

CHAPTER 303

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 02-1419

BY REPRESENTATIVE(S) Larson, Alexander, Berry, Boyd, Cloer, Coleman, Groff, Lawrence, Marshall, Romanoff, Smith, Spence, Williams S., and Williams T.;
also SENATOR(S) Isgar and Fitz-Gerald.

AN ACT**CONCERNING FORT LEWIS COLLEGE.**

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

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

(a) Fort Lewis college has a unique history that extends from military post to Indian school, rural high school, junior college, and liberal arts college. Fort Lewis college is the only college in Colorado that is a member of the national Council of Public Liberal Arts Colleges.

(b) Fort Lewis college is a valuable state asset that is a critical educational, cultural, and economic foundation for southwest Colorado;

(c) Fort Lewis college has a historic commitment to Native American education;
and

(d) The center of southwest studies provides a valuable regional, national, and international resource that compliments the Native American commitment of Fort Lewis college.

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

(a) Fort Lewis college had its beginnings on land originally set aside by the federal government as an Indian school;

(b) A sizeable Native American student population on the campus of Fort Lewis

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

college is desirable;

(c) The state will continue and improve the outstanding Indian education program now in existence at Fort Lewis college;

(d) Although part 1 of article 52 of title 23, Colorado Revised Statutes, is intended to establish the obligation of the state of Colorado in this regard, the state intends to pursue all other possible sources of funding for program development and student aid for the Indian education program.

SECTION 2. 23-52-101, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-52-101. College established - role and mission - governance. (1) THERE IS HEREBY ESTABLISHED A COLLEGE AT DURANGO, TO BE KNOWN AS FORT LEWIS COLLEGE, WHICH SHALL BE A PUBLIC LIBERAL ARTS COLLEGE, WITH MODERATELY SELECTIVE ADMISSION STANDARDS WITH A HISTORIC AND CONTINUING COMMITMENT TO NATIVE AMERICAN EDUCATION. IN ADDITION, THE COLLEGE MAY OFFER PROFESSIONAL PROGRAMS AND A LIMITED NUMBER OF GRADUATE PROGRAMS TO SERVE REGIONAL NEEDS. THE CENTER OF SOUTHWEST STUDIES PROVIDES A VALUABLE REGIONAL, NATIONAL, AND INTERNATIONAL RESOURCE.

(2) (a) FORT LEWIS COLLEGE SHALL BE A REGIONAL EDUCATION PROVIDER AND SHALL HAVE TWO-YEAR AUTHORITY WHICH SHALL BE UTILIZED IN COLLABORATION WITH A COMMUNITY COLLEGE AND ANY AREA VOCATIONAL SCHOOL.

(b) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL, IN CONSULTATION WITH THE BOARD OF TRUSTEES OF FORT LEWIS COLLEGE, ESTABLISH THE CRITERIA FOR DESIGNATION AS A REGIONAL EDUCATION PROVIDER.

SECTION 3. 23-52-102, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-52-102. Board of trustees - creation - members - powers - duties - repeal.

(1) (a) EFFECTIVE JULY 1, 2002, THERE IS ESTABLISHED THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, REFERRED TO IN THIS ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF NINE MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR FORT LEWIS COLLEGE. 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 FORT LEWIS COLLEGE;

(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 FORT LEWIS COLLEGE SUCH MONEY, LANDS, OR OTHER PROPERTY AS MAY BE DONATED OR DEVEISED TO OR FOR THE COLLEGE.

(b) THE BOARD OF TRUSTEES AND THEIR SUCCESSORS SHALL HAVE PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF FORT LEWIS COLLEGE, AND MAY CONDUCT THE BUSINESS OF SAID COLLEGE 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, A SECRETARY, AND A TREASURER, WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE STAFF OF FORT LEWIS COLLEGE SHALL PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

(2) THE GOVERNOR SHALL APPOINT, ON OR BEFORE AUGUST 1, 2002, WITH THE CONSENT OF THE SENATE, SEVEN 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 OR BEFORE AUGUST 1, 2002. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON OR BEFORE AUGUST 1, 2002, SHALL BE MADE SO THAT TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2004, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2005, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2006, AND ONE MEMBER OF THE BOARD HAS A TERM EXPIRING ON JANUARY 1, 2007; THEREAFTER, THE TERMS OF SAID SEVEN MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FOUR YEARS. OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN FOUR SHALL BE FROM ANY ONE POLITICAL PARTY AND NO MORE OR LESS THAN TWO SHALL BE RESIDENTS OF SOUTHWESTERN COLORADO. THE BOARD MEMBERS FROM SOUTHWESTERN COLORADO SHALL RESIDE IN ARCHULETA, DOLORES, LA PLATA, MONTEZUMA, OR SAN JUAN COUNTY.

(3) THE EIGHTH OFFICE SHALL BE FILLED BY AN ELECTED MEMBER OF THE STUDENT BODY OF FORT LEWIS COLLEGE WHO IS A FULL-TIME JUNIOR OR SENIOR STUDENT AT FORT LEWIS COLLEGE. THE TERM OF SAID ELECTED OFFICE SHALL BE ONE YEAR, BEGINNING AUGUST 1, 2002, AND BEGINNING AUGUST 1 EACH YEAR THEREAFTER. THE ELECTED STUDENT OFFICE SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE.

(4) THE NINTH OFFICE SHALL BE FILLED BY AN ELECTED MEMBER OF THE FACULTY AT LARGE OF FORT LEWIS COLLEGE ELECTED BY OTHER MEMBERS OF THE FACULTY AT LARGE FOR A TERM OF TWO YEARS, BEGINNING AUGUST 1, 2002, AND BEGINNING AUGUST 1 EACH YEAR THEREAFTER. THE ELECTED FACULTY OFFICE SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE.

(5) ANY VACANCY IN THE OFFICE OF AN APPOINTED MEMBER OF THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM. ANY VACANCY IN EITHER OF THE ELECTED OFFICES ON THE BOARD OF TRUSTEES SHALL BE FILLED BY REELECTION FOR THE UNEXPIRED TERM. EACH TRUSTEE 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) THE BOARD OF TRUSTEES INITIALLY APPOINTED PURSUANT TO THIS SECTION SHALL TAKE ALL NECESSARY ACTION TO IMPLEMENT THE TRANSFERS CONTEMPLATED

AND ASSUME ALL LIABILITY AND OBLIGATIONS UNDER THIS ARTICLE NO LATER THAN SEPTEMBER 1, 2002.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2003.

(7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (7), THE POWERS, DUTIES, AND FUNCTIONS FORMERLY PERFORMED BY THE STATE BOARD OF AGRICULTURE WITH RESPECT TO FORT LEWIS COLLEGE ARE HEREBY TRANSFERRED TO THE BOARD OF TRUSTEES. POLICIES, RESOLUTIONS, PROCEDURES, AND AGREEMENTS PREVIOUSLY APPROVED BY THE STATE BOARD OF AGRICULTURE AND APPLICABLE TO FORT LEWIS COLLEGE SHALL REMAIN IN FORCE AND EFFECT UNLESS AND UNTIL CHANGED BY THE BOARD OF TRUSTEES.

(8) (a) FORT LEWIS COLLEGE SHALL NOT FINALIZE REVISIONS TO ITS FACULTY HANDBOOK UNTIL THE BOARD OF TRUSTEES HAS HAD AN OPPORTUNITY TO CONSIDER AND ACT ON THE PROPOSED REVISIONS TO THE FACULTY HANDBOOK.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 4. 23-52-103, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-52-103. Board of trustees for Fort Lewis college fund - creation - control - use. (1) EFFECTIVE SEPTEMBER 1, 2002, THERE IS CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY FORT LEWIS COLLEGE SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF SURPLUS REAL OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY 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 FORT LEWIS COLLEGE AND FOR THE PAYMENT OF ANY OTHER EXPENSES INCURRED BY THE BOARD OF TRUSTEES IN CARRYING OUT ITS POWERS AND DUTIES.

(3) MONEYS IN THE FUND WHICH ARE NOT NEEDED FOR USE BY THE BOARD OF TRUSTEES MAY BE INVESTED BY THE STATE TREASURER IN INVESTMENTS AUTHORIZED BY SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S. THE BOARD OF TRUSTEES SHALL DETERMINE THE AMOUNT OF MONEYS IN THE FUND THAT MAY BE SO INVESTED AND SHALL NOTIFY THE STATE TREASURER IN WRITING OF SUCH AMOUNT.

SECTION 5. Part 1 of article 52 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS, CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

23-52-114. [Formerly 23-30-114.] Hesperus account created. The proceeds of or income from the property formerly known as the "Fort Lewis school", granted by the United States to the state of Colorado, pursuant to an act of congress approved April 4, 1910 (36 Stat. 274), as modified by an act of congress approved May 18, 1916 (39 Stat. 128), shall constitute a special account, which shall be known as the "Hesperus account". The income from said property and from the Hesperus account shall be appropriated by the general assembly and used by the ~~state board of agriculture~~ BOARD OF TRUSTEES first for tuition waivers at Fort Lewis college for qualified Indian pupils. Any moneys remaining after such use shall be applied to such public purpose as may be determined by the board OF TRUSTEES, subject to appropriation by the general assembly.

23-52-115. [Formerly 23-30-115.] Development of natural resources. The state board of land commissioners is authorized to prudently develop such coal measures, mineral deposits, and oil structures by lease or otherwise as is situated on lands described in ~~section 23-30-114~~ SECTION 23-52-114, but such development shall not unreasonably interfere with the use of such land as may be directed from time to time by the ~~state board of agriculture~~ BOARD OF TRUSTEES. Applications for leases of the coal measures, mineral deposits, and oil structures shall be made to the state board of land commissioners, which board may execute such leases in the manner required by law. Rental, royalties, and income therefrom shall be deposited with the state treasurer and credited to the special account established by ~~section 23-30-114~~ SECTION 23-52-114.

23-52-116. [Formerly 23-30-116.] Power to invest. The ~~state board of agriculture~~ BOARD OF TRUSTEES has the power to direct the investment of funds held by the state treasurer pursuant to ~~section 23-30-114~~ SECTION 23-52-114 in such securities as are permitted for private trustees and similar fiduciaries under the law of the state of Colorado.

SECTION 6. Repeal of provisions being relocated in this act. 23-30-114, 23-30-115, and 23-30-116, Colorado Revised Statutes, are repealed.

SECTION 7. 23-52-104, Colorado Revised Statutes, is amended to read:

23-52-104. Governing board - powers. (1) In addition to those powers conferred elsewhere in this part 1, the ~~state board of agriculture~~ BOARD OF TRUSTEES has the power to:

- (a) Appoint a president of Fort Lewis college who shall hold ~~his~~ THE office until removed by the board OF TRUSTEES or until ~~he~~ THE PRESIDENT resigns the same;
- (b) Appoint such other executive officers of the college as may be required;
- (c) Appoint such faculty and employees as the necessities of the college demand;
- (d) Determine the compensation to be paid to the president, executive officers,

faculty, and professional staff;

(e) Sell, lease, or exchange real property, or any interest therein, as specified in section 23-30-102, the ownership of which is vested in the ~~state board of agriculture~~ BOARD OF TRUSTEES or Fort Lewis college. The ~~state board of agriculture~~ BOARD OF TRUSTEES shall report all proposed sales, leases, or exchanges of such real property adjacent to or titled in Fort Lewis college to the Colorado commission on higher education, which will review and approve or disapprove the proposed transaction pursuant to section 23-1-106.

(2) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE SHALL HAVE GENERAL SUPERVISION OF THE COLLEGE AND PLENARY POWER TO ENACT RULES AND REGULATIONS FOR THE GOVERNANCE OF THE COLLEGE.

(3) ALL REAL AND PERSONAL PROPERTY HELD BY THE STATE BOARD OF AGRICULTURE FOR THE BENEFIT OF FORT LEWIS COLLEGE, INCLUDING THE BENEFICIAL INTEREST IN THE HESPERUS PROPERTY OWNED BY THE STATE BOARD OF LAND COMMISSIONERS AND THE HESPERUS FUND, IS HEREBY TRANSFERRED TO THE BOARD OF TRUSTEES. SUCH TRANSFER SHALL NOT INCLUDE REAL OR PERSONAL PROPERTY HELD BY THE STATE BOARD OF AGRICULTURE FOR ITS OWN BENEFIT.

(4) ALL EXISTING OR FUTURE DEBT, LIABILITIES, OR OBLIGATIONS OF THE STATE BOARD OF AGRICULTURE INCURRED OR ARISING WITH RESPECT TO FORT LEWIS COLLEGE, INCLUDING BUT NOT LIMITED TO OUTSTANDING REVENUE BOND OBLIGATIONS, LEASE OBLIGATIONS, AND DEBT, SHALL BE THE SOLE RESPONSIBILITY OF THE BOARD OF TRUSTEES ON AND AFTER SEPTEMBER 1, 2002, AND ON AND AFTER SEPTEMBER 1, 2002, THE STATE BOARD OF AGRICULTURE SHALL HAVE NO FURTHER LIABILITY WITH RESPECT THERETO.

(5) THE STATE BOARD OF AGRICULTURE AND THE BOARD OF TRUSTEES SHALL ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT PROVIDING THAT:

(a) THE BOARD OF TRUSTEES AND THE STATE BOARD OF AGRICULTURE SHALL JOINTLY REQUEST THAT THE STATE BOARD OF LAND COMMISSIONERS EXTEND THE EXISTING LEASE OF THE HESPERUS PROPERTY TO THE STATE BOARD OF AGRICULTURE FOR THE USE AND BENEFIT OF THE COLORADO AGRICULTURAL EXPERIMENT STATION BEYOND ITS CURRENT EXPIRATION ON THE SAME TERMS AND CONDITIONS FOR A PERIOD OF NOT LESS THAN TEN YEARS. THE STATE BOARD OF AGRICULTURE SHALL COOPERATE WITH THE BOARD OF TRUSTEES TO FACILITATE THE USE OF PORTIONS OF THE HESPERUS PROPERTY, WHICH IS OWNED BY THE STATE BOARD OF LAND COMMISSIONERS, SO LONG AS SUCH USES ARE COMPATIBLE AND NOT INCONSISTENT WITH THE USE AND OPERATION OF PROPERTY BY THE COLORADO AGRICULTURAL EXPERIMENT STATION.

(b) THE STATE BOARD OF AGRICULTURE SHALL HAVE THE RIGHT TO USE THE REAL PROPERTY UPON WHICH THE COLORADO STATE FOREST SERVICE DISTRICT OFFICE IS LOCATED ON THE FORT LEWIS COLLEGE MAIN CAMPUS FOR A MINIMUM OF TWENTY-FIVE YEARS;

(c) THE STATE BOARD OF AGRICULTURE SHALL PREPARE APPROPRIATE DOCUMENTATION FOR TRANSFER OF ALL BONDED AND MUNICIPAL LEASE DEBT

RELATED TO FORT LEWIS COLLEGE TO THE BOARD OF TRUSTEES. ALL COSTS ASSOCIATED WITH SUCH TRANSFER SHALL BE PAID BY THE BOARD OF TRUSTEES. THE STATE BOARD OF AGRICULTURE AND THE BOARD OF TRUSTEES SHALL COOPERATE TO OBTAIN ANY APPROVALS REQUIRED, SATISFY ANY CONDITIONS NECESSARY TO ACCOMPLISH THIS TRANSFER, AND EXECUTE ALL IMPLEMENTING DOCUMENTATION.

(d) (I) THE STATE BOARD OF AGRICULTURE AND THE BOARD OF TRUSTEES SHALL COOPERATE TO IDENTIFY AND TRANSFER TO THE BOARD OF TRUSTEES:

(A) ANY LOCAL, STATE, OR FEDERAL LICENSES OR PERMITS REQUIRED FOR THE OPERATION OF FORT LEWIS COLLEGE HELD IN THE NAME OF THE STATE BOARD OF AGRICULTURE, SUCH AS FEDERAL COMMUNICATIONS COMMISSION LICENSES, ENVIRONMENTAL PERMITS, OR LIQUOR LICENSES; AND

(B) REAL PROPERTY RECORDS OR INTERESTS HELD BY THE STATE BOARD OF AGRICULTURE FOR THE BENEFIT OF FORT LEWIS COLLEGE.

(II) THE BOARD OF TRUSTEES SHALL PAY ALL COSTS ASSOCIATED WITH ANY SUCH TRANSFERS.

SECTION 8. 23-52-104.5, Colorado Revised Statutes, is amended to read:

23-52-104.5. Powers and duties of the president - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, the president of Fort Lewis college shall report directly to the state board of agriculture. ~~until April 15, 1986.~~

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, THE PRESIDENT OF FORT LEWIS COLLEGE SHALL REPORT DIRECTLY TO THE BOARD OF TRUSTEES.

SECTION 9. 23-52-105 (1), Colorado Revised Statutes, is amended to read:

23-52-105. Tuition fees - Indians - repeal. (1) (a) (I) PRIOR TO SEPTEMBER 1, 2002, the state board of agriculture shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for the college pursuant to section 23-1-103.5, subject to the restriction that all qualified Indian pupils shall at all times be admitted to such college free of charge for tuition and on terms of equality with other pupils. The general assembly shall appropriate from the state general fund one hundred percent of the moneys required for tuition for such qualified Indian pupils.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2003.

(b) ON AND AFTER SEPTEMBER 1, 2002, THE BOARD OF TRUSTEES SHALL FIX TUITION IN ACCORDANCE WITH THE LEVEL OF CASH FUND APPROPRIATIONS SET BY THE GENERAL ASSEMBLY FOR THE COLLEGE PURSUANT TO SECTION 23-1-103.5, SUBJECT TO THE RESTRICTION THAT ALL QUALIFIED INDIAN PUPILS SHALL AT ALL TIMES BE ADMITTED TO SUCH COLLEGE FREE OF CHARGE FOR TUITION AND ON TERMS OF EQUALITY WITH OTHER PUPILS. THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE STATE GENERAL FUND ONE HUNDRED PERCENT OF THE MONEYS REQUIRED FOR

TUITION FOR SUCH QUALIFIED INDIAN PUPILS.

SECTION 10. 23-52-106, Colorado Revised Statutes, is amended to read:

23-52-106. Donations - power to invest - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, all donations of money, securities, or other property of whatever kind and wherever situated made to Fort Lewis college shall be held by the state board of agriculture for the use and benefit of Fort Lewis college, to be expended subject to appropriation by the general assembly or invested in such securities as are permitted for private trustees and similar fiduciaries under the law of the state of Colorado.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, ALL DONATIONS OF MONEY, SECURITIES, OR OTHER PROPERTY OF WHATEVER KIND AND WHEREVER SITUATED MADE TO FORT LEWIS COLLEGE SHALL BE HELD BY THE BOARD OF TRUSTEES FOR THE USE AND BENEFIT OF FORT LEWIS COLLEGE, TO BE EXPENDED SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY OR INVESTED IN SUCH SECURITIES AS ARE PERMITTED FOR PRIVATE TRUSTEES AND SIMILAR FIDUCIARIES UNDER THE LAW OF THE STATE OF COLORADO.

SECTION 11. 23-52-107, Colorado Revised Statutes, is amended to read:

23-52-107. Board of trustees empowered to lease grounds - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, for the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of the college, and to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of the Fort Lewis college, the state board of agriculture is empowered to lease grounds under its control to private persons or corporations for a term not exceeding fifty years and subject to such regulations as it may prescribe and upon the condition that such private persons or corporations shall construct and equip on such leased grounds such buildings or improvements as the board designates or approves and secure reimbursement for money invested therein from the rentals of such buildings or from their sale to the board acting for the state.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, FOR THE PURPOSE OF PROVIDING DORMITORIES, LIVING AND DINING HALLS, OR COTTAGES AND EQUIPMENT FOR THE USE OF THE COLLEGE, AND TO ENABLE THE CONSTRUCTION, FINANCING, AND ULTIMATE ACQUISITION THEREOF, AND TO AID IN IMPROVING UNDEVELOPED PORTIONS OF THE GROUNDS OF THE FORT LEWIS COLLEGE, THE BOARD OF TRUSTEES IS EMPOWERED TO LEASE GROUNDS UNDER ITS CONTROL TO PRIVATE PERSONS OR CORPORATIONS FOR A TERM NOT EXCEEDING FIFTY YEARS AND SUBJECT TO SUCH REGULATIONS AS IT MAY PRESCRIBE AND UPON THE CONDITION THAT SUCH PRIVATE PERSONS OR CORPORATIONS SHALL CONSTRUCT AND EQUIP ON SUCH LEASED GROUNDS SUCH BUILDINGS OR IMPROVEMENTS AS THE BOARD OF TRUSTEES DESIGNATES OR APPROVES AND SECURE REIMBURSEMENT FOR MONEY INVESTED THEREIN FROM THE RENTALS OF SUCH BUILDINGS OR FROM THEIR SALE TO THE BOARD OF TRUSTEES ACTING FOR THE STATE.

SECTION 12. 23-52-108, Colorado Revised Statutes, is amended to read:

23-52-108. No authority to obligate state - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to 23-52-113 shall constitute any authority to enter into any contract which in any way creates any debt or obligation upon the state on account of the construction of such buildings or improvements; but buildings and improvements erected on any such lands under the control of the state board of agriculture and devoted to the uses of the college under the terms of sections 23-52-107 to 23-52-113 and the leasehold interest shall be exempt from taxation so far as permitted by the state constitution.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, NOTHING IN SECTIONS 23-52-107 TO 23-52-113 SHALL CONSTITUTE ANY AUTHORITY TO ENTER INTO ANY CONTRACT WHICH IN ANY WAY CREATES ANY DEBT OR OBLIGATION UPON THE STATE ON ACCOUNT OF THE CONSTRUCTION OF SUCH BUILDINGS OR IMPROVEMENTS; BUT BUILDINGS AND IMPROVEMENTS ERECTED ON ANY SUCH LANDS UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND DEVOTED TO THE USES OF THE COLLEGE UNDER THE TERMS OF SECTIONS 23-52-107 TO 23-52-113 AND THE LEASEHOLD INTEREST SHALL BE EXEMPT FROM TAXATION SO FAR AS PERMITTED BY THE STATE CONSTITUTION.

SECTION 13. 23-52-109, Colorado Revised Statutes, is amended to read:

23-52-109. Buildings - control of - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, the management of buildings erected and equipped under the terms of sections 23-52-107 to 23-52-113 and the scale of rentals thereof shall be subject to the approval of the state board of agriculture.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, THE MANAGEMENT OF BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF SECTIONS 23-52-107 TO 23-52-113 AND THE SCALE OF RENTALS THEREOF SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

SECTION 14. 23-52-110, Colorado Revised Statutes, is amended to read:

23-52-110. Board of trustees may rent buildings - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, the state board of agriculture is authorized to lease or rent such buildings constructed under the provisions of sections 23-52-107 to 23-52-113 from the private persons or corporations constructing the same upon such terms as it deems satisfactory as to current rental, maintenance, and ultimate purchase, paying therefor out of the revenues derived from the operation of such buildings by the board or from other funds under its control available for general maintenance purposes.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, THE BOARD OF TRUSTEES IS AUTHORIZED TO LEASE OR RENT SUCH BUILDINGS CONSTRUCTED UNDER THE PROVISIONS OF SECTIONS 23-52-107 TO 23-52-113 FROM THE PRIVATE PERSONS OR CORPORATIONS

CONSTRUCTING THE SAME UPON SUCH TERMS AS IT DEEMS SATISFACTORY AS TO CURRENT RENTAL, MAINTENANCE, AND ULTIMATE PURCHASE, PAYING THEREFOR OUT OF THE REVENUES DERIVED FROM THE OPERATION OF SUCH BUILDINGS BY THE BOARD OF TRUSTEES OR FROM OTHER FUNDS UNDER ITS CONTROL AVAILABLE FOR GENERAL MAINTENANCE PURPOSES.

SECTION 15. 23-52-112, Colorado Revised Statutes, is amended to read:

23-52-112. Leasehold interest may be sold - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to 23-52-113 shall prevent the transfer or sale of the leasehold interests prior to their expiration, subject to the approval of the state board of agriculture.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, NOTHING IN SECTIONS 23-52-107 TO 23-52-113 SHALL PREVENT THE TRANSFER OR SALE OF THE LEASEHOLD INTERESTS PRIOR TO THEIR EXPIRATION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

SECTION 16. 23-52-113, Colorado Revised Statutes, is amended to read:

23-52-113. Board of trustees may rent rooms - repeal. (1) (a) PRIOR TO SEPTEMBER 1, 2002, upon the termination of any lease or contract executed with private persons or corporations for the construction of buildings under the terms of sections 23-52-107 to 23-52-113, the board is empowered to rent rooms or quarters in buildings erected under such leases or contracts for such reasonable compensation as it deems best in relation to current operation, maintenance, and upkeep costs.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2003.

(2) ON AND AFTER SEPTEMBER 1, 2002, UPON THE TERMINATION OF ANY LEASE OR CONTRACT EXECUTED WITH PRIVATE PERSONS OR CORPORATIONS FOR THE CONSTRUCTION OF BUILDINGS UNDER THE TERMS OF SECTIONS 23-52-107 TO 23-52-113, THE BOARD OF TRUSTEES IS EMPOWERED TO RENT ROOMS OR QUARTERS IN BUILDINGS ERECTED UNDER SUCH LEASES OR CONTRACTS FOR SUCH REASONABLE COMPENSATION AS IT DEEMS BEST IN RELATION TO CURRENT OPERATION, MAINTENANCE, AND UPKEEP COSTS.

SECTION 17. 23-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

23-1-104. Financing the system of postsecondary education - repeal. (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, THE ALLOCATION OF APPROPRIATED GENERAL FUND MONEYS AND TUITION REVENUE AMONG THE INSTITUTIONS GOVERNED BY THE STATE BOARD OF AGRICULTURE HAS BEEN BASED ON A DIFFERENTIAL FUNDING FORMULA ESTABLISHED BY SAID BOARD.

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, MONEYS FOR FORT LEWIS COLLEGE SHALL BE APPROPRIATED TO THE STATE BOARD OF AGRICULTURE, AND ALLOCATED BY SAID BOARD AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH

(b).

(II) (A) EFFECTIVE SEPTEMBER 1, 2002, THE STATE BOARD OF AGRICULTURE SHALL TRANSFER FROM THE STATE BOARD OF AGRICULTURE FUND, CREATED IN SECTION 23-30-106, TO THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE FUND, CREATED IN SECTION 23-52-103, AN AMOUNT OF GENERAL FUND MONEYS DETERMINED BY THE STANDARD ALLOCATION METHODOLOGY USED BY THE STATE BOARD OF AGRICULTURE WHICH ACCOUNTS FOR ANY VARIANCES IN RESIDENT FULL-TIME EQUIVALENT STUDENT ENROLLMENT, ANY FUNDING RECEIVED PURSUANT TO SECTION 23-13-107(1)(b), AND ANY OTHER APPROPRIATION CHANGES, PRORATED FOR THE REMAINDER OF THE STATE FISCAL YEAR.

(B) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE SHALL RECEIVE CREDIT FOR INCREASES IN RESIDENT STUDENT FTE WITHOUT SAID CREDIT OR ALLOCATION BEING TO THE DETRIMENT OF THE STATE BOARD OF AGRICULTURE AND CONSISTENT WITH HISTORICAL FORMULA DISTRIBUTIONS.

(III) THE STATE BOARD OF AGRICULTURE SHALL TRANSFER TO THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE A SHARE OF THE STATEWIDE INDIRECT COST ASSESSMENT FOR FISCAL YEAR 2002-03. THE TRANSFERRED AMOUNT SHALL BE DETERMINED BASED ON THE STANDARD METHODOLOGY USED BY THE COLORADO COMMISSION ON HIGHER EDUCATION IN DETERMINING GOVERNING BOARD INDIRECT COST ALLOCATIONS.

(IV) THE STATE BOARD OF AGRICULTURE SHALL TRANSFER TO THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE A PROPORTIONATE SHARE OF THE CASH FUND REVENUE AUTHORITY PROVIDED BY THE GENERAL ASSEMBLY.

(c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2003.

(5) FOR FISCAL YEARS BEGINNING ON AND AFTER JULY 1, 2003, BUDGET ALLOCATIONS FOR:

(a) FORT LEWIS COLLEGE SHALL BE DIRECTLY APPROPRIATED TO THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE; AND

(b) COLORADO STATE UNIVERSITY AND THE UNIVERSITY OF SOUTHERN COLORADO SHALL BE DIRECTLY APPROPRIATED TO THE STATE BOARD OF AGRICULTURE.

SECTION 18. 23-1-113.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH 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, FORT LEWIS COLLEGE, MESA STATE COLLEGE, 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.

SECTION 19. 23-5-101.5 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23-5-101.5. Enterprise status of auxiliary facilities. (4) The expiration of the following designations of auxiliary facilities as enterprises, which are scheduled for expiration pursuant to subsection (3) of this section, are postponed until June 30, 2009:

(h) FORT LEWIS COLLEGE, STUDENT AND FACILITY OPERATIONS AND ACTIVITIES.

SECTION 20. 23-5-101.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-5-101.5. Enterprise status of auxiliary facilities. (5) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION RELATING TO THE DESIGNATION OF AUXILIARY FACILITIES AS ENTERPRISES, THOSE AUXILIARY FACILITIES OF FORT LEWIS COLLEGE, WHICH WERE A PART OF THE COLORADO STATE UNIVERSITY SYSTEM ENTERPRISE PURSUANT TO PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION, SHALL, AS THEY RELATE TO FORT LEWIS COLLEGE, BE DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, ESTABLISHED IN SECTION 23-52-102.

SECTION 21. 23-30-101, Colorado Revised Statutes, is amended to read:

23-30-101. State board of agriculture. A board is hereby constituted and established which shall be known by the name and title of the state board of agriculture. It shall consist of a total of ~~fifteen~~ THIRTEEN members. ~~Six~~ FOUR of the offices shall be advisory, without the right to vote. One shall be filled by an elected officer of the student body who is a full-time junior or senior student at Colorado state university, one by an elected officer of the faculty council of Colorado state university having the rank of associate professor or higher, ~~one by an elected officer of the faculty council of Fort Lewis college, one by an elected officer of the student body who is a full-time junior or senior student at Fort Lewis college,~~ one by an elected officer of the student body who is a full-time junior or senior student at the university of southern Colorado, and one by an elected officer of the faculty council of the university of southern Colorado having the rank of associate professor or higher. The ~~six~~ FOUR advisory members shall be elected by their respective governing bodies from their membership. The terms of these advisory offices shall be for one academic year. Commencing with appointments made in 1974 and subsequent years, the remaining nine members, at least two of whom shall have some connection with agriculture, shall be appointed by the governor, with the consent of the senate, for basic terms of four years, although interim appointments may be made for lesser periods so that at least two of the nine terms will expire in each calendar year. No person, elected under this section, shall serve on the board for more than two terms, regardless of the length of the terms; except that a member of the board, whether elected or appointed, may continue to serve until his OR HER successor is elected or appointed and qualified. For the purposes of this section, "full-time student" means the same as it does in the respective institutions.

SECTION 22. Effective date - priority of act. (1) This act shall take effect July 1, 2002.

(2) House Bill No. 02-1260 amends various sections of Colorado Revised Statutes to change the name of the state board of agriculture. Some of those sections are also

contained in this act. So as to assure that the substantive provisions of this act are given priority, in the event that House Bill No. 02-1260 is enacted at the second regular session of the sixty-third general assembly and becomes law, where the provisions of the two acts are not in conflict they shall be harmonized, but where the sections are in conflict the provisions of this act shall be deemed to supercede the provisions of House Bill No. 02-1260 on the date that House Bill No. 02-1260 becomes effective.

SECTION 23. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 2002