

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 11-265

BY SENATOR(S) Johnston and King S., Schwartz, Foster;  
also REPRESENTATIVE(S) Duran and Scott, Fields, Gerou, Hamner,  
Holbert, Kerr J., Labuda, Murray, Pace, Ramirez, Schafer S., Stephens,  
Summers, Todd, Vigil, Waller, Wilson.

CONCERNING CHANGING THE NAME OF MESA STATE COLLEGE TO COLORADO  
MESA UNIVERSITY.

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

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

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

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

(c) With declining resources available for higher education in Colorado, institutions of higher education are expected to develop creative

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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.*

and innovative solutions to remain competitive and maintain access for students;

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

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

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

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

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

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

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

**23-53-101. University established - role and mission.** There is hereby established a ~~college~~ UNIVERSITY at Grand Junction, to be known as ~~Mesa state college~~ COLORADO MESA UNIVERSITY, which shall be a general baccalaureate and graduate institution with moderately selective admission standards. ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall offer liberal arts and sciences, professional, and technical degree programs and a limited number of graduate programs. ~~Mesa state college~~ COLORADO

MESA UNIVERSITY shall also maintain a community college role and mission, including career and technical education programs. ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall receive resident credit for two-year course offerings in its commission-approved service area. ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall also serve as a regional education provider.

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

**23-53-102. Board of trustees - creation - members - powers - duties.** (1) (a) There is established the board of trustees for ~~Mesa state college~~ COLORADO MESA UNIVERSITY, referred to in this article as the "board of trustees", which shall consist of eleven members and shall be the governing authority for ~~Mesa state college~~ COLORADO MESA UNIVERSITY. The board of trustees shall be, and is hereby declared to be, a body corporate and, as such and by the names designated in this section, may:

(I) Acquire and hold property for the use of ~~Mesa state college~~ COLORADO MESA 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 ~~Mesa state college~~ COLORADO MESA 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 ~~Mesa state college~~ COLORADO MESA 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 may be 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 ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall provide staff support for the board of trustees.

(2) The governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to said board shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007, and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. Notwithstanding any other provision of this section, the term of each member serving on the board of trustees 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. Of the nine members appointed by the governor, no more than five members shall be from the same political party. Of the nine members appointed by the governor, at least two shall reside in Delta, Garfield, Mesa, or Montrose county. Each trustee shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and confirmed by the senate.

(3) The tenth member of the board of trustees shall be a full-time junior or senior student at ~~Mesa state college~~ COLORADO MESA UNIVERSITY, elected by the members of the student body of ~~Mesa state college~~ COLORADO MESA 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 ~~Mesa state college~~ COLORADO MESA 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.

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

(6) (a) 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 Mesa state college are hereby transferred to the board of trustees. Policies, resolutions, procedures, and agreements previously approved by the trustees of the state colleges in Colorado and applicable to Mesa state college shall remain in force and effect unless and until changed by the board of trustees.

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

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

(a) Appoint a president of ~~Mesa state college~~ COLORADO MESA 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 4.** 23-53-102.5 (1), Colorado Revised Statutes, is amended to read:

**23-53-102.5. 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 ~~Mesa state college~~ COLORADO MESA UNIVERSITY.

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

**23-53-103. Board of trustees for the Colorado Mesa university fund - creation - control - use - repeal.** (1) There is created in the state treasury the board of trustees for ~~Mesa state college~~ COLORADO MESA 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. The board of trustees shall have authority and responsibility for all moneys of the board of trustees and of ~~Mesa state college~~ COLORADO MESA UNIVERSITY. The board of trustees shall designate, pursuant to its statutory authority, those moneys received or acquired by the board of trustees or by ~~Mesa state college~~ COLORADO MESA UNIVERSITY, 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, that shall be credited to the fund. 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 under the control of the board of trustees 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 ~~Mesa state college~~ COLORADO MESA UNIVERSITY and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

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

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

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

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

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

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

(b) The nominee deposits with the board a signed statement showing the trust ownership, endorses the stock certificate in blank, and does not have possession of or access to the stock certificate except under the immediate supervision of the treasurer of ~~Mesa state college~~ COLORADO MESA UNIVERSITY or another person that the board of trustees has

designated.

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

**23-53-103.6. Investment policy - fiduciary responsibility.** (1) If the board of trustees votes to invest ~~Mesa state college's~~ COLORADO MESA UNIVERSITY'S assets pursuant to sections 23-53-103.3 and 23-53-103.4, then the board of trustees shall develop and annually review a written investment policy for ~~Mesa state college~~ COLORADO MESA UNIVERSITY, which policy shall include:

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

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

(5) ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall not request from the general assembly any general fund appropriations to replace any losses incurred due to investment activities conducted by the board of trustees pursuant to sections 23-53-103.3 and 23-53-103.4.

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

**23-53-104. Board of trustees for Colorado Mesa university to supervise.** The board of trustees shall have general supervision of ~~Mesa state college~~ COLORADO MESA UNIVERSITY and the control and direction of the funds and appropriations made thereto, and the board of trustees shall have power to receive, demand, and hold for the uses and purposes of the



~~college~~ UNIVERSITY all money, lands, and other property which may be donated, devised, or conveyed thereto and to apply the same in such manner as shall best serve the UNIVERSITY'S objects and interests. ~~of the college.~~

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

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

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

**23-53-106. Board of trustees empowered to lease grounds.** For the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of ~~Mesa state college~~ COLORADO MESA UNIVERSITY, and to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of ~~Mesa state college~~ COLORADO MESA 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, subject to regulations as the board 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, reimbursement for money invested therein to be secured from the rentals of the buildings or from their sale to the board of trustees acting for the state.

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

**23-53-107. No authority to obligate state.** Nothing in this article shall constitute authority to enter into a contract which in any way creates any debt or obligation upon the state on account of the construction of buildings or improvements; but buildings and improvements erected on lands under the control of the board of trustees and devoted to the uses of

~~Mesa state college~~ COLORADO MESA 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 12.** 12-47.1-701.5 (4) (a), Colorado Revised Statutes, is amended to read:

**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 ~~Mesa state college~~ COLORADO MESA UNIVERSITY, currently referred to as western Colorado community college division of ~~Mesa state college~~ COLORADO MESA UNIVERSITY, the two-year academic role and mission of Adams state college, and the state board for community colleges and occupational education, for so long as each such college or board continues operating.

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

**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:

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

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

to read:

**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 and ~~Mesa state college~~ COLORADO MESA UNIVERSITY, shall be funded throughout the institutions' commission-approved service area on the same basis as on-campus instruction.

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

**23-1-113.3. Commission directive - basic skills courses.** (2) (a) Adams state college, ~~Mesa state college~~ 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, and ~~Mesa state college~~ COLORADO MESA UNIVERSITY shall:

(5.5) As soon as practicable after a community college, Adams state college, ~~Mesa state college~~ 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 16.** 23-1-113.5 (2) (c) and (2) (d), Colorado Revised Statutes, are amended to read:

**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, ~~Mesa state 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 three ~~colleges~~ STATE INSTITUTIONS OF HIGHER EDUCATION.

(d) After one hundred percent of all qualified Colorado applicants have been accepted by Adams state college, Fort Lewis college, ~~Mesa state 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 ~~colleges~~ STATE INSTITUTIONS OF HIGHER EDUCATION.

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

**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, ~~Mesa state college~~ COLORADO MESA UNIVERSITY, and Western state college of Colorado; and

(b) As regional education providers, Adams state college, ~~Mesa state college~~ 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, ~~Mesa state college~~ COLORADO MESA UNIVERSITY, and Western state college of Colorado, establish the criteria for designation as a regional education provider.

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

**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:

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

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

(b) Any auxiliary facilities of ~~Mesa state college~~ COLORADO MESA UNIVERSITY THAT WERE PART OF MESA STATE COLLEGE 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 ~~Mesa state college~~ COLORADO MESA UNIVERSITY in section 23-53-102 shall, as they relate to ~~Mesa state college~~ COLORADO MESA UNIVERSITY, be designated enterprises of the board of trustees of ~~Mesa state college~~ COLORADO MESA UNIVERSITY.

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

**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, ~~Mesa state college~~ 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 20.** 23-5-111.4 (3) (a), Colorado Revised Statutes, is amended to read:

**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, ~~Mesa state college~~ 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 21.** 23-5-117, Colorado Revised Statutes, is amended to read:

**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 expressly authorize the chief executive officer to delegate to other officers of the institution specified by the board 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, Adams state college, ~~Mesa state college~~ 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 22.** 23-5-124 (6) (c) (IX), Colorado Revised Statutes, is

amended to read:

**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:

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

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

**23-5-127. Unique student identifying number - social security number - prohibition.** (4) (b) Adams state college, ~~Mesa state college~~ 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 24.** 23-18-102 (10) (a) (VII), Colorado Revised Statutes, is amended to read:

**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:

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

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

**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:

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

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

**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, the board of trustees for ~~Mesa state college~~ 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 27. Act subject to petition - effective date.** This act shall take 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 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless



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

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO