

Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 02-1031.01 Michele Hanigsberg

HOUSE BILL 02-1419

HOUSE SPONSORSHIP

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House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FORT LEWIS COLLEGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Changes the role and mission of Fort Lewis college ("college") from a general baccalaureate institution to a public liberal arts college with moderately selective admission standards, with a historic and continuing commitment to Native American education. Allows the college to offer professional programs and a limited number of graduate programs to serve regional needs. Specifies that the college shall be a regional education provider, which criteria for such designation shall be established by the Colorado commission on higher education.

Establishes a 9-member board of trustees for Fort Lewis college

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

("board") as the governing authority for the college. Specifies the appointment of the board members and the duties and obligations of the board. Specifies that members appointed to the board shall have the authority to act on behalf of the board prior to obtaining confirmation by the senate. Transfers all powers, duties, and functions formerly performed by the state board of agriculture ("SBA") with respect to the college to the board. Specifies that all policies, resolutions, procedures, and agreements previously approved by the SBA and applicable to the college shall remain in force and effect unless and until changed by the board.

Requires the board initially appointed to take all necessary action to implement the transfers contemplated and assume all liability and obligations no later than September 1, 2002.

Creates the board of trustees for Fort Lewis college fund ("fund"). Specifies that all moneys in the fund are continuously appropriated to the board. Requires the moneys in the fund to be used to pay for salaries and operating expenses of the board and of Fort Lewis college or to be invested pursuant to law.

Requires the SBA and the board to enter into an inter-governmental agreement to address issues such as: The existing lease of the Hesperus property; the use of the real property on the college's main campus being used for the Colorado state forest service district office; and the transfer of all bonded and municipal lease debt related to the college.

Addresses the budget transfer from the SBA to the board for fiscal year 2002-03 and the budget allocations for fiscal years beginning on and after July 1, 2003, as well as other funding issues for the college.

Specifies that the auxiliary facilities of the college designated as enterprises, which were part of the Colorado state university system, shall be designated as enterprises of the board.

Makes conforming amendments.

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

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

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

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

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

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

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

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

12 (b) A sizeable Native American student population on the campus
13 of Fort Lewis college is desirable;

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

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

21 (e) The state further intends to assure continuity in the Fort Lewis
22 college program for all qualified Native American students who were
23 enrolled and in good standing prior to July 1, 1971.

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

26 **23-52-101. College established - role and mission - governance.**

27 (1) THERE IS HEREBY ESTABLISHED A COLLEGE AT DURANGO, TO BE

1 KNOWN AS FORT LEWIS COLLEGE, WHICH SHALL BE A PUBLIC LIBERAL
2 ARTS COLLEGE, WITH MODERATELY SELECTIVE ADMISSION STANDARDS
3 WITH A HISTORIC AND CONTINUING COMMITMENT TO NATIVE AMERICAN
4 EDUCATION. IN ADDITION, THE COLLEGE MAY OFFER PROFESSIONAL
5 PROGRAMS AND A LIMITED NUMBER OF GRADUATE PROGRAMS TO SERVE
6 REGIONAL NEEDS. THE CENTER OF SOUTHWEST STUDIES PROVIDES A
7 VALUABLE REGIONAL, NATIONAL, AND INTERNATIONAL RESOURCE.

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

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

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

18 **23-52-102. Board of trustees - creation - members - powers -**
19 **duties - repeal.** (1) (a) EFFECTIVE JULY 1, 2002, THERE IS ESTABLISHED
20 THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, REFERRED TO IN THIS
21 ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF NINE
22 MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR FORT LEWIS
23 COLLEGE. THE BOARD OF TRUSTEES SHALL BE, AND IS HEREBY DECLARED
24 TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES DESIGNATED
25 IN THIS SECTION, MAY:

26 (I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF FORT LEWIS
27 COLLEGE;

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

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

8 (b) THE BOARD OF TRUSTEES AND THEIR SUCCESSORS SHALL HAVE
9 PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND
10 REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF FORT
11 LEWIS COLLEGE, AND MAY CONDUCT THE BUSINESS OF SAID COLLEGE IN A
12 MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS STATE.
13 THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED MEMBERS A
14 CHAIRPERSON, A SECRETARY, AND A TREASURER, WHOSE DUTIES AND
15 RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS
16 OF THE BOARD OF TRUSTEES. THE STAFF OF FORT LEWIS COLLEGE SHALL
17 PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

18 (2) THE GOVERNOR SHALL APPOINT, ON OR BEFORE AUGUST 1,
19 2002, WITH THE CONSENT OF THE SENATE, SEVEN MEMBERS OF THE BOARD
20 OF TRUSTEES. MEMBERS APPOINTED TO THE BOARD OF TRUSTEES SHALL
21 HAVE THE AUTHORITY TO ACT ON BEHALF OF THE BOARD OF TRUSTEES
22 PRIOR TO OBTAINING CONFIRMATION BY THE SENATE. THE MEMBERS FIRST
23 APPOINTED TO SAID BOARD SHALL TAKE OFFICE ON OR BEFORE AUGUST 1,
24 2002. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON OR BEFORE
25 AUGUST 1, 2002, SHALL BE MADE SO THAT TWO MEMBERS OF THE BOARD
26 HAVE TERMS EXPIRING ON JUNE 30, 2004, TWO MEMBERS OF THE BOARD
27 HAVE TERMS EXPIRING ON JUNE 30, 2005, AND THREE MEMBERS OF THE

1 BOARD HAVE TERMS EXPIRING ON JUNE 30, 2006; THEREAFTER, THE TERMS
2 OF SAID SEVEN MEMBERS OF THE BOARD OF TRUSTEES SHALL BE FOUR
3 YEARS. OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR, NO MORE
4 THAN FOUR SHALL BE FROM ANY ONE POLITICAL PARTY AND NO MORE
5 THAN TWO SHALL BE FROM SOUTHWESTERN COLORADO.

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

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

18 (5) ANY VACANCY IN THE OFFICE OF AN APPOINTED MEMBER OF
19 THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE
20 GOVERNOR FOR THE UNEXPIRED TERM. ANY VACANCY IN EITHER OF THE
21 ELECTED OFFICES ON THE BOARD OF TRUSTEES SHALL BE FILLED BY
22 REELECTION FOR THE UNEXPIRED TERM. EACH TRUSTEE SHALL TAKE AND
23 SUBSCRIBE TO THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION OF
24 THIS STATE BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, WHICH
25 OATH SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE
26 SECRETARY OF STATE.

27 (6) (a) THE BOARD OF TRUSTEES INITIALLY APPOINTED PURSUANT

1 TO THIS SECTION SHALL TAKE ALL NECESSARY ACTION TO IMPLEMENT THE
2 TRANSFERS CONTEMPLATED AND ASSUME ALL LIABILITY AND OBLIGATIONS
3 UNDER THIS ARTICLE NO LATER THAN SEPTEMBER 1, 2002.

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

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

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

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

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

20 **23-52-103. Board of trustees for Fort Lewis college fund -**
21 **creation - control - use.** (1) EFFECTIVE SEPTEMBER 1, 2002, THERE IS
22 CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR FORT
23 LEWIS COLLEGE FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
24 WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE
25 BOARD OF TRUSTEES IN ACCORDANCE WITH THE PROVISIONS OF THIS
26 ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING
27 BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS

1 RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY FORT LEWIS
2 COLLEGE SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY
3 APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF
4 SURPLUS REAL OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE
5 DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST
6 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND
7 SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
8 CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL
9 REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE
10 GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

11 (2) THE MONEYS IN THE FUND SHALL REMAIN UNDER THE CONTROL
12 OF THE BOARD OF TRUSTEES AND SHALL BE USED FOR THE PAYMENT OF
13 SALARIES AND OPERATING EXPENSES OF THE BOARD OF TRUSTEES AND OF
14 FORT LEWIS COLLEGE AND FOR THE PAYMENT OF ANY OTHER EXPENSES
15 INCURRED BY THE BOARD OF TRUSTEES IN CARRYING OUT ITS POWERS AND
16 DUTIES.

17 (3) MONEYS IN THE FUND WHICH ARE NOT NEEDED FOR USE BY THE
18 BOARD OF TRUSTEES MAY BE INVESTED BY THE STATE TREASURER IN
19 INVESTMENTS AUTHORIZED BY SECTIONS 24-36-109, 24-36-112, AND
20 24-36-113, C.R.S. THE BOARD OF TRUSTEES SHALL DETERMINE THE
21 AMOUNT OF MONEYS IN THE FUND THAT MAY BE SO INVESTED AND SHALL
22 NOTIFY THE STATE TREASURER IN WRITING OF SUCH AMOUNT.

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

27 **23-52-114. [Formerly 23-30-114.] Hesperus account created.**

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

12 **23-52-115. [Formerly 23-30-115.] Development of natural**
13 **resources.** The state board of land commissioners is authorized to
14 prudently develop such coal measures, mineral deposits, and oil
15 structures by lease or otherwise as is situated on lands described in
16 ~~section 23-30-114~~ SECTION 23-52-114, but such development shall not
17 unreasonably interfere with the use of such land as may be directed from
18 time to time by the ~~state board of agriculture~~ BOARD OF TRUSTEES.
19 Applications for leases of the coal measures, mineral deposits, and oil
20 structures shall be made to the state board of land commissioners, which
21 board may execute such leases in the manner required by law. Rental,
22 royalties, and income therefrom shall be deposited with the state treasurer
23 and credited to the special account established by ~~section 23-30-114~~
24 SECTION 23-52-114.

25 **23-52-116. [Formerly 23-30-116.] Power to invest.** The state
26 ~~board of agriculture~~ BOARD OF TRUSTEES has the power to direct the
27 investment of funds held by the state treasurer pursuant to ~~section~~

1 ~~23-30-114~~ SECTION 23-52-114 in such securities as are permitted for
2 private trustees and similar fiduciaries under the law of the state of
3 Colorado.

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

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

9 **23-52-104. Governing board - powers.** (1) In addition to those
10 powers conferred elsewhere in this part 1, the ~~state board of agriculture~~
11 BOARD OF TRUSTEES has the power to:

12 (a) Appoint a president of Fort Lewis college who shall hold ~~his~~
13 THE office until removed by the board OF TRUSTEES or until ~~he~~ THE
14 PRESIDENT resigns the same;

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

17 (c) Appoint such faculty and employees as the necessities of the
18 college demand;

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

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

1 pursuant to section 23-1-106.

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

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

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

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

23 (a) THE BOARD OF TRUSTEES AND THE STATE BOARD OF
24 AGRICULTURE SHALL JOINTLY REQUEST THAT THE STATE BOARD OF LAND
25 COMMISSIONERS EXTEND THE EXISTING LEASE OF THE HESPERUS PROPERTY
26 TO THE STATE BOARD OF AGRICULTURE FOR THE USE AND BENEFIT OF THE
27 COLORADO AGRICULTURAL EXPERIMENT STATION BEYOND ITS CURRENT

1 EXPIRATION ON THE SAME TERMS AND CONDITIONS FOR A PERIOD OF NOT
2 LESS THAN TEN YEARS;

3 (b) THE BOARD OF TRUSTEES SHALL REACH AGREEMENT WITH THE
4 STATE BOARD OF AGRICULTURE REGARDING THE USE OF THE REAL
5 PROPERTY UPON WHICH THE COLORADO STATE FOREST SERVICE DISTRICT
6 OFFICE IS LOCATED ON THE FORT LEWIS COLLEGE MAIN CAMPUS;

7 (c) THE STATE BOARD OF AGRICULTURE SHALL PREPARE
8 APPROPRIATE DOCUMENTATION FOR TRANSFER OF ALL BONDED AND
9 MUNICIPAL LEASE DEBT RELATED TO FORT LEWIS COLLEGE TO THE BOARD
10 OF TRUSTEES. ALL COSTS ASSOCIATED WITH SUCH TRANSFER SHALL BE
11 PAID BY THE BOARD OF TRUSTEES. THE STATE BOARD OF AGRICULTURE
12 AND THE BOARD OF TRUSTEES SHALL COOPERATE TO OBTAIN ANY
13 APPROVALS REQUIRED, SATISFY ANY CONDITIONS NECESSARY TO
14 ACCOMPLISH THIS TRANSFER, AND EXECUTE ALL IMPLEMENTING
15 DOCUMENTATION.

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

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

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

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

27 **SECTION 8.** 23-52-104.5, Colorado Revised Statutes, is

1 amended to read:

2 **23-52-104.5. Powers and duties of the president - repeal.**

3 (1) (a) PRIOR TO SEPTEMBER 1, 2002, the president of Fort Lewis college
4 shall report directly to the state board of agriculture. ~~until April 15, 1986.~~

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

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

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

10 **23-52-105. Tuition fees - Indians - repeal.** (1) (a) (I) PRIOR TO
11 SEPTEMBER 1, 2002, the state board of agriculture shall fix tuition in
12 accordance with the level of cash fund appropriations set by the general
13 assembly for the college pursuant to section 23-1-103.5, subject to the
14 restriction that all qualified Indian pupils shall at all times be admitted to
15 such college free of charge for tuition and on terms of equality with other
16 pupils. The general assembly shall appropriate from the state general
17 fund one hundred percent of the moneys required for tuition for such
18 qualified Indian pupils.

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

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

1 FOR TUITION FOR SUCH QUALIFIED INDIAN PUPILS.

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

4 **23-52-106. Donations - power to invest - repeal.** (1) (a) PRIOR
5 TO SEPTEMBER 1, 2002, all donations of money, securities, or other
6 property of whatever kind and wherever situated made to Fort Lewis
7 college shall be held by the state board of agriculture for the use and
8 benefit of Fort Lewis college, to be expended subject to appropriation by
9 the general assembly or invested in such securities as are permitted for
10 private trustees and similar fiduciaries under the law of the state of
11 Colorado.

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

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

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

23 **23-52-107. Board of trustees empowered to lease grounds -**
24 **repeal.** (1) (a) PRIOR TO SEPTEMBER 1, 2002, for the purpose of
25 providing dormitories, living and dining halls, or cottages and equipment
26 for the use of the college, and to enable the construction, financing, and
27 ultimate acquisition thereof, and to aid in improving undeveloped

1 portions of the grounds of the Fort Lewis college, the state board of
2 agriculture is empowered to lease grounds under its control to private
3 persons or corporations for a term not exceeding fifty years and subject
4 to such regulations as it may prescribe and upon the condition that such
5 private persons or corporations shall construct and equip on such leased
6 grounds such buildings or improvements as the board designates or
7 approves and secure reimbursement for money invested therein from the
8 rentals of such buildings or from their sale to the board acting for the
9 state.

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

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

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

1 **23-52-108. No authority to obligate state - repeal.**

2 (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to
3 23-52-113 shall constitute any authority to enter into any contract which
4 in any way creates any debt or obligation upon the state on account of the
5 construction of such buildings or improvements; but buildings and
6 improvements erected on any such lands under the control of the state
7 board of agriculture and devoted to the uses of the college under the
8 terms of sections 23-52-107 to 23-52-113 and the leasehold interest shall
9 be exempt from taxation so far as permitted by the state constitution.

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

11 (2) ON AND AFTER SEPTEMBER 1, 2002, NOTHING IN SECTIONS
12 23-52-107 TO 23-52-113 SHALL CONSTITUTE ANY AUTHORITY TO ENTER
13 INTO ANY CONTRACT WHICH IN ANY WAY CREATES ANY DEBT OR
14 OBLIGATION UPON THE STATE ON ACCOUNT OF THE CONSTRUCTION OF
15 SUCH BUILDINGS OR IMPROVEMENTS; BUT BUILDINGS AND IMPROVEMENTS
16 ERECTED ON ANY SUCH LANDS UNDER THE CONTROL OF THE BOARD OF
17 TRUSTEES AND DEVOTED TO THE USES OF THE COLLEGE UNDER THE TERMS
18 OF SECTIONS 23-52-107 TO 23-52-113 AND THE LEASEHOLD INTEREST
19 SHALL BE EXEMPT FROM TAXATION SO FAR AS PERMITTED BY THE STATE
20 CONSTITUTION.

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

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

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

2 (2) PRIOR TO SEPTEMBER 1, 2002, THE MANAGEMENT OF
3 BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF SECTIONS
4 23-52-107 TO 23-52-113 AND THE SCALE OF RENTALS THEREOF SHALL BE
5 SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

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

8 **23-52-110. Board of trustees may rent buildings - repeal.**

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

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

18 (2) ON AND AFTER SEPTEMBER 1, 2002, THE BOARD OF TRUSTEES
19 IS AUTHORIZED TO LEASE OR RENT SUCH BUILDINGS CONSTRUCTED UNDER
20 THE PROVISIONS OF SECTIONS 23-52-107 TO 23-52-113 FROM THE PRIVATE
21 PERSONS OR CORPORATIONS CONSTRUCTING THE SAME UPON SUCH TERMS
22 AS IT DEEMS SATISFACTORY AS TO CURRENT RENTAL, MAINTENANCE, AND
23 ULTIMATE PURCHASE, PAYING THEREFOR OUT OF THE REVENUES DERIVED
24 FROM THE OPERATION OF SUCH BUILDINGS BY THE BOARD OF TRUSTEES OR
25 FROM OTHER FUNDS UNDER ITS CONTROL AVAILABLE FOR GENERAL
26 MAINTENANCE PURPOSES.

27 **SECTION 15.** 23-52-112, Colorado Revised Statutes, is amended

1 to read:

2 **23-52-112. Leasehold interest may be sold - repeal.**

3 (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to
4 23-52-113 shall prevent the transfer or sale of the leasehold interests prior
5 to their expiration, subject to the approval of the state board of
6 agriculture.

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

8 (2) ON AND AFTER SEPTEMBER 1, 2002, NOTHING IN SECTIONS
9 23-52-107 TO 23-52-113 SHALL PREVENT THE TRANSFER OR SALE OF THE
10 LEASEHOLD INTERESTS PRIOR TO THEIR EXPIRATION, SUBJECT TO THE
11 APPROVAL OF THE BOARD OF TRUSTEES.

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

14 **23-52-113. Board of trustees may rent rooms - repeal.**

15 (1) (a) PRIOR TO SEPTEMBER 1, 2002, upon the termination of any lease
16 or contract executed with private persons or corporations for the
17 construction of buildings under the terms of sections 23-52-107 to
18 23-52-113, the board is empowered to rent rooms or quarters in buildings
19 erected under such leases or contracts for such reasonable compensation
20 as it deems best in relation to current operation, maintenance, and upkeep
21 costs.

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

23 (2) ON AND AFTER SEPTEMBER 1, 2002, UPON THE TERMINATION
24 OF ANY LEASE OR CONTRACT EXECUTED WITH PRIVATE PERSONS OR
25 CORPORATIONS FOR THE CONSTRUCTION OF BUILDINGS UNDER THE TERMS
26 OF SECTIONS 23-52-107 TO 23-52-113, THE BOARD OF TRUSTEES IS
27 EMPOWERED TO RENT ROOMS OR QUARTERS IN BUILDINGS ERECTED UNDER

1 SUCH LEASES OR CONTRACTS FOR SUCH REASONABLE COMPENSATION AS
2 IT DEEMS BEST IN RELATION TO CURRENT OPERATION, MAINTENANCE, AND
3 UPKEEP COSTS.

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

7 **23-1-104. Financing the system of postsecondary education -**
8 **repeal.** (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR THE
9 FISCAL YEAR BEGINNING JULY 1, 2002, THE ALLOCATION OF APPROPRIATED
10 GENERAL FUND MONEYS AND TUITION REVENUE AMONG THE INSTITUTIONS
11 GOVERNED BY THE STATE BOARD OF AGRICULTURE HAS BEEN BASED ON A
12 DIFFERENTIAL FUNDING FORMULA ESTABLISHED BY SAID BOARD.

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

17 (II) (A) EFFECTIVE SEPTEMBER 1, 2002, THE STATE BOARD OF
18 AGRICULTURE SHALL TRANSFER FROM THE STATE BOARD OF AGRICULTURE
19 FUND, CREATED IN SECTION 23-30-106, TO THE BOARD OF TRUSTEES FOR
20 FORT LEWIS COLLEGE FUND, CREATED IN SECTION 23-52-103, AN AMOUNT
21 OF GENERAL FUND MONEYS DETERMINED BY THE STANDARD ALLOCATION
22 METHODOLOGY USED BY THE STATE BOARD OF AGRICULTURE WHICH
23 ACCOUNTS FOR ANY VARIANCES IN RESIDENT FULL-TIME EQUIVALENT
24 STUDENT ENROLLMENT, ANY FUNDING RECEIVED PURSUANT TO SECTION
25 23-13-107 (1) (b), AND ANY OTHER APPROPRIATION CHANGES, PRORATED
26 FOR THE REMAINDER OF THE STATE FISCAL YEAR.

27 (B) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE SHALL

1 RECEIVE CREDIT FOR INCREASES IN RESIDENT STUDENT FTE WITHOUT SAID
2 CREDIT OR ALLOCATION BEING TO THE DETRIMENT OF THE STATE BOARD
3 OF AGRICULTURE AND RESPECTIVE OF HISTORICAL FORMULA
4 DISTRIBUTIONS.

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

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

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

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

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

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

24 **SECTION 18.** 23-1-113.5 (2), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **23-1-113.5. Commission directive - resident admissions.**

27 (2) (c) AFTER ONE HUNDRED PERCENT OF ALL QUALIFIED COLORADO

1 APPLICANTS HAVE BEEN ACCEPTED BY ADAMS STATE COLLEGE, FORT
2 LEWIS COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE
3 OF COLORADO, THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION
4 REGARDING THE FRACTION OF STUDENTS WHO ARE IN-STATE STUDENTS
5 SHALL CEASE TO APPLY TO SAID FOUR COLLEGES.

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

8 **23-5-101.5. Enterprise status of auxiliary facilities.** (4) The
9 expiration of the following designations of auxiliary facilities as
10 enterprises, which are scheduled for expiration pursuant to subsection (3)
11 of this section, are postponed until June 30, 2009:

12 (h) FORT LEWIS COLLEGE:

13 (I) STUDENT AND FACULTY OPERATIONS AND ACTIVITIES; AND

14 (II) CONTINUING EDUCATION.

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

17 **23-5-101.5. Enterprise status of auxiliary facilities.**

18 (5) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (3) OF THIS
19 SECTION RELATING TO THE DESIGNATION OF AUXILIARY FACILITIES AS
20 ENTERPRISES, THOSE AUXILIARY FACILITIES OF FORT LEWIS COLLEGE,
21 WHICH WERE A PART OF THE COLORADO STATE UNIVERSITY SYSTEM
22 ENTERPRISE PURSUANT TO PARAGRAPH (f) OF SUBSECTION (4) OF THIS
23 SECTION, SHALL, AS THEY RELATE TO FORT LEWIS COLLEGE, BE
24 DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES FOR FORT LEWIS
25 COLLEGE, ESTABLISHED IN SECTION 23-52-102.

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

1 **23-30-101. State board of agriculture.** A board is hereby
2 constituted and established which shall be known by the name and title
3 of the state board of agriculture. It shall consist of a total of ~~fifteen~~
4 THIRTEEN members. ~~Six~~ FOUR of the offices shall be advisory, without
5 the right to vote. One shall be filled by an elected officer of the student
6 body who is a full-time junior or senior student at Colorado state
7 university, one by an elected officer of the faculty council of Colorado
8 state university having the rank of associate professor or higher, ~~one by~~
9 ~~an elected officer of the faculty council of Fort Lewis college, one by an~~
10 ~~elected officer of the student body who is a full-time junior or senior~~
11 ~~student at Fort Lewis college,~~ one by an elected officer of the student
12 body who is a full-time junior or senior student at the university of
13 southern Colorado, and one by an elected officer of the faculty council
14 of the university of southern Colorado having the rank of associate
15 professor or higher. The ~~six~~ FOUR advisory members shall be elected by
16 their respective governing bodies from their membership. The terms of
17 these advisory offices shall be for one academic year. Commencing with
18 appointments made in 1974 and subsequent years, the remaining nine
19 members, at least two of whom shall have some connection with
20 agriculture, shall be appointed by the governor, with the consent of the
21 senate, for basic terms of four years, although interim appointments may
22 be made for lesser periods so that at least two of the nine terms will
23 expire in each calendar year. No person, elected under this section, shall
24 serve on the board for more than two terms, regardless of the length of
25 the terms; except that a member of the board, whether elected or
26 appointed, may continue to serve until his OR HER successor is elected or
27 appointed and qualified. For the purposes of this section, "full-time

1 student" means the same as it does in the respective institutions.

2 **SECTION 22. Effective date.** This act shall take effect July 1,
3 2002.

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