

CHAPTER 82

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 03-1093

BY REPRESENTATIVE(S) Berry, Rippey, Rose, Salazar, White, Decker, McFadyen, Miller, Smith, Vigil, Boyd, Hefley, Jahn, Merrifield, Paccione, Plant, Romanoff, Spence, Spradley, Stengel, Wiens, Williams S., and Williams T.;
also SENATOR(S) Teck, Andrews, Chlouber, Evans, Groff, Tapia, and Taylor.

AN ACT

CONCERNING THE GOVERNANCE OF STATE COLLEGES WITHIN THE COLORADO HIGHER EDUCATION SYSTEM.

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

SECTION 1. Repeal. Article 50 of title 23, Colorado Revised Statutes, is repealed.

SECTION 2. Article 50 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-50-115. Distribution plan - disbursement of moneys - repeal. (1) PRIOR TO JULY 1, 2003, THE TRUSTEES OF THE STATE COLLEGES, IN CONSULTATION WITH THE COLORADO COMMISSION FOR HIGHER EDUCATION, SHALL ESTABLISH A DISTRIBUTION PLAN FOR ALL UNEXPENDED AND UNENCUMBERED MONEYS UNDER THE CONTROL OF THE TRUSTEES AS OF JUNE 30, 2003, AND DISTRIBUTE THOSE MONEYS CONSISTENT WITH THE DISTRIBUTION PLAN TO ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 3. The introductory portion to 23-1-104 (5) and 23-1-104 (6) (c), Colorado Revised Statutes, are amended, and the said 23-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

23-1-104. Financing the system of postsecondary education - repeal. (5) For THE fiscal ~~years~~ YEAR beginning on ~~or after~~ July 1, 2003, budget allocations for:

(5.5) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2004, BUDGET

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

ALLOCATIONS FOR:

(a) ADAMS STATE COLLEGE SHALL BE DIRECTLY APPROPRIATED TO THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE;

(b) MESA STATE COLLEGE SHALL BE DIRECTLY APPROPRIATED TO THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE; AND

(c) WESTERN STATE COLLEGE OF COLORADO SHALL BE DIRECTLY APPROPRIATED TO THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO.

(6) (c) For the 2003-04 fiscal year, the general assembly shall appropriate from the general fund to the ~~trustees of the state colleges~~ COMMISSION an amount adequate to fund the minimum level of funding established pursuant to paragraph (b) of this subsection (6). Except as otherwise provided in paragraph (d) of this subsection (6), the minimum level of funding shall serve as the base for future funding of ~~the trustees of the state colleges~~ WHICH WERE GOVERNED BY THE TRUSTEES OF THE STATE COLLEGES DURING FISCAL YEAR 2002-03.

(9) (a) FOR FISCAL YEAR 2003-04, THE COMMISSION SHALL ENSURE THAT CASH FUNDS AND APPROPRIATIONS FOR ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO ARE DISBURSED TO THE COLLEGES CONSISTENT WITH THE DISTRIBUTION PLAN ESTABLISHED BY THE BOARD OF TRUSTEES FOR STATE COLLEGES PRIOR TO JULY 1, 2003.

(b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2004.

SECTION 4. Article 51 of title 23, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 51
Adams State College

23-51-101. College established - role and mission. THERE IS HEREBY ESTABLISHED A COLLEGE AT ALAMOSA, TO BE KNOWN AS ADAMS STATE COLLEGE, WHICH SHALL BE A GENERAL BACCALAUREATE INSTITUTION WITH MODERATELY SELECTIVE ADMISSION STANDARDS. ADAMS STATE COLLEGE SHALL OFFER UNDERGRADUATE LIBERAL ARTS AND SCIENCES, TEACHER PREPARATION, AND BUSINESS DEGREE PROGRAMS, A LIMITED NUMBER OF MASTER'S LEVEL PROGRAMS, AND TWO-YEAR TRANSFER PROGRAMS WITH A COMMUNITY COLLEGE ROLE AND MISSION. ADAMS STATE COLLEGE SHALL NOT OFFER VOCATIONAL EDUCATION PROGRAMS. ADAMS STATE COLLEGE SHALL RECEIVE RESIDENT CREDIT FOR TWO-YEAR COURSE OFFERINGS IN ITS COMMISSION-APPROVED SERVICE AREA. ADAMS STATE COLLEGE HAS A SIGNIFICANT RESPONSIBILITY TO PROVIDE ACCESS TO TEACHER EDUCATION IN RURAL COLORADO. ADAMS STATE COLLEGE SHALL ALSO SERVE AS A REGIONAL EDUCATION PROVIDER. IN ADDITION, ADAMS STATE COLLEGE SHALL OFFER PROGRAMS, WHEN FEASIBLE, THAT PRESERVE AND PROMOTE THE UNIQUE HISTORY AND CULTURE OF THE REGION.

23-51-102. Board of trustees - creation - members - powers - duties.
(1) (a) THERE IS ESTABLISHED THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE,

REFERRED TO IN THIS ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF ELEVEN MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR ADAMS STATE COLLEGE. THE BOARD OF TRUSTEES SHALL BE, AND IS HEREBY DECLARED TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES DESIGNATED IN THIS SECTION, MAY:

(I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF ADAMS STATE COLLEGE;

(II) BE A PARTY TO ALL SUITS AND CONTRACTS; AND

(III) DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE IN LIKE MANNER AS MUNICIPAL CORPORATIONS OF THIS STATE, INCLUDING BUT NOT LIMITED TO THE POWER TO DEMAND, RECEIVE, HOLD, AND USE FOR THE BEST INTERESTS OF ADAMS STATE COLLEGE SUCH MONEY, LANDS, OR OTHER PROPERTY AS MAY BE DONATED OR DEvised TO OR FOR THE COLLEGE.

(b) THE BOARD OF TRUSTEES AND ITS SUCCESSORS SHALL HAVE PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF ADAMS STATE COLLEGE, AND MAY CONDUCT THE BUSINESS OF THE COLLEGE IN A MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS STATE. THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED MEMBERS A CHAIRPERSON, WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE STAFF OF ADAMS STATE COLLEGE SHALL PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

(2) THE GOVERNOR SHALL APPOINT, EFFECTIVE JULY 1, 2003, WITH THE CONSENT OF THE SENATE, NINE MEMBERS OF THE BOARD OF TRUSTEES. MEMBERS APPOINTED TO THE BOARD OF TRUSTEES SHALL HAVE THE AUTHORITY TO ACT ON BEHALF OF THE BOARD OF TRUSTEES PRIOR TO OBTAINING CONFIRMATION BY THE SENATE. THE MEMBERS FIRST APPOINTED TO THE BOARD OF TRUSTEES SHALL TAKE OFFICE ON JULY 1, 2003. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON JULY 1, 2003, SHALL BE MADE SO THAT THREE MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2005, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2006, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2007, AND TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2008; THEREAFTER, THE TERMS OF THE NINE APPOINTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FOUR YEARS. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, AT LEAST TWO SHALL RESIDE IN ALAMOSA, CONEJOS, COSTILLA, HUERFANO, MINERAL, RIO GRANDE, OR SAGAUCHE COUNTY. EACH TRUSTEE SHALL HOLD OFFICE FOR THE TERM FOR WHICH THE TRUSTEE HAS BEEN APPOINTED AND UNTIL THE TRUSTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED.

(3) THE TENTH MEMBER OF THE BOARD OF TRUSTEES SHALL BE A FULL-TIME JUNIOR OR SENIOR STUDENT AT ADAMS STATE COLLEGE, ELECTED BY THE MEMBERS OF THE STUDENT BODY OF ADAMS STATE COLLEGE. THE TERM OF THE STUDENT MEMBER SHALL BE ONE YEAR, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EACH YEAR THEREAFTER. THE STUDENT MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO

VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S. THE STUDENT MEMBER SHALL HAVE RESIDED IN THE STATE OF COLORADO FOR NOT LESS THAN THREE YEARS PRIOR TO THE STUDENT'S ELECTION.

(4) THE ELEVENTH MEMBER SHALL BE A MEMBER OF THE FACULTY OF ADAMS STATE COLLEGE ELECTED BY OTHER MEMBERS OF THE FACULTY FOR A TERM OF TWO YEARS, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EVERY ODD-NUMBERED YEAR THEREAFTER. THE FACULTY MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S.

(5) A VACANCY OF AN APPOINTED MEMBER OF THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM. A VACANCY OF EITHER OF THE ELECTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FILLED BY ELECTION FOR THE UNEXPIRED TERM. EACH MEMBER OF THE BOARD OF TRUSTEES SHALL TAKE AND SUBSCRIBE TO THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION OF THIS STATE BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, WHICH OATH SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE SECRETARY OF STATE.

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

(7) IN ADDITION TO THOSE POWERS CONFERRED ELSEWHERE IN THIS ARTICLE, THE BOARD OF TRUSTEES HAS THE POWER TO:

- (a) APPOINT A PRESIDENT OF ADAMS STATE COLLEGE;
- (b) APPOINT SUCH OTHER EXECUTIVE OFFICERS OF THE COLLEGE AS MAY BE REQUIRED;
- (c) APPOINT FACULTY AND EMPLOYEES AS MAY BE REQUIRED;
- (d) DETERMINE THE COMPENSATION TO BE PAID TO THE PRESIDENT, EXECUTIVE OFFICERS, FACULTY, AND PROFESSIONAL STAFF;
- (e) WITH THE ADVICE OF THE FACULTY, PRESCRIBE THE DEGREE PROGRAMS FOR THE COLLEGE; AND
- (f) PRESCRIBE THE STUDENT ADMISSIONS QUALIFICATIONS.

23-51-103. Board of trustees for Adams state college fund - creation - control - use. (1) THERE IS CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE BOARD OF TRUSTEES

IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY ADAMS STATE COLLEGE SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF SURPLUS REAL OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF A FISCAL YEAR.

(2) THE MONEYS IN THE FUND SHALL REMAIN UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND SHALL BE USED FOR THE PAYMENT OF SALARIES AND OPERATING EXPENSES OF THE BOARD OF TRUSTEES AND OF ADAMS STATE COLLEGE AND FOR THE PAYMENT OF ANY OTHER EXPENSES INCURRED BY THE BOARD OF TRUSTEES IN CARRYING OUT ITS POWERS AND DUTIES.

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

23-51-104. Lease of grounds - construction. FOR THE PURPOSE OF PROVIDING DORMITORIES, LIVING AND DINING HALLS, OR COTTAGES AND EQUIPMENT FOR THE USE OF THE SCHOOL, TO ENABLE THE CONSTRUCTION, FINANCING, AND ULTIMATE ACQUISITION THEREOF, AND TO AID IN IMPROVING UNDEVELOPED PORTIONS OF THE GROUNDS OF ADAMS STATE COLLEGE, THE BOARD OF TRUSTEES IS EMPOWERED TO LEASE GROUNDS UNDER ITS CONTROL TO PRIVATE PERSONS OR CORPORATIONS FOR A TERM NOT EXCEEDING FIFTY YEARS AND SUBJECT TO SUCH REGULATIONS AS IT MAY PRESCRIBE, AND UPON THE CONDITION THAT PRIVATE PERSONS OR CORPORATIONS SHALL CONSTRUCT AND EQUIP ON THE LEASED GROUNDS BUILDINGS OR IMPROVEMENTS AS THE BOARD OF TRUSTEES DESIGNATES OR APPROVES AND SECURE REIMBURSEMENT FOR MONEY INVESTED THEREIN FROM THE RENTALS OF SUCH BUILDINGS OR FROM THEIR SALE TO THE BOARD OF TRUSTEES ACTING FOR THE STATE.

23-51-105. No authority to create state obligation. NOTHING IN THIS ARTICLE CONSTITUTES AUTHORITY TO ENTER INTO A CONTRACT WHICH SHALL IN ANY WAY CREATE A DEBT OR OBLIGATION UPON THE STATE ON ACCOUNT OF THE CONSTRUCTION OF BUILDINGS OR IMPROVEMENTS; EXCEPT THAT BUILDINGS AND IMPROVEMENTS ERECTED ON LANDS UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND DEVOTED TO THE USES OF ADAMS STATE COLLEGE UNDER THE TERMS OF THIS ARTICLE AND THE LEASEHOLD INTEREST SHALL BE EXEMPT FROM TAXATION SO FAR AS PERMITTED BY THE STATE CONSTITUTION.

23-51-106. Board of trustees to control buildings. THE MANAGEMENT OF BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF THIS ARTICLE, AND THE SCALE OF RENTALS THEREOF, SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-51-107. Board of trustees may rent buildings. THE BOARD OF TRUSTEES IS AUTHORIZED TO LEASE OR RENT BUILDINGS CONSTRUCTED UNDER THE PROVISIONS OF THIS ARTICLE FROM THE PRIVATE PERSONS OR CORPORATIONS CONSTRUCTING THE BUILDINGS UPON SUCH TERMS AS IT DEEMS SATISFACTORY AS TO CURRENT RENTAL, MAINTENANCE, AND ULTIMATE PURCHASE, PAYING THEREFOR OUT OF THE REVENUES DERIVED FROM THE OPERATION OF THE BUILDINGS BY THE BOARD OF TRUSTEES OR FROM OTHER FUNDS UNDER ITS CONTROL THAT ARE AVAILABLE FOR GENERAL MAINTENANCE PURPOSES.

23-51-108. State property at lease end. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED UNDER THE TERMS OF THIS ARTICLE PROVIDING FOR THE CONSTRUCTION AND EQUIPMENT OF BUILDINGS, THE BUILDINGS SHALL BECOME THE PROPERTY OF THE STATE, TOGETHER WITH ALL EQUIPMENT, FURNISHINGS, OR APPURTENANCES THEREIN CONTAINED OR THERETO ATTACHED; EXCEPT THAT PERSONAL GOODS OR EFFECTS OF AN OCCUPANT MAY BE REMOVED.

23-51-109. Leasehold interest may be sold. NOTHING IN THIS ARTICLE SHALL PREVENT THE TRANSFER OR SALE OF THE LEASEHOLD INTEREST PRIOR TO ITS EXPIRATION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-51-110. Board of trustees may rent rooms. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED WITH PRIVATE PERSONS OR CORPORATIONS FOR THE CONSTRUCTION OF BUILDINGS UNDER THE TERMS OF THIS ARTICLE, THE BOARD OF TRUSTEES IS EMPOWERED TO RENT ROOMS OR QUARTERS IN BUILDINGS ERECTED UNDER THE LEASES OR CONTRACTS FOR REASONABLE COMPENSATION AS IT MAY DEEM BEST IN RELATION TO CURRENT OPERATION, MAINTENANCE, AND UPKEEP COSTS.

SECTION 5. Article 53 of title 23, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 53
Mesa State College

23-53-101. College established - role and mission. (1) THERE IS HEREBY ESTABLISHED A COLLEGE AT GRAND JUNCTION, TO BE KNOWN AS MESA STATE COLLEGE, WHICH SHALL BE A GENERAL BACCALAUREATE AND SPECIALIZED GRADUATE INSTITUTION WITH MODERATELY SELECTIVE ADMISSION STANDARDS. MESA STATE COLLEGE SHALL OFFER UNDERGRADUATE LIBERAL ARTS AND SCIENCES, TEACHER PREPARATION, AND BUSINESS DEGREE PROGRAMS AND A LIMITED NUMBER OF GRADUATE PROGRAMS. MESA STATE COLLEGE SHALL ALSO MAINTAIN A COMMUNITY COLLEGE ROLE AND MISSION, INCLUDING VOCATIONAL AND TECHNICAL PROGRAMS. MESA STATE COLLEGE SHALL RECEIVE RESIDENT CREDIT FOR TWO-YEAR COURSE OFFERINGS IN ITS COMMISSION-APPROVED SERVICE AREA. MESA STATE COLLEGE SHALL ALSO SERVE AS A REGIONAL EDUCATION PROVIDER.

23-53-102. Board of trustees - creation - members - powers - duties. (1) (a) THERE IS ESTABLISHED THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE, REFERRED TO IN THIS ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF ELEVEN MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR MESA STATE COLLEGE. THE BOARD OF TRUSTEES SHALL BE, AND IS HEREBY DECLARED TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES DESIGNATED IN THIS SECTION,

MAY:

(I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF MESA STATE COLLEGE;

(II) BE A PARTY TO ALL SUITS AND CONTRACTS; AND

(III) DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE IN LIKE MANNER AS MUNICIPAL CORPORATIONS OF THIS STATE, INCLUDING BUT NOT LIMITED TO THE POWER TO DEMAND, RECEIVE, HOLD, AND USE FOR THE BEST INTERESTS OF MESA STATE COLLEGE SUCH MONEY, LANDS, OR OTHER PROPERTY AS MAY BE DONATED OR DEvised TO OR FOR THE COLLEGE.

(b) THE BOARD OF TRUSTEES AND ITS SUCCESSORS SHALL HAVE PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF MESA STATE COLLEGE, AND MAY CONDUCT THE BUSINESS OF THE COLLEGE IN A MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS STATE. THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED MEMBERS A CHAIRPERSON, WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE STAFF OF MESA STATE COLLEGE SHALL PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

(2) THE GOVERNOR SHALL APPOINT, EFFECTIVE JULY 1, 2003, WITH THE CONSENT OF THE SENATE, NINE MEMBERS OF THE BOARD OF TRUSTEES. MEMBERS APPOINTED TO THE BOARD OF TRUSTEES SHALL HAVE THE AUTHORITY TO ACT ON BEHALF OF THE BOARD OF TRUSTEES PRIOR TO OBTAINING CONFIRMATION BY THE SENATE. THE MEMBERS FIRST APPOINTED TO SAID BOARD SHALL TAKE OFFICE ON JULY 1, 2003. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON JULY 1, 2003, SHALL BE MADE SO THAT THREE MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2005, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2006, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2007, AND TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2008; THEREAFTER, THE TERMS OF THE NINE APPOINTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FOUR YEARS. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, AT LEAST TWO SHALL RESIDE IN DELTA, GARFIELD, MESA, OR MONTROSE COUNTY. EACH TRUSTEE SHALL HOLD OFFICE FOR THE TERM FOR WHICH THE TRUSTEE HAS BEEN APPOINTED AND UNTIL THE TRUSTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED.

(3) THE TENTH MEMBER OF THE BOARD OF TRUSTEES SHALL BE A FULL-TIME JUNIOR OR SENIOR STUDENT AT MESA STATE COLLEGE, ELECTED BY THE MEMBERS OF THE STUDENT BODY OF MESA STATE COLLEGE. THE TERM OF THE STUDENT MEMBER SHALL BE ONE YEAR, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EACH YEAR THEREAFTER. THE STUDENT MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S. THE STUDENT MEMBER SHALL HAVE RESIDED IN THE STATE OF COLORADO FOR NOT LESS THAN THREE YEARS PRIOR TO THE STUDENT'S ELECTION.

(4) THE ELEVENTH MEMBER SHALL BE A MEMBER OF THE FACULTY OF MESA STATE COLLEGE ELECTED BY OTHER MEMBERS OF THE FACULTY FOR A TERM OF TWO YEARS, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EVERY ODD-NUMBERED YEAR THEREAFTER. THE FACULTY MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S.

(5) A VACANCY OF AN APPOINTED MEMBER OF THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM. A VACANCY OF EITHER OF THE ELECTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FILLED BY ELECTION FOR THE UNEXPIRED TERM. EACH MEMBER OF THE BOARD OF TRUSTEES SHALL TAKE AND SUBSCRIBE TO THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION OF THIS STATE BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, WHICH OATH SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE SECRETARY OF STATE.

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

(7) IN ADDITION TO THOSE POWERS CONFERRED ELSEWHERE IN THIS ARTICLE, THE BOARD OF TRUSTEES HAS THE POWER TO:

- (a) APPOINT A PRESIDENT OF MESA STATE COLLEGE;
- (b) APPOINT SUCH OTHER EXECUTIVE OFFICERS OF THE COLLEGE AS MAY BE REQUIRED;
- (c) APPOINT FACULTY AND EMPLOYEES AS MAY BE REQUIRED;
- (d) DETERMINE THE COMPENSATION TO BE PAID TO THE PRESIDENT, EXECUTIVE OFFICERS, FACULTY, AND PROFESSIONAL STAFF;
- (e) WITH THE ADVICE OF THE FACULTY, PRESCRIBE THE DEGREE PROGRAMS FOR THE COLLEGE; AND
- (f) PRESCRIBE THE STUDENT ADMISSIONS QUALIFICATIONS.

23-53-103. Board of trustees for Mesa state college fund - creation - control - use. (1) THERE IS CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY MESA STATE COLLEGE SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF SURPLUS REAL

OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF A FISCAL YEAR.

(2) THE MONEYS IN THE FUND SHALL REMAIN UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND SHALL BE USED FOR THE PAYMENT OF SALARIES AND OPERATING EXPENSES OF THE BOARD OF TRUSTEES AND OF MESA STATE COLLEGE AND FOR THE PAYMENT OF ANY OTHER EXPENSES INCURRED BY THE BOARD OF TRUSTEES IN CARRYING OUT ITS POWERS AND DUTIES.

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

23-53-104. Board of trustees of Mesa state college to supervise. THE BOARD OF TRUSTEES SHALL HAVE GENERAL SUPERVISION OF MESA STATE COLLEGE AND THE CONTROL AND DIRECTION OF THE FUNDS AND APPROPRIATIONS MADE THERETO, AND THE BOARD OF TRUSTEES SHALL HAVE POWER TO RECEIVE, DEMAND, AND HOLD FOR THE USES AND PURPOSES OF THE COLLEGE ALL MONEY, LANDS, AND OTHER PROPERTY WHICH MAY BE DONATED, DEVISED, OR CONVEYED THERETO AND TO APPLY THE SAME IN SUCH MANNER AS SHALL BEST SERVE THE OBJECTS AND INTERESTS OF THE COLLEGE.

23-53-105. Power to acquire land. THE BOARD OF TRUSTEES SHALL ALSO HAVE POWER TO TAKE AND HOLD, BY GIFT, DEVISE, OR PURCHASE OR THROUGH EXERCISE OF THE POWER OF EMINENT DOMAIN PURSUANT TO LAW, SO MUCH ADDITIONAL LAND AS MAY BECOME NECESSARY FOR THE LOCATION AND CONSTRUCTION OF SUCH ADDITIONAL BUILDINGS, STRUCTURES, AND OTHER FACILITIES AS MAY BE REQUIRED FOR THE USES AND PURPOSES OF MESA STATE COLLEGE FROM FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY.

23-53-106. Board of trustees empowered to lease grounds. FOR THE PURPOSE OF PROVIDING DORMITORIES, LIVING AND DINING HALLS, OR COTTAGES AND EQUIPMENT FOR THE USE OF MESA STATE COLLEGE, AND TO ENABLE THE CONSTRUCTION, FINANCING, AND ULTIMATE ACQUISITION THEREOF, AND TO AID IN IMPROVING UNDEVELOPED PORTIONS OF THE GROUNDS OF MESA STATE COLLEGE, THE BOARD OF TRUSTEES IS EMPOWERED TO LEASE GROUNDS UNDER ITS CONTROL TO PRIVATE PERSONS OR CORPORATIONS FOR A TERM NOT EXCEEDING FIFTY YEARS, SUBJECT TO REGULATIONS AS THE BOARD MAY PRESCRIBE AND UPON THE CONDITION THAT PRIVATE PERSONS OR CORPORATIONS SHALL CONSTRUCT AND EQUIP ON THE LEASED GROUNDS BUILDINGS OR IMPROVEMENTS AS THE BOARD OF TRUSTEES DESIGNATES OR APPROVES, REIMBURSEMENT FOR MONEY INVESTED THEREIN TO BE SECURED FROM THE RENTALS OF THE BUILDINGS OR FROM THEIR SALE TO THE BOARD OF TRUSTEES ACTING FOR THE STATE.

23-53-107. No authority to obligate state. NOTHING IN THIS ARTICLE SHALL

CONSTITUTE AUTHORITY TO ENTER INTO A CONTRACT WHICH IN ANY WAY CREATES ANY DEBT OR OBLIGATION UPON THE STATE ON ACCOUNT OF THE CONSTRUCTION OF BUILDINGS OR IMPROVEMENTS; BUT BUILDINGS AND IMPROVEMENTS ERECTED ON LANDS UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND DEVOTED TO THE USES OF MESA STATE COLLEGE UNDER THE TERMS OF THIS ARTICLE AND THE LEASEHOLD INTEREST SHALL BE EXEMPT FROM TAXATION SO FAR AS PERMITTED BY THE STATE CONSTITUTION.

23-53-108. Buildings - control of. THE MANAGEMENT OF BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF THIS ARTICLE AND THE SCALE OF RENTALS THEREOF SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-53-109. Board of trustees may rent buildings. THE BOARD OF TRUSTEES IS AUTHORIZED TO LEASE OR RENT BUILDINGS CONSTRUCTED UNDER THE PROVISIONS OF THIS ARTICLE FROM THE PRIVATE PERSONS OR CORPORATIONS CONSTRUCTING THE BUILDINGS UPON SUCH TERMS AS THE BOARD DEEMS SATISFACTORY AS TO CURRENT RENTAL, MAINTENANCE, AND ULTIMATE PURCHASE, PAYING THEREFOR OUT OF THE REVENUES DERIVED FROM THE OPERATION OF THE BUILDINGS BY THE BOARD OF TRUSTEES OR FROM OTHER FUNDS UNDER ITS CONTROL AVAILABLE FOR GENERAL MAINTENANCE PURPOSES.

23-53-110. To be state property at lease end. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED UNDER THE TERMS OF THIS ARTICLE PROVIDING FOR THE CONSTRUCTION AND EQUIPMENT OF BUILDINGS, THE BUILDINGS SHALL BECOME THE PROPERTY OF THE STATE, TOGETHER WITH ALL EQUIPMENT, FURNISHINGS, OR APPURTENANCES THEREIN CONTAINED OR THERETO ATTACHED; EXCEPT THAT PERSONAL GOODS OR EFFECTS OF AN OCCUPANT MAY BE REMOVED.

23-53-111. Leasehold interest may be sold. NOTHING IN THIS ARTICLE SHALL PREVENT THE TRANSFER OR SALE OF THE LEASEHOLD INTERESTS PRIOR TO THEIR EXPIRATION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-53-112. Board of trustees may rent rooms. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED WITH PRIVATE PERSONS OR CORPORATIONS FOR THE CONSTRUCTION OF BUILDINGS UNDER THE TERMS OF THIS ARTICLE, THE BOARD OF TRUSTEES IS EMPOWERED TO RENT ROOMS OR QUARTERS IN BUILDINGS ERECTED UNDER LEASES OR CONTRACTS FOR REASONABLE COMPENSATION AS THE BOARD DEEMS BEST IN RELATION TO CURRENT OPERATION, MAINTENANCE, AND UPKEEP COSTS.

SECTION 6. Article 56 of title 23, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 56
Western State College of Colorado

23-56-101. College established - role and mission. THERE IS HEREBY ESTABLISHED A COLLEGE AT GUNNISON, WHICH SHALL BE KNOWN AS WESTERN STATE COLLEGE OF COLORADO. WESTERN STATE COLLEGE OF COLORADO SHALL BE A GENERAL BACCALAUREATE INSTITUTION WITH MODERATELY SELECTIVE ADMISSION STANDARDS. WESTERN STATE COLLEGE OF COLORADO SHALL OFFER

UNDERGRADUATE LIBERAL ARTS AND SCIENCES, TEACHER PREPARATION, AND BUSINESSDEGREE PROGRAMS. WESTERN STATE COLLEGE OF COLORADO SHALL ALSO SERVE AS A REGIONAL EDUCATION PROVIDER.

23-56-102. Board of trustees - creation - members - powers - duties.

(1) (a) THERE IS ESTABLISHED THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO, REFERRED TO IN THIS ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF ELEVEN MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR WESTERN STATE COLLEGE OF COLORADO. THE BOARD OF TRUSTEES SHALL BE, AND IS HEREBY DECLARED TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES DESIGNATED IN THIS SECTION, MAY:

(I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF WESTERN STATE COLLEGE OF COLORADO;

(II) BE A PARTY TO ALL SUITS AND CONTRACTS; AND

(III) DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE IN LIKE MANNER AS MUNICIPAL CORPORATIONS OF THIS STATE, INCLUDING BUT NOT LIMITED TO THE POWER TO DEMAND, RECEIVE, HOLD, AND USE FOR THE BEST INTERESTS OF WESTERN STATE COLLEGE OF COLORADO SUCH MONEY, LANDS, OR OTHER PROPERTY AS MAY BE DONATED OR DEvised TO OR FOR THE COLLEGE.

(b) THE BOARD OF TRUSTEES AND ITS SUCCESSORS SHALL HAVE PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF WESTERN STATE COLLEGE OF COLORADO, AND MAY CONDUCT THE BUSINESS OF THE COLLEGE IN A MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS STATE. THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED MEMBERS A CHAIRPERSON, WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE STAFF OF WESTERN STATE COLLEGE OF COLORADO SHALL PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

(2) THE GOVERNOR SHALL APPOINT, EFFECTIVE JULY 1, 2003, WITH THE CONSENT OF THE SENATE, NINE MEMBERS OF THE BOARD OF TRUSTEES. MEMBERS APPOINTED TO THE BOARD OF TRUSTEES SHALL HAVE THE AUTHORITY TO ACT ON BEHALF OF THE BOARD OF TRUSTEES PRIOR TO OBTAINING CONFIRMATION BY THE SENATE. THE MEMBERS FIRST APPOINTED TO SAID BOARD SHALL TAKE OFFICE ON JULY 1, 2003. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON JULY 1, 2003, SHALL BE MADE SO THAT THREE MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2005, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2006, TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2007, AND TWO MEMBERS OF THE BOARD HAVE TERMS EXPIRING ON JANUARY 1, 2008; THEREAFTER, THE TERMS OF THE NINE APPOINTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FOUR YEARS. OF THE NINE MEMBERS APPOINTED BY THE GOVERNOR, AT LEAST TWO SHALL RESIDE IN GUNNISON COUNTY. EACH TRUSTEE SHALL HOLD OFFICE FOR THE TERM FOR WHICH THE TRUSTEE HAS BEEN APPOINTED AND UNTIL THE TRUSTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED.

(3) THE TENTH MEMBER OF THE BOARD OF TRUSTEES SHALL BE A FULL-TIME JUNIOR OR SENIOR STUDENT AT WESTERN STATE COLLEGE OF COLORADO, ELECTED BY THE MEMBERS OF THE STUDENT BODY OF WESTERN STATE COLLEGE OF COLORADO. THE TERM OF THE STUDENT MEMBER SHALL BE ONE YEAR, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EACH YEAR THEREAFTER. THE STUDENT MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S. THE STUDENT MEMBER SHALL HAVE RESIDED IN THE STATE OF COLORADO FOR NOT LESS THAN THREE YEARS PRIOR TO THE STUDENT'S ELECTION.

(4) THE ELEVENTH MEMBER SHALL BE A MEMBER OF THE FACULTY OF WESTERN STATE COLLEGE OF COLORADO ELECTED BY OTHER MEMBERS OF THE FACULTY FOR A TERM OF TWO YEARS, BEGINNING JULY 1, 2003, AND BEGINNING JULY 1 EVERY ODD-NUMBERED YEAR THEREAFTER. THE FACULTY MEMBER SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402, C.R.S.

(5) A VACANCY OF AN APPOINTED MEMBER OF THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM. A VACANCY OF EITHER OF THE ELECTED MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FILLED BY ELECTION FOR THE UNEXPIRED TERM. EACH MEMBER OF THE BOARD OF TRUSTEES SHALL TAKE AND SUBSCRIBE TO THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION OF THIS STATE BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, WHICH OATH SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE SECRETARY OF STATE.

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

(7) IN ADDITION TO THOSE POWERS CONFERRED ELSEWHERE IN THIS ARTICLE, THE BOARD OF TRUSTEES HAS THE POWER TO:

- (a) APPOINT A PRESIDENT OF WESTERN STATE COLLEGE OF COLORADO;
- (b) APPOINT SUCH OTHER EXECUTIVE OFFICERS OF THE COLLEGE AS MAY BE REQUIRED;
- (c) APPOINT FACULTY AND EMPLOYEES AS MAY BE REQUIRED;
- (d) DETERMINE THE COMPENSATION TO BE PAID TO THE PRESIDENT, EXECUTIVE OFFICERS, FACULTY, AND PROFESSIONAL STAFF;
- (e) WITH THE ADVICE OF THE FACULTY, PRESCRIBE THE DEGREE PROGRAMS FOR THE COLLEGE; AND

(f) PRESCRIBE THE STUDENT ADMISSIONS QUALIFICATIONS.

23-56-103. Board of trustees for Western state college of Colorado fund - creation - control - use. (1) THERE IS CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY WESTERN STATE COLLEGE OF COLORADO SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF SURPLUS REAL OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF A FISCAL YEAR.

(2) THE MONEYS IN THE FUND SHALL REMAIN UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND SHALL BE USED FOR THE PAYMENT OF SALARIES AND OPERATING EXPENSES OF THE BOARD OF TRUSTEES AND OF WESTERN STATE COLLEGE OF COLORADO AND FOR THE PAYMENT OF ANY OTHER EXPENSES INCURRED BY THE BOARD OF TRUSTEES IN CARRYING OUT ITS POWERS AND DUTIES.

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

23-56-104. Status and control. THE BUILDINGS AND PREMISES OF THE WESTERN STATE COLLEGE OF COLORADO SHALL FORM A PART OF THE SCHOOL SYSTEM OF THE STATE AND SHALL BE CONTROLLED AND MANAGED BY THE BOARD OF TRUSTEES.

23-56-105. Board of trustees empowered to lease grounds. FOR THE PURPOSE OF PROVIDING DORMITORIES, LIVING AND DINING HALLS, OR COTTAGES AND EQUIPMENT FOR THE USE OF WESTERN STATE COLLEGE OF COLORADO, AND TO ENABLE THE CONSTRUCTION, FINANCING, AND ULTIMATE ACQUISITION THEREOF, AND TO AID IN IMPROVING UNDEVELOPED PORTIONS OF THE GROUNDS OF THE WESTERN STATE COLLEGE OF COLORADO, THE BOARD OF TRUSTEES IS EMPOWERED TO LEASE GROUNDS UNDER ITS CONTROL TO PRIVATE PERSONS OR CORPORATIONS FOR A TERM NOT EXCEEDING FIFTY YEARS AND SUBJECT TO REGULATIONS AS IT MAY PRESCRIBE, AND UPON THE CONDITION THAT THE PRIVATE PERSONS OR CORPORATIONS SHALL CONSTRUCT AND EQUIP ON THE LEASED GROUNDS BUILDINGS OR IMPROVEMENTS AS THE BOARD OF TRUSTEES DESIGNATES OR APPROVES AND SECURE REIMBURSEMENT FOR MONEY INVESTED THEREIN FROM THE RENTALS OF THE BUILDINGS OR FROM THEIR SALE TO THE BOARD OF TRUSTEES ACTING FOR THE STATE.

23-56-106. No authority to obligate state. NOTHING IN THIS ARTICLE SHALL CONSTITUTE AUTHORITY TO ENTER INTO A CONTRACT WHICH IN ANY WAY CREATES A

DEBT OR OBLIGATION UPON THE STATE ON ACCOUNT OF THE CONSTRUCTION OF BUILDINGS OR IMPROVEMENTS; BUT BUILDINGS AND IMPROVEMENTS ERECTED ON LANDS UNDER THE CONTROL OF THE BOARD OF TRUSTEES AND DEVOTED TO THE USES OF WESTERN STATE COLLEGE OF COLORADO UNDER THE TERMS OF THIS ARTICLE AND THE LEASEHOLD INTEREST SHALL BE EXEMPT FROM TAXATION SO FAR AS PERMITTED BY THE STATE CONSTITUTION.

23-56-107. Buildings - control of. THE MANAGEMENT OF BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF THIS ARTICLE AND THE SCALE OF RENTALS THEREOF SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-56-108. Board of trustees may rent buildings. THE BOARD OF TRUSTEES IS AUTHORIZED TO LEASE OR RENT BUILDINGS CONSTRUCTED UNDER THE PROVISIONS OF THIS ARTICLE FROM THE PRIVATE PERSONS OR CORPORATIONS CONSTRUCTING THE BUILDINGS UPON SUCH TERMS AS IT DEEMS SATISFACTORY AS TO CURRENT RENTAL, MAINTENANCE, AND ULTIMATE PURCHASE, PAYING THEREFOR OUT OF THE REVENUES DERIVED FROM THE OPERATION OF THE BUILDINGS BY THE BOARD OF TRUSTEES OR FROM OTHER FUNDS UNDER ITS CONTROL AVAILABLE FOR GENERAL MAINTENANCE PURPOSES.

23-56-109. To be state property at lease end. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED UNDER THE TERMS OF THIS ARTICLE PROVIDING FOR THE CONSTRUCTION AND EQUIPMENT OF BUILDINGS, THE BUILDINGS SHALL BECOME THE PROPERTY OF THE STATE, TOGETHER WITH ALL EQUIPMENT, FURNISHINGS, OR APPURTENANCES THEREIN CONTAINED OR THERETO ATTACHED; EXCEPT THAT PERSONAL GOODS OR EFFECTS OF AN OCCUPANT MAY BE REMOVED.

23-56-110. Leasehold interest may be sold. NOTHING IN THIS ARTICLE SHALL PREVENT THE TRANSFER OR SALE OF THE LEASEHOLD INTERESTS PRIOR TO THEIR EXPIRATION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

23-56-111. Board of trustees may rent rooms. UPON THE TERMINATION OF A LEASE OR CONTRACT EXECUTED WITH PRIVATE PERSONS OR CORPORATIONS FOR THE CONSTRUCTION OF BUILDINGS UNDER THE TERMS OF THIS ARTICLE, THE BOARD OF TRUSTEES IS EMPOWERED TO RENT ROOMS OR QUARTERS IN BUILDINGS ERECTED UNDER LEASES OR CONTRACTS FOR REASONABLE COMPENSATION AS THE BOARD DEEMS BEST IN RELATION TO CURRENT OPERATION, MAINTENANCE, AND UPKEEP COSTS.

SECTION 7. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-127. Commission directive - regional education providers - criteria.

(1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE COLORADO COMMISSION ON HIGHER EDUCATION CAN BETTER SERVE THE CITIZENS OF THIS STATE BY PROVIDING OVERSIGHT AND DIRECTION FOR THE PROVISION OF REGIONAL EDUCATION AT ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO; AND

(b) AS REGIONAL EDUCATION PROVIDERS, ADAMS STATE COLLEGE, MESA STATE

COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO SHALL HAVE AS THEIR PRIMARY GOAL THE ASSESSMENT OF REGIONAL EDUCATIONAL NEEDS AND, IN CONSULTATION WITH THE COLORADO COMMISSION ON HIGHER EDUCATION, THE ALLOCATION OF RESOURCES FOR THE PURPOSES OF MEETING THOSE NEEDS.

(2) A REGIONAL EDUCATION PROVIDER'S INITIATIVES TO MEET ITS REGIONAL NEEDS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

- (a) EXTENSION OF EXISTING PROGRAMS;
- (b) CREATION OF NEW UNDERGRADUATE PROGRAMS;
- (c) DEVELOPMENT OF PARTNERSHIPS WITH TWO-YEAR INSTITUTIONS; AND
- (d) FACILITATION OF THE DELIVERY OF GRADUATE EDUCATION THROUGH EXISTING GRADUATE INSTITUTIONS.

(3) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL, IN CONSULTATION WITH ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO, ESTABLISH THE CRITERIA FOR DESIGNATION AS A REGIONAL EDUCATION PROVIDER.

SECTION 8. The introductory portion to 23-5-101.5 (4) (g), Colorado Revised Statutes, is amended to read:

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

(g) ~~State colleges~~ ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO:

SECTION 9. 23-5-103 (1), Colorado Revised Statutes, is amended to read:

23-5-103. Pledge of income. (1) The governing board of any one or more state educational institutions, including, but not limited to, the STATE colleges under the control and operation of ~~the trustees of the state colleges in Colorado~~ THEIR RESPECTIVE BOARDS OF TRUSTEES, which enters into such a contract for the advancement of moneys is authorized, in connection with or as a part of such contract, to pledge the net income derived or to be derived from such land or facilities so constructed, acquired, and equipped as security for the repayment of the moneys advanced therefor, together with interest thereon, and for the establishment and maintenance of reserves in connection therewith; and, for the same purpose, any such governing board is also authorized, subject to the limitations specified in section 23-1-123 (5), to pledge the net income derived or to be derived from other auxiliary facilities which are not individually designated as enterprises and which are not acquired and not to be acquired with moneys appropriated to the institution by the state of Colorado, and to pledge the net income, fees, and revenues derived from such sources, if unpledged, or, if pledged, the net income, fees, and revenues currently in excess of the amount required to meet principal, interest, and reserve requirements

in connection with outstanding obligations to which such net income, fees, and revenues have theretofore been pledged. If the contract for the advancement of moneys is entered into by the university of Colorado on behalf of a designated enterprise auxiliary facility that is associated with the university of Colorado, the board of regents is authorized to pledge only the net income, including fees and revenues derived or to be derived from the designated enterprise auxiliary facility and any other designated enterprise auxiliary facilities.

SECTION 10. 23-5-124 (6) (c), Colorado Revised Statutes, is amended to read:

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

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

- (I) The state board of agriculture;
- (II) The board of regents of the university of Colorado;
- (III) The board of trustees of the Colorado school of mines;
- (IV) The board of trustees of the university of northern Colorado;
- (V) ~~The trustees of the state colleges in Colorado;~~
- (VI) The state board of community colleges and occupational education; ~~or~~
- (VII) The board of any junior college district in Colorado;
- (VIII) THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE;
- (IX) THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE; OR
- (X) THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO.

SECTION 11. 23-54-102 (1) (b) and (6), Colorado Revised Statutes, are amended to read:

23-54-102. Board of trustees - creation - members - powers - duties.

(1) (b) The trustees and their successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and government of Metropolitan state college of Denver, and may conduct the business of said college in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, ~~a secretary, and a treasurer,~~ whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. THE BOARD SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. The staff of Metropolitan state college of Denver shall provide staff support for the board of trustees.

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado, AS SAID GOVERNING BOARD EXISTED PRIOR TO JULY 1, 2003, with respect to Metropolitan state college of Denver are hereby transferred to the board of trustees. Policies, procedures, and agreements previously approved by the trustees of the state colleges, AS SAID GOVERNING BOARD EXISTED PRIOR TO JULY 1, 2003, and applicable to Metropolitan state college of Denver shall remain in force and effect unless and until changed by the board of trustees.

SECTION 12. 23-55-106 (1), Colorado Revised Statutes, is amended to read:

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 23-56-103 to 23-56-109~~ 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.

SECTION 13. 23-70-102 (1) (b) (I), Colorado Revised Statutes, is amended to read:

23-70-102. Auraria board - membership - terms - oaths - voting. (1) Effective July 1, 1989, there is hereby created a new board of directors of the Auraria higher education center, referred to in this article as the "Auraria board", which shall consist of nine members and two ex officio nonvoting members. The members of the Auraria board shall be chosen in the following manner:

(b) (I) The chief executive officers, respectively, of the regents of the university of Colorado, the ~~trustees of the state colleges in Colorado~~ BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER, and the state board for community colleges and occupational education, or their designees, who shall be limited to the chancellor of the university of Colorado at Denver, the president of the Metropolitan state college of Denver, and the president of the community college of Denver, respectively.

SECTION 14. 23-73-102 (1), Colorado Revised Statutes, is amended to read:

23-73-102. Institute established. (1) The regents of the university of Colorado, the board of governors of the Colorado state university system for the Colorado state university system, the state board of community colleges and occupational education, the board of trustees of the university of northern Colorado, the trustees of the Colorado school of mines, ~~the trustees of the state colleges in Colorado~~, THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE, THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE, THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO, Aims community college, and Colorado mountain college, acting in concert, are hereby authorized to incorporate the Colorado institute of technology, referred to in this article as the "institute"; except that any of the named governing boards may choose not to participate in incorporating the institute. The governing boards may

also work with the university of Denver, the Colorado technical university, and any other nonpublic institution in incorporating the institute. The institute shall be a Colorado nonprofit corporation with the condition that the corporation be structured and function in accordance with the remaining terms of this article.

SECTION 15. 38-2-105, Colorado Revised Statutes, is amended to read:

38-2-105. Educational boards of control have right of eminent domain. The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university, Fort Lewis college, and the university of southern Colorado, the board of trustees of the Colorado school of mines, the board of trustees of the university of northern Colorado, ~~and the trustees of the state colleges in Colorado~~ THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE, THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE, AND THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

SECTION 16. 23-54-104 (1), Colorado Revised Statutes, is amended to read:

23-54-104. The Metropolitan state college of Denver undergraduate enrichment fund - created - awards. (1) Effective July 1, 2002, all unexpended and unencumbered moneys in the state colleges undergraduate enrichment fund, created in section 23-50-113, AS IT EXISTED PRIOR TO REPEAL, shall be transferred to the Metropolitan state college of Denver undergraduate enrichment fund, which fund is hereby created in the department of higher education and IS referred to in this section as the "enrichment fund". The enrichment fund shall be under the control of and administered by the board of trustees of Metropolitan state college. Any moneys credited to the enrichment fund shall remain in the enrichment fund and shall not revert to the general fund at the end of any fiscal year. Such moneys in the enrichment fund may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S. Any interest earned on the moneys in the enrichment fund is hereby continuously appropriated for the purposes stated in subsection (2) of this section.

SECTION 17. 24-1-114 (4) (c), Colorado Revised Statutes, is amended, and the said 24-1-114 (4) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

(c) ~~The trustees of the state colleges in Colorado, created by article 50 of title 23, C.R.S., for:~~

(f) ~~Adams state college of Colorado, created by article 51 of title 23, C.R.S.;~~

(H) ~~Metropolitan state college of Denver, created by article 54 of title 23, C.R.S.;~~

~~(III) Repealed.~~

~~(IV) Western state college of Colorado, created by article 56 of title 23, C.R.S.;~~

~~(V) Mesa state college, created by article 53 of title 23, C.R.S.;~~

(h) THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE, CREATED BY ARTICLE 51 OF TITLE 23, C.R.S.;

(i) THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE, CREATED BY ARTICLE 53 OF TITLE 23, C.R.S.;

(j) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER, CREATED BY ARTICLE 54 OF TITLE 23, C.R.S.;

(k) THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO, CREATED BY ARTICLE 56 OF TITLE 23, C.R.S.

SECTION 18. 24-1-137, Colorado Revised Statutes, is amended to read:

24-1-137. Effect of decrease in the length of terms of office for certain state boards, commissions, authorities, and agencies. Persons who are holding office on June 15, 1987, and who were appointed to terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104, 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, 22-80-104, 23-9-103, 23-15-104, 23-40-104, 23-41-102, ~~23-50-102~~, 24-32-706, 24-42-102, 24-65-103, 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401, 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior to June 15, 1987, shall continue to serve in such office, but such service shall be at the pleasure of the governor who may appoint a replacement to serve for the unexpired term of any member. However, if the governor has not appointed any such replacement on or before November 15, 1987, then the person who is holding such office on June 15, 1987, shall no longer be subject to replacement pursuant to this section but shall be subject to whatever removal provisions may otherwise apply for such office. Any such member for whom a replacement has been appointed shall continue to serve until his or her successor is duly qualified. Appointments to new terms of office made after June 15, 1987, shall be made for terms of four years as prescribed by law; except that such provision shall not apply to terms of office of persons appointed pursuant to section 23-9-103, C.R.S.

SECTION 19. Repeal. 23-40-104 (2), Colorado Revised Statutes, is repealed as follows:

23-40-104. Board of trustees. (2) ~~Except as provided in this subsection (2), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado with respect to the university of northern Colorado are hereby transferred to the board of trustees for the university of northern Colorado. The board of trustees for the university of northern Colorado shall have, with respect to the university of northern Colorado, the same powers, duties, and functions as the trustees of the state colleges in Colorado have with respect to the state colleges named in section 23-50-101 (1); except that the trustees of the state colleges in Colorado shall retain authority over the setting of fees and other fiscal matters at the university of northern~~

~~Colorado directly related to present and future facilities and pledges under the systemwide bonding agreement in effect as of May 1, 1972, but no action changing the liabilities of said university with reference to the system may be taken without thirty days' prior notice to the board of trustees for the university of northern Colorado.~~

SECTION 20. 23-5-117, Colorado Revised Statutes, is amended to read:

23-5-117. Governing boards - delegation of personnel power. The governing board of any state-supported institution of higher education may delegate all or part of its power over personnel matters, including the power to hire or to fire employees exempt from the personnel system, to the chief executive officer of the institution governed by such board. The governing board may expressly authorize the chief executive officer to delegate to other officers of the institution specified by the board any power so delegated pursuant to this section. The governing board of each state supported institution of higher education, except the university of Colorado, Colorado state university, the university of northern Colorado, ~~or~~ the Colorado school of mines, ADAMS STATE COLLEGE, MESA STATE COLLEGE, WESTERN STATE COLLEGE OF COLORADO, OR METROPOLITAN STATE COLLEGE OF DENVER, after consultation with faculty representatives chosen by the faculty, shall prepare, enact, promulgate, administer, and maintain in place policies and practices which afford due process procedures for those faculty members exempt from the state personnel system who are terminated, including terminations resulting from reductions in force.

SECTION 21. Effective date. This section and sections 2, 3, and 22 of this act shall take effect upon passage, and the remainder of this act shall take effect July 1, 2003.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 25, 2003