of ~~Mesa state college~~ COLORADO MESA UNIVERSITY, currently
9 referred to as western Colorado community college division of ~~Mesa state~~
10 ~~college~~ COLORADO MESA UNIVERSITY, the two-year academic role and
11 mission of Adams state college, and the state board for community
12 colleges and occupational education, for so long as each such college or
13 board continues operating.

14 **SECTION 13.** 23-1-108 (7) (g) (II) (G), Colorado Revised
15 Statutes, is amended to read:

16 **23-1-108. Duties and powers of the commission with regard to**
17 **systemwide planning.** (7) (g) As used in this subsection (7), unless the
18 context otherwise requires:

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

21 (G) The board of trustees of ~~Mesa state college~~ COLORADO MESA
22 UNIVERSITY;

23 **SECTION 14.** 23-1-109 (3), Colorado Revised Statutes, is
24 amended to read:

25 **23-1-109. Duties and powers of the commission with regard to**
26 **off-campus instruction.** (3) The general assembly declares its intent
27 that all instruction at two-year institutions, including the first two years

1 of instruction at Adams state college and ~~Mesa state college~~ COLORADO
2 MESA UNIVERSITY, shall be funded throughout the institutions'
3 commission-approved service area on the same basis as on-campus
4 instruction.

5 **SECTION 15.** 23-1-113.3 (2) (a), the introductory portion to
6 23-1-113.3 (3), and 23-1-113.3 (5.5), Colorado Revised Statutes, are
7 amended to read:

8 **23-1-113.3. Commission directive - basic skills courses.**

9 (2) (a) Adams state college, ~~Mesa state college~~ COLORADO MESA
10 UNIVERSITY, any local community college, and any community college
11 governed by the state board for community colleges and occupational
12 education may offer basic skills courses, as defined in section 23-1-113
13 (1) (b) (II) (A.7), and receive stipend payments from the state on behalf
14 of eligible undergraduate students, as defined in section 23-18-102 (5),
15 enrolled in basic skills courses.

16 (3) The state board for community colleges and occupational
17 education, local community colleges, Adams state college, and ~~Mesa state~~
18 ~~college~~ COLORADO MESA UNIVERSITY shall:

19 (5.5) As soon as practicable after a community college, Adams
20 state college, ~~Mesa state college~~ COLORADO MESA UNIVERSITY, or any
21 other state institution of higher education that provides basic skills
22 courses begins using the unique student identifiers as required in section
23 23-5-127 (4), the institution and the department shall report the
24 information specified in subsections (3) and (4) of this section on an
25 individual student basis, using each student's unique student identifier.

26 **SECTION 16.** 23-1-113.5 (2) (c) and (2) (d), Colorado Revised
27 Statutes, are amended to read:

1 **23-1-113.5. Commission directive - resident admissions.**
2 (2) (c) After one hundred percent of all qualified Colorado applicants
3 have been accepted by Adams state college, ~~Mesa state college~~
4 COLORADO MESA UNIVERSITY, and Western state college of Colorado, the
5 provisions of subsection (1) of this section regarding the fraction of
6 students who are in-state students shall cease to apply to said three
7 ~~colleges~~ STATE INSTITUTIONS OF HIGHER EDUCATION.

8 (d) After one hundred percent of all qualified Colorado applicants
9 have been accepted by Adams state college, Fort Lewis college, ~~Mesa~~
10 ~~state college~~ COLORADO MESA UNIVERSITY, and Western state college of
11 Colorado, the provisions of subsection (1) of this section regarding the
12 fraction of students who are in-state students shall cease to apply to said
13 four ~~colleges~~ STATE INSTITUTIONS OF HIGHER EDUCATION.

14 **SECTION 17.** 23-1-127 (1) (a), (1) (b), and (3), Colorado
15 Revised Statutes, are amended to read:

16 **23-1-127. Commission directive - regional education providers**

17 **- criteria.** (1) The general assembly finds, determines, and declares that:

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

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

1 those needs.

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

6 **SECTION 18.** The introductory portion to 23-5-101.5 (4) (h) and
7 23-5-101.5 (6) (b), Colorado Revised Statutes, are amended to read:

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

11 (h) ~~Mesa state college~~ COLORADO MESA UNIVERSITY:

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

14 (b) Any auxiliary facilities of ~~Mesa state college~~ COLORADO
15 MESA UNIVERSITY THAT WERE PART OF MESA STATE COLLEGE that were
16 a part of any state colleges enterprise pursuant to paragraph (g) of
17 subsection (4) of this section in existence prior to the establishment of the
18 board of trustees of ~~Mesa state college~~ COLORADO MESA UNIVERSITY in
19 section 23-53-102 shall, as they relate to ~~Mesa state college~~ COLORADO
20 MESA UNIVERSITY, be designated enterprises of the board of trustees of
21 ~~Mesa state college~~ COLORADO MESA UNIVERSITY.

22 **SECTION 19.** 23-5-101.7 (1), Colorado Revised Statutes, is
23 amended to read:

24 **23-5-101.7. Enterprise status of institutions of higher**
25 **education.** (1) As used in this section, unless the context otherwise
26 requires, "institution of higher education" or "institution" means the
27 Colorado state university - Pueblo, Adams state college, ~~Mesa state~~

1 ~~college~~ COLORADO MESA UNIVERSITY, Metropolitan state college of
2 Denver, Fort Lewis college, Western state college of Colorado, the
3 university of northern Colorado, Colorado school of mines, the university
4 of Colorado, Colorado state university, and all community colleges
5 governed by the state board for community colleges and occupational
6 education.

7 **SECTION 20.** 23-5-111.4 (3) (a), Colorado Revised Statutes, is
8 amended to read:

9 **23-5-111.4. Tuition for members of the National Guard.**

10 (3) (a) For the purposes of this section, "designated institution of higher
11 education" means the Colorado state university - Pueblo, Adams state
12 college, ~~Mesa state college~~ COLORADO MESA UNIVERSITY, Metropolitan
13 state college of Denver, Fort Lewis college, Western state college of
14 Colorado, all independent area vocational schools, all local district
15 colleges, the university of northern Colorado, the university of Colorado
16 at Boulder, the university of Colorado at Denver, the university of
17 Colorado at Colorado Springs, Colorado state university, the Colorado
18 school of mines, the university of Colorado health sciences center, all
19 community colleges governed by the state board for community colleges
20 and occupational education, and any private institution of higher
21 education in Colorado that qualifies for the college opportunity fund
22 pursuant to article 18 of this title and that offers an accredited certificate
23 or degree program in homeland security. For a member of the Colorado
24 National Guard enrolled in a private institution of higher education,
25 tuition assistance shall be limited to the completion of the accredited
26 certificate or degree program in homeland security and shall be provided
27 at the discretion of the adjutant general of the department of military and

1 veterans affairs. The tuition benefit to members of the Colorado National
2 Guard under this subsection (3) for an accredited certificate or degree
3 program in homeland security shall not exceed the moneys appropriated
4 annually to the Colorado National Guard pursuant to section 23-3.3-202.

5 **SECTION 21.** 23-5-117, Colorado Revised Statutes, is amended
6 to read:

7 **23-5-117. Governing boards - delegation of personnel power.**

8 The governing board of any state-supported institution of higher
9 education may delegate all or part of its power over personnel matters,
10 including the power to hire or to fire employees exempt from the
11 personnel system, to the chief executive officer of the institution
12 governed by such board. The governing board may expressly authorize
13 the chief executive officer to delegate to other officers of the institution
14 specified by the board any power so delegated pursuant to this section.

15 The governing board of each state-supported institution of higher
16 education, except the university of Colorado, Colorado state university,
17 the university of northern Colorado, the Colorado school of mines,
18 Adams state college, ~~Mesa state college~~ COLORADO MESA UNIVERSITY,
19 Western state college of Colorado, or Metropolitan state college of
20 Denver, after consultation with faculty representatives chosen by the
21 faculty, shall prepare, enact, promulgate, administer, and maintain in
22 place policies and practices which afford due process procedures for
23 those faculty members exempt from the state personnel system who are
24 terminated, including terminations resulting from reductions in force.

25 **SECTION 22.** 23-5-124 (6) (c) (IX), Colorado Revised Statutes,
26 is amended to read:

27 **23-5-124. Student enrollment - prohibition - public peace and**

1 **order convictions.** (6) For purposes of this section, unless the context
2 otherwise requires:

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

5 (IX) The board of trustees for ~~Mesa state college~~ COLORADO
6 MESA UNIVERSITY;

7 **SECTION 23.** 23-5-127 (4) (b), Colorado Revised Statutes, is
8 amended to read:

9 **23-5-127. Unique student identifying number - social security**
10 **number - prohibition.** (4) (b) Adams state college, ~~Mesa state college~~
11 COLORADO MESA UNIVERSITY, Western state college, and Metropolitan
12 state college OF DENVER shall implement the provisions of paragraph (a)
13 of this subsection (4) on or before July 1, 2008. All other postsecondary
14 institutions shall implement the provisions of paragraph (a) of this
15 subsection (4) on or before July 1, 2009.

16 **SECTION 24.** 23-18-102 (10) (a) (VII), Colorado Revised
17 Statutes, is amended to read:

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

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

22 (VII) The board of trustees of ~~Mesa state college~~ COLORADO
23 MESA UNIVERSITY;

24 **SECTION 25.** 24-1-114 (4) (i), Colorado Revised Statutes, is
25 amended to read:

26 **24-1-114. Department of higher education - creation.** (4) For
27 the purposes of section 22 of article IV of the state constitution, the

1 following are allocated to the department of higher education but shall
2 otherwise continue to be administered as provided by law:

3 (i) The board of trustees for ~~Mesa state college~~ COLORADO MESA
4 UNIVERSITY, created by article 53 of title 23, C.R.S.;

5 **SECTION 26.** 38-2-105, Colorado Revised Statutes, is amended
6 to read:

7 **38-2-105. Higher education governing boards have right of**
8 **eminent domain.** The regents of the university of Colorado, the board
9 of governors of the Colorado state university system for Colorado state
10 university and Colorado state university - Pueblo, the board of trustees for
11 Fort Lewis college, the board of trustees of the Colorado school of mines,
12 the board of trustees for the university of northern Colorado, the board of
13 trustees for Adams state college, the board of trustees for ~~Mesa state~~
14 ~~college~~ COLORADO MESA UNIVERSITY, the board of trustees for Western
15 state college of Colorado, and the board of trustees for Metropolitan state
16 college of Denver have the power to acquire real property, which they
17 may deem necessary, by the exercise of eminent domain through
18 condemnation proceedings in accordance with law.

19 **SECTION 27. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part shall not take effect
26 unless approved by the people at the general election to be held in

1 November 2012 and shall take effect on the date of the official
2 declaration of the vote thereon by the governor.