

CHAPTER 141

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 07-1254

BY REPRESENTATIVE(S) Peniston, Fischer, and Merrifield;
also SENATOR(S) Johnson, and Bacon.

AN ACT**CONCERNING RECODIFICATION OF STATUTES FOR THE COLORADO STATE UNIVERSITY SYSTEM.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Article 30 of title 23, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, WITH AMENDMENTS, to read:

ARTICLE 30
Board of Governors of the
Colorado State University System

23-30-101. Board of governors of the Colorado state university system.
(1) A board is hereby constituted and established that shall be known by the name and title of the board of governors of the Colorado state university system. It shall consist of a total of thirteen members. 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 student body who is a full-time junior or senior student at the Colorado state university - Pueblo, and one by an elected officer of the faculty council of the Colorado state university - Pueblo having the rank of associate professor or higher. The 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 one of whom shall be a graduate of the Colorado state university ~~system~~ OR COLORADO STATE UNIVERSITY-PUEBLO and 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

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

made for lesser periods so that at least two of the nine terms will expire in each calendar year. Notwithstanding any other provision of this section, the term of each member serving on the board of governors 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. 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, shall continue to serve until a successor is elected or appointed and confirmed by the senate. Of the nine members appointed by the governor, no more than five members shall be from the same political party. For the purposes of this section, "full-time student" means the same as it does in the respective institutions.

(2) (a) Whenever any law of this state refers to the state board of agriculture, it shall be taken to refer to the board of governors of the Colorado state university system. The legal effect of any statute heretofore designating the board of governors of the Colorado state university system by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired.

(b) The revisor of statutes is authorized to make such changes in other provisions of the statutes as may be necessary to conform such provisions to the change of name of the board specified in subsection (1) of this section.

23-30-102. Board body corporate - powers relating to real and personal property. (1) The board of governors of the Colorado state university system is a body corporate, capable in law of suing and being sued; of taking, holding, ACQUIRING, EXCHANGING, ~~and~~ selling, AND DETERMINING THE USES OF personal property and real estate, OR ANY INTEREST THEREIN, THE OWNERSHIP OF WHICH IS VESTED IN THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM OR THE ENTITIES GOVERNED BY IT; of contracting and being contracted with; of having and using a corporate seal; and of causing to be done all things necessary to carry out the provisions of this part 1.

(1.5) THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM SHALL REPORT ALL SALES, LEASES, OR EXCHANGES OF REAL PROPERTY TO THE COLORADO COMMISSION ON HIGHER EDUCATION.

(2) The board of governors of the Colorado state university system has the power to lease personal property, the ownership of which is vested in THE Colorado state university SYSTEM, OR ON BEHALF OF ANY ENTITY GOVERNED BY IT, for a term not to exceed eighty years to state or federal governmental agencies and to persons or corporations, public or private.

(2.5) Subject to such reviews and approvals of state agencies as are required by law, the board of governors of the Colorado state university system has the power to sell, lease, or exchange real property, ~~acquired other than by general fund~~

~~appropriations~~, or any interest therein, including any mineral rights, the ownership of which is vested in the board of governors of the Colorado state university system or ON BEHALF OF any ~~organization~~ ENTITY governed by it. All moneys which arise from the sale, lease, or exchange of said real property, or any interest therein, and all funds transferred pursuant to this subsection (2.5), together with any interest arising from the investment of said moneys and funds, shall be under the exclusive control of the board of governors of the Colorado state university system. The state treasurer is instructed to turn over to the board of governors of the Colorado state university system all the moneys, warrants, bonds, and other securities of any nature, and any interest earned thereon, that have come from the sale, lease, or exchange of said real property, or any interest therein, including any mineral rights.

(3) The board of governors of the Colorado state university system has the power to lease any real property or any interest therein owned by it on behalf of any ~~organization~~ ENTITY governed by it for mineral exploration, development, and production purposes, upon such terms and conditions as may be prescribed and contracted by the board in the exercise of its best judgment as being in the best interests of said ~~organization~~ ENTITY. Any lease of mineral rights shall be for a term not to exceed ten years and so long thereafter as minerals are produced and shall provide for a royalty of not less than the royalty for ~~present~~ CURRENT commercial agreements which are generally accepted as fair royalty returns, which royalty may be reduced proportionately under an appropriate provision in the lease if the interest in said board is less than a full interest in the land or mineral rights in the land described in the lease. All royalties received under lease agreements made pursuant to the authority of this section shall be remitted by the board of governors of the Colorado state university system to the state treasurer for deposit in the general fund. Whenever, in the opinion of the board and because of the size, shape, or current use of any tract of land owned by said board on behalf of any ~~organization~~ ENTITY governed by it, any lease of such tract provides that no mineral development or production be conducted on the land covered thereby, such lease shall be for a term not to exceed ten years and so long thereafter as the board may share in royalties payable on account of the production of minerals from lands adjacent to such tract so leased.

(4) Whenever deemed by the board of governors of the Colorado state university system to be in the best interests of any ~~organization~~ ENTITY governed by it, the board may enter into a unit agreement ~~providing~~ ON BEHALF OF THE ENTITY, WHICH UNIT AGREEMENT MAY PROVIDE for the pooling, unitization, or consolidation of acreage covered by any oil and gas lease executed by the board with other acreage for oil and gas exploration, development, and production purposes and also ~~providing~~ PROVIDE for the apportionment or allocation of royalties among the separate tracts of land included in the unit or pooling agreement on an acreage or other equitable basis, and ~~said~~ THE board may change, by such agreement and with the consent of the lessee under the lease, any or all of the provisions of any lease issued by it, including the term of years for which the lease was originally granted, in order to conform ~~such~~ THE lease to the terms and provisions of the unit or pooling agreement and to facilitate the efficient and economic production of oil and gas from the lands subject to such agreement.

(5) The leasing of real property or any interest therein held by the board of governors of the Colorado state university system under the provisions of this

section shall not be deemed to be a sale of such property.

(6) The board of governors of the Colorado state university system has the power to exchange real property or any interest therein owned by the board on behalf of any ~~organization~~ ENTITY governed by it for lands or interests in lands which the board, in the exercise of its best judgment, believes to be in the best interests of said ~~organization~~ ENTITY in the furtherance of its programs.

(7) The authority of the board of governors of the Colorado state university system to execute oil and gas or other mineral leases of lands owned by the board prior to June 3, 1977, is hereby confirmed and acknowledged, and no such lease heretofore executed by the board shall be invalid for want of such authority.

23-30-103. Vacancies - compensation. Any vacancy in the office of any member of the ~~said~~ board OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM appointed by the governor caused by death, resignation, or removal from the state may be filled by a majority of the voting members. Any vacancy in the elected office on the board shall be filled by reelection for the unexpired term. The members of the board shall receive no compensation for their services but may be allowed ~~actual traveling expenses~~ REIMBURSEMENT FOR EXPENSES INCURRED THAT ARE REASONABLE, NECESSARY, AND DIRECTLY RELATED TO AN INDIVIDUAL'S DUTIES AS A BOARD MEMBER upon presenting an itemized bill for the same.

23-30-104. Meetings of board. The board shall meet at the Colorado state university twice annually and may meet at other times and places at the call of the ~~chairman~~ CHAIR who has the power in case of emergency to call special meetings of the board. Upon the written request of any three members of the board, it is the duty of the ~~chairman~~ CHAIR of the board to call a special meeting thereof at such time and place as shall be designated in the written request therefor. A quorum of the board shall be a majority of voting members of the board.

23-30-105. Election of officers - terms. (1) The board of governors of the Colorado state university system shall, at ~~its biennial~~ A meeting to be held ~~on the second Wednesday~~ in May, elect from its membership a ~~chairman~~ CHAIR and a ~~vice-chairman~~ VICE-CHAIR and also from its membership or from outside its membership a secretary and a treasurer, all of which said officers shall hold the office to which they are chosen for a period of two years from ~~said date~~ THE DATE OF ELECTION and until their successors are duly elected and qualified. The secretary shall give bond in favor of said board in the sum of five thousand dollars with good and sufficient sureties to be approved by said board, conditioned that he or she will AN AMOUNT DEEMED SUFFICIENT BY THE BOARD AND discharge all the duties of said office, account for all moneys which lawfully come into the secretary's hands, and pay the same over to the treasurer of the board on or before the tenth day of each month. The treasurer shall give bond in the sum of one hundred thousand dollars in favor of said board, with good and sufficient sureties to be approved by said board, conditioned that he or she will AN AMOUNT DEEMED SUFFICIENT BY THE BOARD AND safely keep and account for all moneys received by the treasurer and pay the same out only on warrants of the board of governors of the Colorado state university system, signed by its ~~chairman~~ CHAIR and countersigned by its chief financial officer.

(2) The state treasurer is custodian of all funds granted to the Colorado state university SYSTEM derived from state appropriations or appropriations made by the congress of the United States. The controller is entitled to draw said ~~fund~~ FUNDS either from the state treasury or from the treasury of the United States upon orders issued by the board of governors of the Colorado state university system, signed by its ~~president~~ CHAIR and countersigned by its secretary. The secretary and treasurer shall receive such compensation as may be fixed by the board of governors of the Colorado state university system.

23-30-106. Board of governors of the Colorado state university system fund - creation - control - use. (1) There is hereby created in the state treasury the board of governors of the Colorado state university system fund which shall be under the control of and administered by the board of governors of the Colorado state university system in accordance with the provisions of this article. Except as otherwise allowed by section 24-36-103 (2), C.R.S., all moneys received or acquired by the board of governors of the Colorado state university system or any of the ~~institutions~~ ENTITIES it governs, whether by appropriation, grant, contract, or gift, by sale or lease of surplus real or personal property, or by any other means, whose disposition is not otherwise provided for by law, and all interest derived from the deposit and investment of moneys in the fund shall be credited to ~~said~~ THE fund. The moneys in the fund are hereby continuously appropriated to the board of governors of the Colorado state university system 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 board of governors of the Colorado state university system fund shall be used by the board of governors of the Colorado state university system for the payment of salaries and operating expenses of the board and the ~~institutions~~ ENTITIES it governs and for the payment of any other expenses incurred by the board in carrying out its statutory powers and duties.

(3) Moneys in the board of governors of the Colorado state university system fund which are not needed for immediate use by the board of governors of the Colorado state university system 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 shall determine the amount of moneys in the fund which may be invested and shall notify the state treasurer in writing of such amount.

23-30-107. Duties of secretary. (†) The secretary of the board shall keep the secretary's office at such place as the board directs. It is the duty of the secretary to keep a record of the transactions of the board of governors of the Colorado state university system and ~~of the Colorado state university and farms~~ KEEP AND FILE ALL REPORTS THAT MAY BE REQUIRED AT ANY TIME, which shall be open at all times to the inspection of any citizen of the state. The secretary shall also have the custody of all books, papers, documents, and other property which may be deposited in the secretary's office. ~~including specimens of the vegetable and animal kingdoms of the state or counties; keep and file all reports which may be made from time to time by the different agricultural and horticultural societies and all correspondence of the office from other persons and societies appertaining to the general business of husbandry; and address circulars to societies and the best practical farmers in the state and elsewhere with the view of eliciting information upon the newest and best~~

mode of irrigation, and the culture of those products, vegetables, and trees adapted to the soil and climate of this state, and on all subjects connected with field culture, horticulture, stock raising, and the dairy:

(2) ~~The secretary shall encourage the formation of agricultural societies throughout the state and purchase, receive, and distribute such rare and valuable seeds, plants, shrubbery, and trees as it may be in his or her power to procure from the general government and such other sources and as may be adapted to our climate and soils. The secretary shall also encourage the importation of improved breeds of horses, cattle, sheep, hogs, and other livestock and the invention and improvement of laborsaving implements of husbandry and diffuse information in relation to the same. The secretary shall encourage such domestic industry and household arts as are calculated to promote the general thrift, wealth, and resources of the state.~~

(3) ~~To effect these objects the secretary shall correspond with the patent office at Washington and representatives of our national government abroad and, if possible, procure valuable contributions of agriculture from those sources. The secretary shall aid, as far as possible, in obtaining contributions to the museums and the library of the Colorado state university and thus aid in the promotion of agricultural science and literature.~~

23-30-108. Warrants signed by whom. All expenses of the board of governors of the Colorado state university system shall be paid from the amounts duly set aside by the board for said purpose by warrants duly signed by its ~~chairman~~ CHAIR and countersigned by its chief financial officer as appointed by the board.

23-30-109. [Formerly 23-31-104] Program to be made. The board OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and faculty shall annually make a ~~program~~ PROGRAMS of theoretical and practical instruction.

23-30-110. [Formerly 23-31-105] Duration of course. ~~A full course of study in the institution shall embrace not less than four years.~~ The board of governors of the Colorado state university system may institute ~~winter~~ courses of lectures for persons other than students of the ~~institution~~ INSTITUTIONS GOVERNED BY THE BOARD under necessary rules and regulations.

23-30-111. [Formerly 23-31-106] Academic year - term - suspension. ~~The academic year shall consist of not less than nine calendar months. This~~ THE academic year may be divided into such terms by the board of governors of the Colorado state university system as in their judgment will best secure the objects for which the ~~university was~~ UNIVERSITIES GOVERNED BY THE BOARD WERE founded. The board at any time may temporarily suspend ~~the~~ A university in case of fire, the prevalence of fatal diseases, or other unforeseen calamity.

23-30-112. [Formerly 23-31-107] Tuition fees - discrimination. The board of governors of the Colorado state university system shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for the ~~university~~ ENTITIES IT GOVERNS pursuant to section 23-1-103.5. The board may discriminate in regard to tuition between students from this state and students from other states.

23-30-113. Board's personnel powers. THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM HAS AUTHORITY OVER ALL PERSONNEL MATTERS RELATING TO THE SYSTEM AND THE INSTITUTIONS AND ENTITIES IT GOVERNS. THE BOARD MAY DELEGATE ALL OR PART OF ITS POWERS OVER PERSONNEL MATTERS IN ACCORDANCE WITH SECTION 23-5-117.

23-30-114. Board to choose chancellor and certain staff. (1) IT IS THE DUTY OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM TO CHOOSE:

(a) A CHANCELLOR OF THE COLORADO STATE UNIVERSITY SYSTEM, WHO SHALL SERVE AS THE CHIEF EXECUTIVE OFFICER OF THE SYSTEM; AND

(b) OTHER SYSTEM STAFF THAT REPORT DIRECTLY TO THE BOARD.

23-30-115. Chancellor to choose certain staff. PURSUANT TO SECTION 23-30-113, THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM MAY DELEGATE TO THE CHANCELLOR OF THE COLORADO STATE UNIVERSITY SYSTEM THE POWER TO CHOOSE SUCH PERSONNEL AS MAY BE NEEDED AS SYSTEM STAFF, WHICH PERSONNEL SHALL REPORT DIRECTLY TO THE CHANCELLOR.

23-30-116. [Formerly 23-31-109] Board to choose presidents. It is the duty of the board of governors of the Colorado state university system to choose a ~~president~~ THE PRESIDENTS of the Colorado state university before the first academic term of the institution. ~~The board shall then proceed to choose such professors, tutors, and employees as the necessities of the institution demand~~ INSTITUTIONS IT GOVERNS. In case of a vacancy in the AN office of president, ~~or in case a suitable person cannot be selected, the senior professor~~ BOARD SHALL APPOINT AN INTERIM PRESIDENT WHO shall perform the duties of the office until the board ~~elects~~ SELECTS a president.

23-30-117. Presidents to choose faculty and staff. PURSUANT TO SECTION 23-30-113, THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM MAY DELEGATE TO THE PRESIDENTS OF THE INSTITUTIONS IT GOVERNS THE POWER TO CHOOSE SUCH PROFESSORS AND STAFF AS THE NECESSITIES OF THEIR INSTITUTIONS REQUIRE.

23-30-118. [Formerly 23-31-111] Board to fix salaries. The board shall fix the salaries of the ~~president~~ CHANCELLOR, PRESIDENTS, professors, and other employees of the ~~university~~ SYSTEM AND UNIVERSITIES and prescribe their respective duties. The board may remove the ~~president~~ CHANCELLOR, PRESIDENTS, or subordinate officers and fill all vacancies.

23-30-119. [Formerly 23-31-112] Board to confer degrees. The board, with the advice of the faculty, shall ~~prescribe the books to be used in the institution and~~ confer such degrees or testimonials as are conferred by similar institutions.

23-30-120. [Formerly 23-31-120] Current expenses, how paid. (1) The current expenses of the board of governors of the Colorado state university system, the Colorado state university, and the ~~experiment station~~ COLORADO STATE UNIVERSITY - PUEBLO shall be paid from the amounts duly set aside by the board for

said purpose, by warrants drawn on the treasurer of ~~said~~ THE board, duly signed by its ~~chairman~~ CHAIR and countersigned by its secretary. ~~The secretary shall collect all moneys due the university on account of any fees, sales of stock, property, and farm produce and pay the same over to said treasurer, taking a receipt therefor.~~

(2) It is the duty of the controller when any funds are available for the use and benefit of the ~~university~~ BOARD OR THE ENTITIES IT GOVERNS, upon an order signed by the ~~chairman~~ CHAIR and countersigned by the secretary of the board of governors of the Colorado state university system in favor of the treasurer of the board, to issue a warrant upon the state treasurer in favor of the treasurer of the board.

(3) The treasurer of the board shall keep a just and true account of all funds so received in separate accounts according to the source of ~~said~~ THE funds and make a report thereon, from time to time, to the board of governors of the Colorado state university system, including an annual report at the close of the fiscal year and such separate and other reports as the board may require, concerning all of ~~said~~ THE funds. THE DUTIES OF THE TREASURER MAY, UPON APPROVAL BY THE BOARD, BE DELEGATED TO THE CHIEF FINANCIAL OFFICER OF THE COLORADO STATE UNIVERSITY SYSTEM.

SECTION 2. Article 31 of title 23, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, and the said article 31 is further amended BY THE ADDITION OF THE FOLLOWING NEW PARTS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

ARTICLE 31
Colorado State University

PART 1
GENERAL PROVISIONS

23-31-101. University established - role and mission. There is hereby established a university at Fort Collins to be known as Colorado state university. Colorado state university shall be a comprehensive graduate research university with selective admission standards offering a comprehensive array of baccalaureate, masters, and doctoral degree programs. Consistent with the tradition of land grant universities, Colorado state university has exclusive authority to offer graduate and undergraduate programs in agriculture, forestry, natural resources, and veterinary medicine. The Colorado commission on higher education, in consultation with the board of governors of the Colorado state university system, shall designate those graduate level programs that are the primary responsibility of Colorado state university. Colorado state university has the responsibility to provide on a statewide basis, utilizing when possible and appropriate the faculty and facilities of other educational institutions, those graduate level programs. The commission shall include in its funding recommendations a level of general fund support for these programs.

23-31-102. Name changed. The agricultural college at Fort Collins, declared to be an institution of the state by section 5 of article VIII of the state constitution AS SAID SECTION EXISTED PRIOR TO JANUARY 11, 1973, and designated under the name and title of the "Colorado agricultural and mechanical college" by section 124-10-1,

CRS 53, after May 1, 1957, shall be designated under the name and title of the "Colorado state university". The legal effect of any statute prior to May 1, 1957, designating such institution by any other name, or property rights acquired and obligations incurred prior to May 1, 1957, under any other name, shall not be impaired hereby.

23-31-103. [Formerly 23-31-108] Board to control college and lands. The board of governors of the Colorado state university system has the general control and supervision of the Colorado state university ~~the farm pertaining thereto,~~ and lands AND THE USE THEREOF, which may be vested in the university by state or national legislation and of all appropriations made by the state for the support of the same. The board has plenary power to adopt all such ordinances, bylaws, and regulations, not in conflict with the law, as they may deem necessary to secure the successful operation of the university and promote the designed objects.

23-31-104. [Formerly 23-31-113] Who shall constitute faculty. The president professors, and farm managers AND THE FACULTY shall constitute the faculty of the Colorado state university. ~~The president of the college shall be the president of the faculty. The secretary of the board of governors of the Colorado state university system shall be a member and secretary of the faculty.~~

23-31-105. [Formerly 23-31-115] Duty of faculty. The faculty shall have ~~charge of the laboratories, library, and museums~~ THE RESPONSIBILITY FOR MAKING ACADEMIC POLICY AND GOVERNING THE ACADEMIC AFFAIRS of the ~~institution~~ COLORADO STATE UNIVERSITY.

23-31-106. [Formerly 23-31-117] President - duties. The president shall be chief executive officer of the Colorado state university, and it is his or her duty to see that the rules and regulations of the board of governors of the Colorado state university system and the faculty are observed and executed.

23-31-107. [Formerly 23-31-118] President may remove officers. The subordinate officers and employees, not members of the faculty, shall be under the direction of the president and ~~in the recess of the board,~~ removable at his or her discretion. The president may fill vacancies ~~that may be thus or otherwise created.~~ The president's action in these respects shall be submitted to the approval of the ~~board of governors of the Colorado state university system at its next meeting~~ OF SUCH SUBORDINATE OFFICERS AND EMPLOYEES SUBJECT TO HIS OR HER PERSONNEL POWER.

23-31-108. [Formerly 23-31-119] President may be professor. The president may or may not perform the duties of a professor, as the board of governors of the Colorado state university system shall determine. ~~If he or she performs the duties of professor or if the duties of the president are exercised by a president pro tem, a superintendent of the farm may be appointed who shall have the general superintendence of the business pertaining to the farm and the land and other property of the institution and who shall be a member of the faculty.~~

23-31-109. [Formerly 23-31-121] Report of experimental operations. All agricultural operations ~~on the farm~~ shall be carried on experimentally for the instruction of the students and with a view to the improvement of the science of

agriculture in the state of Colorado. Such reports as may be required by the board of governors of the Colorado state university system shall be submitted in accordance with the directions of the board.

23-31-110. [Formerly 23-31-127] Pledge of income from facilities or equipment. (1) The board of governors of the Colorado state university system, designated in this section as the "board", is authorized to enter into a contract for the advancement of moneys for the acquisition of facilities or equipment, or both, for the Colorado state university auditorium-gymnasium, and in connection with or as a part of such contract to pledge the net income, or any part of such net income, to be derived from such facilities or equipment, or both, so acquired, and to pledge special student fees assessed for the purpose of financing such facilities or equipment, or both, as security for the repayment of the moneys advanced therefor, together with interest thereon. For the same purpose, the board is also authorized to pledge the net income derived from any similar facility or equipment, or portion thereof, which was not acquired with moneys appropriated to Colorado state university, if such net income derived from such similar facility or equipment, or portion thereof, is unpledged or, if pledged, is currently in excess of the amount required to amortize the advancements and interest thereon for which such net income has been obligated.

(2) The board shall not pledge the general income of ~~the~~ COLORADO STATE university or create any mortgage upon property belonging to such institution or obligate the state of Colorado for the purpose of repaying or receiving any funds raised or advanced under the provisions of this section.

(3) Any advancement of moneys may be evidenced by revenue bonds or warrants to be executed by and on behalf of Colorado state university and containing such terms and provisions, including provisions for redemption prior to maturity and a maximum net effective interest rate, as may be determined by the board. ~~of such institution.~~ Such revenue bonds or warrants shall bear interest at a rate such that the net effective interest rate of the issue of bonds does not exceed the maximum net effective interest rate fixed, which interest shall be payable semiannually or annually. Such revenue bonds or warrants may be sold at less than par, but they may not be sold at a price such that the net effective interest rate of the issue of bonds or warrants exceeds the maximum net effective interest rate fixed. Any such revenue bonds or warrants may be refunded if in the judgment of the board such refunding is to the best interests of the university.

(4) If the net income derived from such facilities or equipment so acquired under the provisions of this section exceeds the amount required for the amortization of any advancement made therefor, together with interest thereon, the board may apply such surplus to the redemption of such securities prior to maturity of such securities according to redemption provisions thereof, or such surplus net income may be used by the board for the purposes of altering or adding to any existing equipment or facilities acquired pursuant to the provisions of this section.

(5) All obligations and the income therefrom shall be exempt from taxation, except inheritance, estate, and transfer taxes.

23-31-111. [Formerly 23-31-128] Rents or charges for buildings and

facilities for research. The board of governors of the Colorado state university system of Colorado state university is authorized to contract for or impose and collect rents or charges for the use of university buildings and facilities for research, including research conducted by or under the auspices of Colorado state university. Such rents or charges shall be at a level reasonably calculated to return or amortize the cost of such buildings and facilities within a reasonable period not exceeding the life of such buildings and facilities; but such user charges or rents may not be imposed and collected in such a manner as to require payment directly or indirectly from the state general fund, tuition receipts, or student fees.

23-31-112. [Formerly 23-31-129] Research building revolving fund - appropriation of fund. There is established in the office of the state treasurer a fund to be known as the Colorado state university research building revolving fund, and there shall be credited to said fund the user charges or rents authorized by ~~section 23-31-128~~ SECTION 23-31-111 and imposed by the board of governors of the Colorado state university system, specific appropriations or grants or gifts made to said fund, the proceeds of the sale of anticipation warrants authorized by ~~sections 23-31-128 to 23-31-130~~ THIS SECTION AND SECTIONS 23-31-111 AND 23-31-113, and the proceeds from the issuance and sale of bonds pursuant to ~~section 23-31-134~~ SECTION 23-31-117. No payments from student fees, tuition receipts, or general funds shall be deposited in the research building revolving fund. All interest earned on the investment of moneys in the fund shall be credited to the fund and shall be a part of the fund, and such moneys shall not be transferred or credited to the general fund or to any other fund. All such moneys so credited to said fund are appropriated to Colorado state university for the payment of maintenance and operating costs for its research buildings and facilities and for planning, constructing, acquiring, renovating, and equipping research buildings and facilities, wherever located in the state of Colorado, for Colorado state university. Any such buildings and facilities shall be related to the research mission of the university.

23-31-113. [Formerly 23-31-130] Anticipation warrants. The state treasurer is authorized to issue anticipation warrants in such amounts as requested by the board of governors of the Colorado state university system, the total amount of which shall not exceed one million dollars, to be repaid exclusively from the user revenues accruing to the Colorado state university research building revolving fund as provided in ~~sections 23-31-128 to 23-31-130~~ THIS SECTION AND SECTIONS 23-31-111 AND 23-31-112. The anticipation warrants shall not be sold at a price less than the face value thereof. Disbursements from said fund shall be only by warrant upon vouchers certified by the board of governors of the Colorado state university system.

23-31-114. [Formerly 23-31-131] Purchase of anticipation warrants. It is lawful for any public entity, as defined in section 24-75-601 (1), C.R.S., to purchase anticipation warrants issued in pursuance of ~~section 23-31-130~~ SECTION 23-31-113 if such warrants satisfy the investment requirements established in part 6 of article 75 of title 24, C.R.S.; but not to exceed twenty percent of the total of any specific fund of such public entity shall be invested in such warrants.

23-31-115. [Formerly 23-31-132] Warrants as security - when. Anticipation warrants issued in pursuance of ~~sections 23-31-128 to 23-31-134~~ THIS SECTION AND SECTIONS 23-31-111 TO 23-31-114, 23-31-116, AND 23-31-117 may be used as

security for any depository bond or obligation where any kind of bonds or other securities must or may, by law, be deposited as security.

23-31-116. [Formerly 23-31-133] Tax exemption. Any anticipation warrants issued pursuant to the provisions of ~~section 23-31-130~~ SECTION 23-31-113 by the board of governors of the Colorado state university system shall be exempt from taxation for state, county, school district, special district, municipal, or any other purpose in the state of Colorado.

23-31-117. [Formerly 23-31-134] Borrowing funds. (1) For the purposes described in ~~section 23-31-129~~ SECTION 23-31-112, the board of governors of the Colorado state university system is authorized to:

(a) Enter into contracts with any person, corporation, or state or federal government agency for the advancement of money for such purposes and providing for the repayment of such advances with interest from the Colorado state university research building revolving fund; and

(b) Issue bonds as provided in this section.

(2) (a) Any bonds issued pursuant to this section shall mature at such time or times, shall bear or accrue interest at such rate or rates, and shall otherwise be sold and issued in such manner and on such terms as provided by the board of governors of the Colorado state university system.

(b) Such bonds shall be payable exclusively from, and shall be secured by a pledge of, the Colorado state university research building revolving fund created in ~~section 23-31-129~~ SECTION 23-31-112.

(c) The authority contained in this section to issue bonds shall be in addition to the authority granted to the board of governors of the Colorado state university system to issue anticipation warrants pursuant to ~~section 23-31-130~~ SECTION 23-31-113; except that nothing in this section shall be construed to authorize the issuance of bonds if by such issuance the obligation of any contract entered into with respect to any outstanding anticipation warrants would thereby be impaired.

(d) Any bonds issued pursuant to this section shall be exempt from taxation for state, county, school district, special district, municipal, or other purposes in the state of Colorado.

(e) The total amount of bonds that may be issued and outstanding pursuant to this section shall be limited to the extent that no additional bonds may be issued if the maximum future annual debt service for all bonds, including the additional bonds, would exceed six percent of the average total current restricted fund revenues of the university from research gifts, contracts, and grants for the three fiscal years ending immediately prior to the date for the proposed issuance of the bonds as determined using the revenue figures as stated in the annual financial reports of the university for said three fiscal years. If the average total current restricted fund revenues of the university from research gifts, contracts, and grants declines so that the total amount of the maximum future annual debt service for bonds issued and outstanding exceeds the six percent limitation, such occurrence shall not impair adversely any

of said bonds outstanding at the time of any such decline. Bonds issued pursuant to the provisions of this section shall not constitute a debt or an indebtedness of the state within the meaning of any applicable provision of the state constitution or state statutes.

23-31-118. [Formerly 23-31-135] Advancement of moneys and pledge of income. (1) The board of governors of the Colorado state university system, designated in this section as the "board", is authorized to enter into contracts for the advancement of moneys for the construction and acquisition of facilities or equipment, or both, for the Colorado state university veterinary medicine hospital, or any part thereof, and, in connection with or as a part of such contracts, to pledge revenues from a special hospital fee that the board shall collect pursuant to agreements entered into with or with respect to each accountable student as security for the repayment of the moneys advanced therefor, together with interest thereon. The maximum number of accountable students at any given time shall not exceed three hundred eight; except that, should the total enrollment in the professional veterinary medicine program exceed five hundred forty-eight head-count students, additional accountable students may not exceed forty-five percent of each admitted class. For purposes of this section, an "accountable student" is a person who, as of the date of his or her selection for admission into the professional veterinary medicine program, is not receiving funding, either from the state of Colorado or from a state that has entered into a cooperative agreement with the state of Colorado pursuant to section 24-60-601, C.R.S., for all or any portion of the costs incurred in participating in the professional veterinary medicine program. An agreement shall be entered into with or with respect to each accountable student, and each such agreement shall provide that, as a condition to that student's continued enrollment in the professional veterinary medicine program, there shall be paid annually by or on behalf of the student the special hospital fee provided for in this section, which fee shall be fixed by the board annually in an amount sufficient to meet the obligation authorized by this section.

(2) The board shall annually assess each cooperative state or accountable student a support fee to reimburse Colorado for instructional costs. This support fee includes an equipment and renovation fee of one thousand one dollars assessed to each cooperative state or accountable student for acquisition or replacement of equipment and for renovation. Said equipment and renovation fee shall be credited to a separate reserve account for appropriation by the general assembly for such acquisition or replacement of equipment and such renovation. Colorado shall share proportionately in the acquisition or replacement of equipment and renovation projects. The amount to be paid by Colorado shall be determined by the annual ratio of Colorado students to accountable students based upon beginning enrollment of each school year. The fee required to be collected pursuant to this subsection (2) is based on a student's status as an "accountable student" at the time of selection for admission into the professional veterinary medicine program and shall not be reduced or waived regardless of the student's status as an in-state student, pursuant to the provisions of section 23-7-103, at any time during the student's participation in the professional veterinary medicine program.

(3) The board shall not pledge any income of the university except that authorized in subsection (1) of this section and shall not create any mortgage upon property belonging to such institution or obligate the state of Colorado for the

purpose of repaying or receiving any funds raised or advanced under the provisions of this section.

(4) Any advancement of moneys, not to exceed two million five hundred thousand dollars, may be evidenced by revenue bonds or anticipation warrants to be executed by the board for and on behalf of Colorado state university and containing such terms and provisions, including provisions for adequate reserves and for redemption prior to maturity and a maximum net effective interest rate, as may be determined by the board. ~~of such institution.~~ Such revenue bonds or anticipation warrants shall bear interest at a rate such that the net effective interest rate of the issue of bonds or anticipation warrants does not exceed the maximum net effective interest rate fixed, which interest shall be payable semiannually or annually. Such revenue bonds or warrants may be sold at less than par, but they may not be sold at a price such that the net effective interest rate of the issue of bonds or warrants exceeds the maximum net effective interest rate fixed. Any such revenue bonds or warrants may be refunded pursuant to article 54 of title 11, C.R.S., if in the judgment of the board such refunding is to the best interests of the university.

(5) If the sources of pledged revenues described in subsection (1) of this section exceed the amount required for the amortization of any advancement made pursuant to this section, and the payment of interest thereof, together with reserve requirements, the board may apply such surplus to the redemption of such securities prior to maturity of such securities according to redemption provisions thereof, or such surplus may be used by the board for the purposes of maintaining, repairing, altering, or adding to any existing equipment or facilities acquired pursuant to the provisions of this section for any lawful purpose.

(6) All obligations issued pursuant to this section and the income therefrom shall be exempt from taxation, except inheritance, estate, and transfer taxes.

(7) No action shall be brought questioning the legality of any contract, proceedings, revenue bonds, or anticipation warrants issued or to be issued by the board in connection with the provision of all or any part of the Colorado state university veterinary medicine hospital pursuant to this section after the expiration of thirty days from the effective date of any resolution or other official action authorizing such contract, adopting such proceedings, or authorizing the issuance of such warrants or bonds.

23-31-119. [Formerly 23-30-110] Plant breeding programs. The board of governors of the Colorado state university system is authorized to initiate and expand plant breeding programs that will result in the development of disease-resistant varieties of crop plants, particularly of small grain varieties that are resistant to black stem rust disease, and to continue or expand any plant breeding program which may be necessary to protect important crops of Colorado from diseases that would endanger or seriously reduce the production of these crops in the state of Colorado.

23-31-120. [Formerly 23-30-111] Cooperation with other agencies. The board of governors of the Colorado state university system may cooperate with the United States department of agriculture or any of its departments or agencies, the Colorado department of agriculture, other states, counties of Colorado, any

organized group of Colorado citizens, and such other agencies, firms, or individuals as may be necessary or desirable to prosecute the provisions of this part 1.

23-31-121. [Formerly 23-30-112] Providing personnel, supplies. The board of governors of the Colorado state university system, operating through the Colorado agricultural experiment station, may provide such personnel, funds, labor, material, and supplies as are necessary for the purposes specified in ~~sections 23-30-110 and 23-30-111~~ SECTIONS 23-31-119 AND 23-31-120.

23-31-122. [Formerly 23-30-113] Agricultural extension service furnished counties. Two or more counties may join in financing agricultural extension service furnished counties by the Colorado state university. In such event, each such county shall pay its pro rata share of the cost of such work as determined by negotiation between the board of governors of the Colorado state university system and the board of county commissioners of each such county.

PART 2 FORESTRY

23-31-201. [Formerly 23-30-201] Transfer to board of governors of the Colorado state university system - exception. There is transferred to and vested in the board of governors of the Colorado state university system, referred to in this part 2 as the "board", all rights, powers, and duties for protecting, promoting, and extending the conservation of the forests in the state vested on or before February 14, 1955, in the state board of land commissioners, acting ex officio as the state board of forestry; but such authority shall not extend to nor include the power vested in the state board of land commissioners with respect to forest lands included in the public lands of the state under the control and jurisdiction of said state board of land commissioners, as provided by sections 9 and 10 of article IX of the state constitution and the laws relating thereto.

23-31-202. [Formerly 23-30-202] Powers and duties of board of governors of the Colorado state university system. (1) The authority granted to the board by ~~section 23-30-201~~ SECTION 23-31-201 shall include the following powers and duties:

- (a) To provide for the protection of the forest resources of the state, both public and private, from fire, insects, and diseases;
- (b) To foster and promote the control of soil erosion on such forest lands;
- (c) To carry on an educational program with landowners, in the application of the practice of forestry on forest lands, by the growing, harvesting, and marketing of forest products from such lands;
- (d) To disseminate information and statistics concerning forests and forestry in the state, subject to the control and approval of the executive director of the department of natural resources;
- (e) To conduct investigations and experiments tending to further the intent of this part 2;

(f) To report to the executive director of the department of natural resources at such times and on such matters as the executive director may require; and

(g) To cooperate with all agencies of the state which need and request the aid and assistance of a trained forester.

(2) In addition to the powers and duties set forth in subsection (1) of this section, the board of governors of the Colorado state university system shall enter into an agreement with the executive director of the department of natural resources pursuant to section 24-33-201 (1), C.R.S.

23-31-203. [Formerly 23-30-203] Cooperation with governmental units. In connection with its powers and duties concerning the protection of the forest lands of the state from fire, the board may cooperate and coordinate with the United States forest service, the United States secretary of the interior, the United States secretary of agriculture, the state board of land commissioners, and the counties for such protection and may advise and aid in preventing forest fires on state and private lands in the national forests in the state, including coordinating with the United States secretary of the interior and the United States secretary of agriculture to develop management plans for federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712; but nothing contained in this section shall be construed as transferring to the board the duties or responsibilities of the sheriffs of the various counties with respect to forest fire control laws.

23-31-204. [Formerly 23-30-204] Forest fires - duty of sheriff to report. It is the duty of the sheriffs of the various counties of the state to report as soon as practicable the occurrence of any fire in any forest in the state, either on private or public lands, to the board or its authorized agent, and, upon receiving notice from any source of a fire in any forest, it is the duty of the agent of the board to aid and assist in controlling or extinguishing the same, if necessary.

23-31-205. [Formerly 23-30-205] Provisions of act of congress accepted. The state of Colorado does hereby accept the provisions of the act of congress dated June 7, 1924, entitled "Clarke-McNary Law", as amended.

23-31-206. [Formerly 23-30-206] Cooperative agreements. The board is further authorized to enter into cooperative agreements with federal and state agencies to promote and carry out the intent and purposes of this part 2, and in carrying out the provisions of all federal acts providing funds to promote the practice of forestry; and, for the purpose of continued acceptance and participation in the provisions of the act of congress dated June 7, 1924, entitled the "Clarke-McNary Law", the board is designated as the agency of the state to administer and expend any federal appropriations received under said act of congress, pursuant to ~~section 23-30-205~~ SECTION 23-31-205.

23-31-207. [Formerly 23-30-207] Employees and personnel. The board is authorized to employ such necessary professional, clerical, and other personnel needed to carry out the provisions of this part 2. Persons employed in a technical forestry capacity must have completed the requirements for and received a degree from an accredited school of forestry and have had at least two years' experience in

forest practice. Persons employed in other technical fields must have completed the requirements for and received a degree from an accredited school in their professional field. The board may appoint, pursuant to its personnel powers, in consultation with the executive director of the department of natural resources, to carry out the provisions of this part 2 and part 3 of this article, a professional forester, to be known as the state forester, whose duties shall be primarily of an educational or regulatory nature.

23-31-208. [Formerly 23-30-208] Rights by succession to state board of land commissioners. (1) On February 14, 1955, the board shall succeed to all records, documents, and equipment in the hands of the state board of land commissioners as pertain to and used by the state board of land commissioners in the performance of the rights, powers, and duties transferred, and the state board of land commissioners is directed to deliver said property to the board within a reasonable time.

(2) On February 14, 1955, the state treasurer and the controller shall transfer to the board all funds, including federal grants-in-aid, remaining to the credit of the state board of land commissioners and appropriated or received for the administration of the rights, powers, and duties transferred by this section; but the transfer of funds shall not apply to any moneys appropriated for forest administration from the land commissioners' expense fund.

PART 3
STATE FOREST SERVICE

23-31-301. [Formerly 23-30-301] Legislative declaration. (1) The general assembly hereby finds that:

(a) The management of Colorado's state-owned forested land has far-reaching impacts on overall forest condition, risk of wildfire, water quantity and quality, and wildlife habitat;

(b) The unnatural condition of many forests throughout the state leaves them at great risk to catastrophic fires, invasion by exotic and native pest species, and other types of damage on a landscape scale;

(c) As a result of the 2002 wildfire season, the worst in Colorado's recorded history, in which two thousand twelve fires consumed over half a million acres of forested land:

(I) Local, state, and federal agencies incurred one hundred fifty-two million dollars in suppression costs and at least fifty million dollars to date in rehabilitation costs on United States forest service land alone; and

(II) Eighty-one thousand four hundred thirty-five residents had to be evacuated from their homes;

(d) Excessive runoff and soil erosion that occurs following wildfires poses a substantial threat to water quantity and quality in areas dependent on forest watersheds, including water supplies and wildlife;

(e) Since 1937, United States forest service scientists have been studying the relationship between forests and water yields in the Fraser Experimental Forest in western Colorado and have found that unnaturally overgrown stands reduce water yields and that carefully applied natural forest management practices can conserve a more natural water yield;

(f) Decades of scientific research have built a foundation of knowledge and technologies to inform and implement sound forest management and conservation;

(g) Robust, resilient forest conditions that sustain diverse forest stages are essential for productive habitat, healthy populations of wildlife, and improved water quality and quantity for Colorado's fisheries;

(h) Sound forest management activities, such as thinning, prescribed burning, and insect and disease treatments, improve the overall diversity and vigor of forested landscapes as well as the condition of related water, wildlife, recreation, and aesthetic resources;

(i) The Colorado state forest service has worked cooperatively and successfully with the division of wildlife, the state board of land commissioners, and the division of parks and outdoor recreation to improve the condition of forested land and wildlife habitat in selected project areas;

(j) The executive director of the department of natural resources is authorized to enter into an agreement with the board of governors of the Colorado state university system to work cooperatively with the Colorado state forest service and to provide staff for the division of forestry to carry out its mission of improving the health and sustainability of Colorado's forested state land.

(2) The general assembly hereby declares that it is the public policy of this state to encourage the health of forest ecosystems through responsible management of the forest land of the state and through coordination with the United States secretary of the interior and the United States secretary of agriculture to develop management plans for federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712, including the use of prescribed and natural ignition fires and other pre-suppression activities, such as the harvest of materials, in order to preserve forest and other natural resources, enhance the growth and maintenance of forests, conserve forest cover on watersheds, protect recreational, wildlife, and other values, promote stability of forest-using industries, and prevent loss of life and damage to property from wildfires and other conflagrations.

23-31-302. [Formerly 23-30-302] Forestry function named. The forestry function of the board of governors of the Colorado state university system shall be known as the "Colorado state forest service".

23-31-303. [Formerly 23-30-303] Funds available. The governor's emergency fund, or other funds available to the Colorado state forest service, may be used for the purpose of preventing and suppressing forest fires, in accordance with the provisions of part 21 of article 32 of title 24, C.R.S.

23-31-304. [Formerly 23-30-304] State responsibility determined. The state forester shall determine, in consultation with local authorities and with the approval of the governor, geographic areas of the state, including wild land-urban interface areas, in which the state has a financial responsibility for managing forest fires. The management of fires in all other areas is primarily the responsibility of local or federal agencies, as the case may be. The state forester may exclude all lands owned or controlled by the federal government or any agency thereof, and the state forester shall exclude all lands within the exterior boundaries of incorporated cities or towns.

23-31-305. [Formerly 23-30-305] Cooperation by counties. The boards of county commissioners may, in their discretion, cooperate and coordinate with the governing bodies of organized fire districts, fire departments, and municipal corporations; with private parties; with other counties; with the state forester; with the United States secretary of the interior; with the United States secretary of agriculture; and with an agency of the United States government in the management and prevention of forest fires. Such boards of county commissioners are authorized to participate in the organization and training of rural fire-fighting groups, in the payment for the operation and maintenance of fire-fighting equipment, and in sharing the cost of managing fires.

23-31-306. [Formerly 23-30-306] Sheriffs to enforce. The county sheriff, assisted by the state forester, shall enforce the provisions of this part 3 and of all state forest fire laws, and such persons shall not be liable to civil action for trespass committed in the discharge of their duties.

23-31-307. [Formerly 23-30-307] Limitation of state responsibility. Nothing in this part 3 shall be construed to authorize any county fire warden, firefighter, or county officer to obligate the state for payment of any money.

23-31-308. [Formerly 23-30-308] Emergencies. When the governor finds that conditions of extreme fire hazard exist, he OR SHE may by proclamation close such land as he OR SHE may find to be in such condition of extreme hazard to the general public and prohibit or limit burning thereon to such a degree and in such ways as he OR SHE deems necessary to reduce the danger of forest fire. The governor shall declare the end of any such emergency only upon a finding that the conditions of extreme fire hazard no longer exist.

23-31-309. [Formerly 23-30-310] Wildfire emergency response fund - creation - wildfire preparedness fund - creation. (1) There is hereby created in the state treasury the wildfire emergency response fund, which shall be administered by the Colorado state forest service. The Colorado state forest service is authorized to seek and accept gifts, grants, reimbursements, or donations from private or public sources for the purposes of this section. The fund shall consist of all moneys that may be appropriated thereto by the general assembly and all private and public funds received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(2) The Colorado state forest service shall use the moneys in the wildfire emergency response fund to provide funding or reimbursement for:

(a) The first aerial tanker flight or the first hour of a firefighting helicopter to a wildfire at the request of any county sheriff, municipal fire department, or fire protection district; and

(b) The employment of wildfire hand crews to fight a wildfire for the first two days of a wildfire at the request of any county sheriff, municipal fire department, or fire protection district, with a preference for the use of wildfire hand crews from the inmate disaster relief program created in section 17-24-124, C.R.S.

(3) (a) To effectively implement the provisions of this section and to provide recommendations to the governor related to use of the disaster emergency fund pursuant to section 24-32-2106, C.R.S., and the wildfire preparedness fund created in subsection (4) of this section, the state forester, a representative of the county sheriffs of Colorado, a representative of the Colorado state fire chiefs' association, the director of the division of emergency management, and the adjutant general or his or her designee shall collaborate to develop a wildfire preparedness plan designed to address the following:

(I) The amount of aerial firefighting resources necessary for the state of Colorado at times of high and low wildfire risk;

(II) The availability of appropriate aerial firefighting equipment and personnel at times of high fire risk to respond to a wildfire;

(III) The availability of state wildfire engines and staffing of the engines at different levels of wildfire risk;

(IV) The availability of state inmate wildfire hand crews at different levels of wildfire risk; and

(V) A process for ordering and dispatching aerial firefighting equipment and personnel that is consistent with, and supportive of, the statewide mobilization plan prepared pursuant to section 24-33.5-1210, C.R.S.

(b) The wildfire preparedness plan recommendations developed pursuant to paragraph (a) of this subsection (3) shall be completed no later than December 1, 2006, and updated each December 1 thereafter. The state forester shall submit a written report of the wildfire preparedness plan to the governor and the members of the general assembly no later than December 15, 2006, and by each December 15 thereafter.

(c) The state forester, the representative of the county sheriffs of Colorado, the representative of the Colorado state fire chiefs' association, the director of the division of emergency management, and the adjutant general or his or her designee shall not receive additional compensation for the collaboration required by this subsection (3) for the development of the wildfire preparedness plan.

(4) (a) There is hereby created in the state treasury the wildfire preparedness

fund. The fund shall consist of all moneys that may be appropriated thereto by the general assembly, all private and public moneys received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund, and all moneys transferred to the fund pursuant to section 34-63-102 (5) (a) (I), C.R.S. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this subsection (4). Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(b) By executive order or proclamation, the governor may access and designate moneys in the wildfire preparedness fund for wildfire preparedness activities. The Colorado state forest service shall implement the directives set forth in such executive order or proclamation.

(c) The Colorado state forest service may use the moneys in the wildfire preparedness fund to provide funding or reimbursement for the purchase of fire shelters by volunteer fire departments in order to comply with applicable federal requirements.

(5) No later than January 1, 2008, the state forester shall submit a report to the joint budget committee of the general assembly, the agriculture, livestock, and natural resources committee of the house of representatives, and the agriculture, natural resources, and energy committee of the senate, or any successor committees, on the use of moneys in the wildfire preparedness fund, the status of the wildfire preparedness plan, and the status of the interstate compact.

PART 4 FOREST PRODUCTS

23-31-401. [Formerly 23-30-401] Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Forest product" means any natural part of any plant including, but not limited to, firewood, logs, trees, evergreen boughs, and transplants in commercial quantities.

(2) "Person" means an individual, partnership, corporation, firm, or association.

(3) "Transplant" means any live plant that has been excavated and moved for the purpose of planting in a different location.

23-31-402. [Formerly 23-30-402] Owner's permission required - when. It is unlawful for any person to harvest and remove any forest product on land of another without first securing written permission from the owner of the land or the owner of the growth thereon, or his OR HER authorized agent. Only one permit shall be required of persons working in a crew.

23-31-403. [Formerly 23-30-403] Proof of ownership required - when. (1) It is unlawful for any person to transport or possess any forest product in the state of Colorado without proof of ownership. Said proof of ownership shall be signed by

the person transferring possession of said forest products and shall contain the date of the transfer of possession, the name and address of the transferee, the location at which the forest products were obtained, and the quantity of forest product transferred. Such proof of ownership may consist of one or more of the following:

- (a) A permit, contract, or other writing issued by the landowner or proper state or federal agencies;
- (b) A bill of sale or sales receipt showing title thereto;
- (c) A log or product load receipt or inventory;
- (d) A ticket issued by the seller authorizing removal of forest products; or
- (e) Any written statement by a person transporting forest products harvested or removed from property owned by such person.

(2) Any person who transports or possesses any forest product intended for resale shall, upon request of any sheriff, undersheriff, deputy sheriff, police officer, town marshal, Colorado state patrol officer, parks and recreation officer, Colorado wildlife officer, or an agent of the Colorado bureau of investigation, exhibit valid proof of ownership.

23-31-404. [Formerly 23-30-404] Violation - penalty - defense. (1) Any person who violates any provision of this part 4 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine equal to twice the retail value of the forest products involved.

- (2) Proof of ownership shall be an affirmative defense.

PART 5 COOPERATION WITH THE UNITED STATES

23-31-501. [Formerly 23-32-101] Acceptance of congressional grant of 1862. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all of the provisions, terms, grants, and conditions and purposes of the grants made and prescribed by the act of the congress of the United States entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts.", established under the provisions of an act of congress, approved July 2, 1862.

23-31-502. [Formerly 23-32-102] Board of governors of the Colorado state university system to control fund. The board of governors of the Colorado state university system has the control of the fund appropriated by the said act of congress and shall disburse the same for the use and benefit of the Colorado state university and in accordance with the terms and provisions of said act of congress.

23-31-503. [Formerly 23-32-103] Acceptance of congressional act of 1883. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all the provisions, terms, grants, and conditions and the purposes of

the grants made and prescribed by the act of congress of the United States entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts.", approved July 2, 1862, as well as the amendments thereto, as made by the act of congress passed and adopted March 3, 1883, entitled "An Act to amend an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts.", and all acts amendatory or supplementary to said acts.

23-31-504. [Formerly 23-32-104] Control, investment, and expending of funds. (1) The board of governors of the Colorado state university system has control of the funds derived from the sale of lands donated by the said act of congress of 1862, and shall invest the same in securities which yield a fair and reasonable rate of return, and shall disburse the income therefrom for the use and benefit of the Colorado state university as required in the said act of congress. Said funds derived from the sale of lands donated by said act of 1862, and from lease or rental of unsold lands of such land grant, and from coal, oil, and mineral royalties from said lands may be invested in bonds of the United States; in state, county, municipal, and school district bonds; in state, county, and municipal registered warrants; in registered warrants of school districts; and in state anticipation building levy warrants, or in any or all of these, in the discretion of the said board of governors of the Colorado state university system.

(2) The warrants of the board of governors of the Colorado state university system to purchase such bonds, registered warrants, and anticipation warrants shall be approved and paid when accompanied by favorable opinion of the attorney general. All bonds, registered warrants, and anticipation warrants so purchased shall be registered in the name of the "treasurer of the state of Colorado for the account of the 'land grant fund of the Colorado state university'" and deposited with the state treasurer.

(3) The general assembly of the state of Colorado engages that the principal of such fund shall forever remain unimpaired and the income thereof shall be applied without diminution to the uses and purposes prescribed in said act of congress; except that, as prescribed in said act of congress, a sum not exceeding ten percent of the principal of such fund may be expended by the board of governors of the Colorado state university system for the purchase or exchange of lands for sites or experimental stations, subject to the approval of the governor and the provisions of sections 24-75-301 to 24-75-303, C.R.S.

23-31-505. [Formerly 23-32-106] Other funds - investment. The board of governors of the Colorado state university system has the right to invest in the same manner as provided in ~~section 23-32-104~~ SECTION 23-31-504 any other permanent funds, the principal of which is not subject to use, that may be held by or granted to the state for the use of the Colorado state university or other institutions under the control of the board of governors of the Colorado state university system.

23-31-506. [Formerly 23-32-107] Report on condition - appropriation. The board of governors of the Colorado state university system, on or before the fifteenth day of December immediately preceding the convening of the general assembly, shall make a report to the governor and the joint budget committee

showing the condition of said fund, the investment thereof, the security taken therefor, and the amount of income derived therefrom. The report shall be submitted by the governor to the general assembly. If ~~such~~ THE report shows any loss in such funds, the amount of ~~such~~ THE loss shall be included in the governor's budget in order that the general assembly may fulfill the contractual obligations assumed by the state in accepting the provisions and grants of said act of congress of 1862 through an appropriation to repay ~~such~~ THE loss and keep the principal of such fund unimpaired.

23-31-507. [Formerly 23-32-108] Management of funds. The board of governors of the Colorado state university system is designated to receive, manage, and disburse all funds not permanent in character derivable and derived under the several acts of congress supplementary to the act of congress of 1862.

23-31-508. [Formerly 23-32-109] Purpose of sections. It is the design of the general assembly in passing ~~sections 23-32-103 to 23-32-109~~ SECTIONS 23-31-503 TO 23-31-508 to supplement and make more definite previous acts of acceptance of said several grants and the conditions thereof, and particularly to definitely provide for the management and investment of the permanent funds so derived, to the end that the engagements of the state with reference thereto may be kept.

23-31-509. [Formerly 23-32-110] Acceptance of congressional act of 1928. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all the provisions, terms, grants, and conditions and purposes of the grants made and prescribed by the act of congress of the United States entitled "An Act to provide for the further development of agricultural extension work at the agricultural colleges in the several states, receiving the benefit of the act entitled 'An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts.', approved July 2, 1862, and all acts supplementary thereto, and the United States department of agriculture, approved May 22, 1928." The action of the governor of the state in accepting in behalf of the state of Colorado the provisions of the said act of congress for the period from its approval to the adjournment of the present session of the general assembly as authorized by said act of congress is ratified.

23-31-510. [Formerly 23-32-111] Control of funds. The board of governors of the Colorado state university system has the control of the funds appropriated by the said act of congress and shall disburse the same in accordance with the terms and provisions of the act of congress.

23-31-511. [Formerly 23-32-112] Congressional act of 1914 accepted. Full and complete acceptance and assent is made and given by the state of Colorado to the provisions, terms, and conditions made and prescribed by the act of congress of the United States entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture, known as the Smith-Lever Act, approved May 8, 1914." The Colorado state university in the state of Colorado is designated as the beneficiary of said act under the direction of the board of governors of the Colorado state university system.

23-31-512. [Formerly 23-32-113] Board to receive and expend funds. The board of governors of the Colorado state university system is designated as the officer of the state of Colorado duly authorized to receive and expend the funds available under said act of congress to the state of Colorado for the uses and purposes therein prescribed.

23-31-513. [Formerly 23-32-114] Acceptance of congressional act of 1935. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all the provisions, terms, grants, and conditions and purposes of the grants made and prescribed by the act of congress of the United States entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.", approved June 29, 1935. The action of the governor of the state in accepting in behalf of the state of Colorado the provisions of the said act of congress for the period from its approval to the adjournment of the thirty-first session of the general assembly as authorized by said act of congress is ratified.

23-31-514. [Formerly 23-32-115] Control of funds from 1935 act. The board of governors of the Colorado state university system has the control of the funds appropriated by the said act of congress and shall disburse the same for the use and benefit of the Colorado state university for instruction, for research and investigations, and for cooperative agricultural extension work in accordance with the terms and provisions of said act of congress.

PART 6 EXPERIMENT STATIONS

23-31-601. [Formerly 23-33-101] Acceptance of congressional act of 1862. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all of the provisions, terms, grants, and conditions and purposes of the grants made and prescribed by the act of congress of the United States entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto."

23-31-602. [Formerly 23-33-102] Control of fund. The board of governors of the Colorado state university system has the control of the fund appropriated by the said act of congress and shall disburse the same for the use and benefit of the agricultural experiment station department of the Colorado state university in accordance with the terms and provisions of said act of congress.

23-31-603. [Formerly 23-33-103] Acceptance of congressional act of 1906. Full and complete acceptance, ratification, and assent is made and given by the state of Colorado to all the provisions, terms, grants, and conditions and purposes of the grants made and prescribed by the act of congress of the United States entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulate the expenditure thereof.", approved March 16, 1906.

23-31-604. [Formerly 23-33-104] Board to control fund. The board of governors of the Colorado state university system has the control of the fund

appropriated by the said act of congress and shall disburse the same for the use and benefit of the agricultural experiment station department of the Colorado state university in accordance with the terms and provisions of said act of congress.

23-31-605. [Formerly 23-33-105] Board to cooperate with counties. The board of governors of the Colorado state university system is authorized to cooperate with the several counties of the state in research work and in investigations of matters pertaining to the agricultural and industrial development of the counties and state upon such terms and in such manner as may be mutually agreed upon by the respective boards of county commissioners and the board of governors of the Colorado state university system.

23-31-606. [Formerly 23-33-106] Employees and specialists. The board of governors of the Colorado state university system is vested with the power to employ and to discharge, as in its opinion the interests of the service require, all employees and specialists engaged to carry out the provisions of this section and ~~section 23-33-105~~ SECTION 23-31-605.

23-31-607. [Formerly 23-33-107] Stations established. For the furtherance and promotion of the agricultural interests of this state, ~~an agricultural experimental station is~~ STATIONS ARE established. ~~in that section of country commonly known as the divide in the northern part of El Paso county, more particularly described as township eleven, range sixty-five west, or eleven, range sixty-four west, of the sixth principal meridian.~~ The precise location LOCATIONS shall be determined as provided in ~~section 23-33-108~~ SECTION 23-31-608.

23-31-608. [Formerly 23-33-108] Board to secure lands. The board of governors of the Colorado state university system is authorized to select the necessary lands, secure the same either by lease or purchase, make all necessary improvements in the way of buildings and fences, and take such steps as it deems necessary to successfully establish said stations.

23-31-609. [Formerly 23-33-109] Board to supervise. The board of governors of the Colorado state university system has the control and supervision of said station. It shall appoint a superintendent and such other officers and employees as necessary to carry on the said station successfully. It shall have power to fix salaries and all compensation of employees and is empowered to fix such rules and regulations necessary for the successful attainment of the object for which said station is established and maintained. It shall also appoint three resident trustees who shall act without compensation; except that, when it becomes necessary, they may be allowed traveling expenses in attending to the discharge of their duties.

23-31-610. [Formerly 23-33-110] Objects of stations. The object of ~~this~~ THE agricultural experimental ~~station~~ STATIONS is to determine the adaptability of crops of grain, grasses, root crops, and all other growths which may grow in this latitude and the most economical method of producing the best results in growing such crops with and without irrigation. ~~In aid of these objects, the board of governors of the Colorado state university system may select land, not to exceed two hundred acres, in the San Luis valley, out of the state lands there found for this purpose, and shall appoint three local trustees for the management of the same. In aid of these objects, the board of governors of the Colorado state university system may select~~

land, not to exceed two hundred acres, in the Arkansas valley in the county of Bent; out of the state lands there found for this purpose, and shall appoint three local trustees for the management of the same. In further aid of these objects, the board of governors of the Colorado state university system may select lands, to the extent of two hundred acres, in the valley of the Uncompahgre river, or the valley of the Gunnison river, or the valley of the north fork of the Gunnison river in Delta county, state of Colorado, for the purpose of an experimental agricultural station, and shall appoint three local trustees to manage the same. Such lands shall be selected from state lands or secured by purchase, gift, or donation, as the board of governors of the Colorado state university system may decide.

23-31-611. [Formerly 23-33-111] Proceeds from station. The proceeds arising from the sale of products of agricultural experimental stations shall be applied in the liquidation of the running expenses. All moneys so accruing shall be credited as coming from the state and applied as part or whole payment of any amount which may be appropriated from the funds of the state for the maintenance of the stations.

23-31-612. [Formerly 23-33-112] Expenses - how paid. To enable the board of governors of the Colorado state university system to carry out the provisions of sections 23-33-107 to 23-33-112 SECTIONS 23-31-607 TO 23-31-612, it is authorized to expend such amount as it may deem necessary in establishing agricultural experimental stations, out of any moneys which may accrue to the state by action of the congress of the United States for the purpose of establishing agricultural experimental stations in the various states and territories of the United States.

PART 7 COLORADO COOPERATIVE EXTENSION SERVICE

23-31-701. [Formerly 23-34-101] Short title. This article PART 7 shall be known and may be cited as the "Colorado Cooperative Extension Service Act".

23-31-702. [Formerly 23-34-102] Acknowledgment of related federal laws. (1) ~~Section 23-32-112~~ SECTION 23-31-511, accepting and assenting to the provisions, terms, and conditions of the act of congress known as the "Smith-Lever Act" (38 Stat. 372) providing for cooperative extension programs, is acknowledged.

(2) Subsequent congressional enactments, including the "National Agricultural Research, Extension, and Teaching Policy Act of 1977" (Title XIV, Public Law 95-113, September 29, 1977), the "International Food and Agricultural Development Act of 1975" (Title XII, Public Law 94-161, December 20, 1975), and the "Rural Development Act of 1972" (Title V, Public Law 92-419, October 3, 1972), are acknowledged as authorizing, supplementing, expanding, and redefining the federal role in cooperative extension programs, including those conducted in cooperation with the Colorado cooperative extension service.

(3) Nothing in this section shall be construed to oblige the state in any way to institute or maintain with state funds any program in contravention of the laws of Colorado or the interest of the general assembly in providing for the education needs of the people.

23-31-703. [Formerly 23-34-103] Responsibility and objectives. (1) Primary

responsibility, according to ~~section 23-34-102~~ SECTION 23-31-702, for statewide programs of educational noncredit, informal extension conducted through cooperative federal, state, and county relationships and as more particularly authorized in this ~~article~~ PART 7 shall continue to lie with the Colorado state university cooperative extension service, referred to in this article as the "service".

(2) The objectives of the service's programs shall continue to be the dissemination of information to the people of this state in order to assist them in applying the results of scientific research and technological developments, as well as lessons from practical experience, to the solution of individual, family, and community problems, drawing on relevant knowledge from various fields, including but not limited to agriculture, natural resources, home economics, nutrition, health, citizenship, and community and economic development.

23-31-704. [Formerly 23-34-104] Organization - cooperative relationships.

(1) The service is an organizational unit of the Colorado state university, under the supervision and control of the university's administration and the board of governors of the Colorado state university system.

(2) Programs of the service shall reflect and respond to problems, needs, and opportunities in the state and its regions as formulated and articulated through the participation and involvement of the people, and said programs shall be conducted in accordance with program plans pursuant to agreements with federal and state agencies and with local governments and shall be consistent with authorizations of the congress, the general assembly, and local governments.

(3) In support of program objectives, the service is authorized, pursuant to the policies of the university and the service's governing board, to enter into contracts and agreements with the United States department of agriculture, other federal departments and agencies, state departments, agencies, and institutions, county and other local governments, and private organizations and associations to further extension programs and to provide for funding and administration of said programs.

(4) ~~(a)~~ The service is authorized to establish a state advisory committee, which shall consist of no more than eighteen members who shall equitably represent all regions of the state, to assist in the planning, implementation, and evaluation of the extension programs statewide; is authorized to cooperate with boards of county commissioners in the creation of county or area advisory committees to assist local extension personnel in planning, developing, implementing, and evaluating programs and performance; may establish administrative standards, operating procedures, and methods for utilizing such advisory committees; and may make the utilization of said standards, operating procedures, and methods for utilizing such advisory committees a basis for program cooperation and coordination.

~~(b) (Deleted by amendment, L. 92, p. 954, § 5, effective March 19, 1992.)~~

23-31-705. [Formerly 23-34-105] Authority to accomplish purposes of part.

(1) The service is authorized, pursuant to applicable university, state, and federal policies and procedures, to spend appropriated funds, to collect and expend reasonable and proper service fees, to employ personnel, purchase materials and supplies, and to take other necessary action to facilitate the accomplishment of the

purposes of this ~~article~~ PART 7, including but not limited to the following:

- (a) Training of group leaders and directing of group educational activities;
- (b) Conduct of workshops, institutes, conferences, and noncredit short courses at Colorado state university or at convenient locations in the state;
- (c) Use of demonstrations and other appropriate educational methods and dissemination of information by appropriate means, including press, radio, television, and other forms of communication;
- (d) Cooperation with federal, state, and local agencies, other universities and colleges, private organizations, and institutions to further program objectives; and
- (e) Development of interstate and multicounty administrative or program arrangements, memoranda of understanding, and agreements to achieve state extension objectives.

23-31-706. [Formerly 23-34-106] Reporting and accountability. (1) In addition to such reports as may be required under federal laws and agreements, the service shall:

- (a) Provide annual reports to the governor reviewing activities and goal accomplishments, assessing the value and significance of extension program activities, and indicating problems, needs, and opportunities, especially such as might require the attention of the general assembly and the governor. Six copies of each report shall be filed with the legislative council.
- (b) Prepare such other information as may be requested by the general assembly or the governor in areas of the service's concern and responsibility.

PART 8

COLORADO WATER RESOURCES RESEARCH INSTITUTE

23-31-801. [Formerly 23-35-101] Colorado water resources research institute - creation. (1) There is hereby created the Colorado water resources research institute, referred to in this ~~article~~ PART 8 as the "institute", for the purposes of developing, implementing, and coordinating water and water-related research programs in the state and transferring the results of research and new technologies to potential users.

(2) The institute shall be a unit of the Colorado state university under the supervision and control of the university's administration and the board of governors of the Colorado state university system.

(3) The principal administrative officer of the institute shall be a director, who shall be appointed by the president of the Colorado state university with the approval of the board of governors of the Colorado state university system and who shall be under the direct supervision of the president of Colorado state university or a vice-president thereof designated by the president. To meet the purposes of the institute, the director, with the advice of the advisory committee established

pursuant to ~~section 23-35-102~~ SECTION 23-31-802, shall develop appropriate policies and procedures for identification of priority research problems; for collaborating with water user associations, other universities, federal, state, and local government agencies, and the general assembly in the formulation of its research program; for selection of projects to be funded; and for the dissemination of information and transfer of technology which is produced by the research.

(4) It is the duty of the institute to:

(a) Consult with state and local government agencies, water user associations, the general assembly, and other potential users of research in identifying and prioritizing water problems for research;

(b) Negotiate and administer contracts with other universities of the state for the conduct of research projects.

~~(c) Repealed:~~

~~(c)~~ (c) Disseminate new information and facilitate transfer and application of new technologies as they are developed;

~~(d)~~ (d) Provide for liaison between Colorado and the federal research funding agencies as an advocate for Colorado water research needs;

~~(e)~~ (e) Facilitate and stimulate research that:

(I) Deals with policy issues facing the general assembly;

(II) Supports state water agencies' missions with research on problems encountered and expected;

(III) Provides water planning and management organizations with tools to increase efficiency and effectiveness of water planning and management.

(5) The institute is authorized to employ such professional, clerical, and other personnel needed to carry out the provisions of this ~~article~~ PART 8.

(6) ~~(a)~~ The institute is authorized to expend state funds appropriated by the general assembly for cost sharing on projects funded with federal or private moneys.

~~(b) Repealed:~~

23-31-802. [Formerly 23-35-102] Advisory committee on water research policy. (1) There is hereby created the advisory committee on water research policy that shall consist of at least ten members appointed by the director of the institute.

(2) Members of the advisory committee shall serve terms of four years. Members shall serve without compensation and are not entitled to reimbursement of expenses incurred in the performance of their duties.

(3) The advisory committee shall recommend policy guidelines for implementing the functions of the institute and shall evaluate the programs of the institute. The advisory committee shall also advise and counsel the director of the institute and shall make recommendations to assist the director in carrying out the purposes of this ~~article~~ PART 8.

23-31-803. [Formerly 23-35-102.3] Water research fund. (1) There is hereby established in the state treasury the water research fund, referred to in this ~~article~~ PART 8 as the "fund". The fund shall consist of gifts, grants, and donations accepted by the institute. The moneys in the fund are hereby continuously appropriated to the institute, and the institute may expend moneys from the fund for any purpose consistent with this article. Any interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) It is the intent of the general assembly that no general fund dollars be appropriated for the water resources research institute.

23-31-804. [Formerly 23-35-103] Repeal of part. This ~~article~~ PART 8 is repealed, effective July 1, 2017.

SECTION 3. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

ARTICLE 31.5 Colorado State University - Pueblo

23-31.5-101. [Formerly 23-55-101] University established - role and mission. There is hereby established a university at Pueblo, to be known as Colorado state university - Pueblo, which shall be a regional, comprehensive university, with moderately selective admissions standards. The university shall offer a broad array of baccalaureate programs with a strong professional focus and a firm grounding in the liberal arts and sciences. The university shall also offer selected masters-level graduate programs.

23-31.5-102. [Formerly 23-55-103] Board of governors of the Colorado state university system to supervise. The board of governors of the Colorado state university system has the general supervision of the Colorado state university - Pueblo and the control and direction of the funds and appropriations made thereto and has the power to receive, demand, and hold for the uses and purposes of said university all money, lands, and other property that may be donated, devised, or conveyed thereto and to apply the same in such manner as shall best serve the objects and interests of the said university.

23-31.5-103. Who shall constitute faculty. THE PRESIDENT AND THE FACULTY SHALL CONSTITUTE THE FACULTY OF THE COLORADO STATE UNIVERSITY - PUEBLO.

23-31.5-104. Duty of the faculty. THE FACULTY SHALL HAVE THE RESPONSIBILITY FOR MAKING ACADEMIC POLICY AND GOVERNING THE ACADEMIC

AFFAIRS OF THE INSTITUTION.

23-31.5-105. President - duties. THE PRESIDENT SHALL BE CHIEF EXECUTIVE OFFICER OF THE COLORADO STATE UNIVERSITY - PUEBLO, AND IT IS HIS OR HER DUTY TO SEE THAT THE RULES AND REGULATIONS OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM AND THE FACULTY ARE OBSERVED AND EXECUTED.

23-31.5-106. President may remove officers. THE SUBORDINATE OFFICERS AND EMPLOYEES, BUT NOT MEMBERS OF THE FACULTY OR THOSE EMPLOYEES FOR WHICH THE BOARD HAS RESERVED PERSONNEL POWERS, SHALL BE UNDER THE DIRECTION OF THE PRESIDENT AND SHALL BE REMOVABLE AT HIS OR HER DISCRETION. THE PRESIDENT MAY FILL VACANCIES OF SUCH SUBORDINATE OFFICERS AND EMPLOYEES SUBJECT TO HIS OR HER PERSONNEL POWER.

23-31.5-107. President may be professor. THE PRESIDENT MAY OR MAY NOT PERFORM THE DUTIES OF A PROFESSOR, AS THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM SHALL DETERMINE.

23-31.5-108. [Formerly 23-55-104] Power to acquire land. The board of governors of the Colorado state university system ~~also~~ has the 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 ~~said university~~ COLORADO STATE UNIVERSITY - PUEBLO.

23-31.5-109. [Formerly 23-55-105] Effect of name change. The legal effect of any statute heretofore designating the Colorado state university - Pueblo by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired.

23-31.5-110. [Formerly 23-55-106] Additional powers of board. (1) The board of governors of the Colorado state university system ~~also~~ has the power to lease portions of the grounds of the Colorado state university - Pueblo to private persons and corporations for the construction of dormitory, living, dining, or cottage buildings and to rent, lease, maintain, operate, and purchase such buildings at such university, all in the manner provided by and subject to the limitations contained in sections 23-56-105 to 23-56-111; except that none of such grounds or improvements shall be used in any manner that discriminates against anyone because of race, creed, color, or religion.

(2) In exercising the powers conferred by subsection (1) of this section, the board of governors of the Colorado state university system is authorized to enter into agreements which establish fixed building rental rates for the full term of any building lease, to let individual rooms and quarters within leased buildings at such rental rates as are approved by the ~~said~~ board and prescribed in the lease, and to enter into agreements not to alter such rates during the term of any lease agreement without the prior consent of the building lessor or his or her assigns.

(3) In addition to those powers conferred elsewhere in this article, the board of

governors of the Colorado state university system has the power to:

- (a) Appoint a president of the Colorado state university - Pueblo who shall hold the office until removed by the ~~said~~ board or until he or she resigns;
- (b) Appoint such other executive officers of the university as may be required;
- (c) Appoint such faculty and employees as the necessities of the university demand;
- (d) Determine the compensation to be paid to the president, executive officers, faculty, and professional staff.

23-31.5-111. [Formerly 23-55-107] Board of governors of the Colorado state university system - powers relating to real property. The board of governors of the Colorado state university system shall have the powers specified in section 23-30-102 regarding the sale, lease, or exchange of real property, or any interest therein, the ownership of which is vested in the board of governors of the Colorado state university system or the Colorado state university - Pueblo. ~~The board of governors of the Colorado state university system shall report all proposed sales, leases, or exchanges of such real property adjacent to or titled in Colorado state university - Pueblo to the Colorado commission on higher education, which will review and approve or disapprove the proposed transaction pursuant to section 23-1-106.~~

SECTION 4. 24-1-124 (3) (j), Colorado Revised Statutes, is amended to read:

24-1-124. Department of natural resources - creation - divisions - repeal.

(3) The department of natural resources shall consist of the following divisions:

(j) The division of forestry, created in section 24-33-201 (1), the head of which shall be the state forester, appointed pursuant to ~~section 23-30-207~~ SECTION 23-31-207, C.R.S., and the forestry advisory board, created in section 24-33-202 (1). The division of forestry, the state forester, and THE forestry advisory board shall exercise their powers, duties, and functions as prescribed by law under the department of natural resources and the executive director thereof as if the same were transferred to the department by a **type 2** transfer.

SECTION 5. 34-63-102 (5) (a) (I), Colorado Revised Statutes, is amended to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee. (5) (a) (I) The remaining fifteen percent of all moneys described in paragraph (a) of subsection (1) of this section, any moneys received pursuant to subparagraph (II) of paragraph (b) of subsection (3) of this section, and any moneys received pursuant to subparagraph (II) of paragraph (c) of subsection (3) of this section shall, upon receipt, be paid into the local government mineral impact fund, which is hereby created. The executive director of the department of local affairs shall distribute moneys from such fund pursuant to subsection (3) of this section; except that the remainder provided for in this paragraph (a) shall be distributed in accordance with the purposes and priorities described in subsection (1) of this

section. Notwithstanding any other provision of this paragraph (a) to the contrary, the executive director shall distribute moneys from such fund to the uranium mill tailings remedial action program fund in accordance with the provisions of section 39-29-116 (3), C.R.S. Notwithstanding any other provision of this paragraph (a), in the fiscal years commencing July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the department of local affairs shall transfer three million two hundred fifty thousand dollars of the moneys in the fund to the state treasurer, who shall credit the moneys to the wildfire preparedness fund created in ~~section 23-30-310 (4)~~ SECTION 23-31-309 (4), C.R.S.

SECTION 6. 38-1-202 (1) (c), Colorado Revised Statutes, is amended to read:

38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain. (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article and articles 2 to 7 of this title and to the extent and within any time frame specified in the applicable authorizing statute may exercise the power of eminent domain:

(c) State educational boards of control, including the state board for community colleges and occupational education and junior college boards of trustees, and institutions of higher education, as authorized in ~~sections 23-53-105, 23-55-104~~ SECTIONS 23-31.5-108, 23-53-105, 23-60-208, 23-71-122 (1) (p), and 38-2-105, C.R.S.;

SECTION 7. Repeal of provisions being relocated in this act. 23-30-110 to 23-30-113, parts 2, 3, and 4 of article 30 of title 23; 23-31-104 to 23-31-109, 23-31-111 to 23-31-113, 21-31-115, 23-31-117 to 23-31-121, 23-31-127 to 23-31-135; 23-32-101 to 23-32-104, 23-32-106 to 23-32-115; 23-33-101 to 23-33-112; articles 34 and 35 of title 23; 23-55-101 and 23-55-103 to 23-55-107, Colorado Revised Statutes, are repealed.

SECTION 8. Repeal of provisions not being relocated in this act. 23-30-109, 23-30-114 to 23-30-116, 23-30-309; 23-31-103, 23-31-110, 23-31-114, 23-31-116, 23-31-122 to 23-31-126, 23-31-136; 23-32-105; 23-33-113 to 23-33-123; 23-55-102 and 23-55-108, Colorado Revised Statutes, are repealed.

SECTION 9. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 16, 2007