

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 02-1031.01 Michele Hanigsberg

HOUSE BILL 02-1419

HOUSE SPONSORSHIP

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House Committees
Education

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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.*

SENATE
3rd Reading Unamended
May 3, 2002

SENATE
Amended 2nd Reading
May 2, 2002

HOUSE
Amended 3rd Reading
April 18, 2002

HOUSE
Amended 2nd Reading
April 17, 2002

("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.**

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22 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

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

24 (1) THERE IS HEREBY ESTABLISHED A COLLEGE AT DURANGO, TO BE
25 KNOWN AS FORT LEWIS COLLEGE, WHICH SHALL BE A PUBLIC LIBERAL
26 ARTS COLLEGE, WITH MODERATELY SELECTIVE ADMISSION STANDARDS
27 WITH A HISTORIC AND CONTINUING COMMITMENT TO NATIVE AMERICAN

1 EDUCATION. IN ADDITION, THE COLLEGE MAY OFFER PROFESSIONAL
2 PROGRAMS AND A LIMITED NUMBER OF GRADUATE PROGRAMS TO SERVE
3 REGIONAL NEEDS. THE CENTER OF SOUTHWEST STUDIES PROVIDES A
4 VALUABLE REGIONAL, NATIONAL, AND INTERNATIONAL RESOURCE.

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

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

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14 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

15 **23-52-102. Board of trustees - creation - members - powers -**
16 **duties - repeal.** (1) (a) EFFECTIVE JULY 1, 2002, THERE IS ESTABLISHED
17 THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, REFERRED TO IN THIS
18 ARTICLE AS THE "BOARD OF TRUSTEES", WHICH SHALL CONSIST OF NINE
19 MEMBERS AND SHALL BE THE GOVERNING AUTHORITY FOR FORT LEWIS
20 COLLEGE. THE BOARD OF TRUSTEES SHALL BE, AND IS HEREBY DECLARED
21 TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES DESIGNATED
22 IN THIS SECTION, MAY:

23 (I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF FORT LEWIS
24 COLLEGE;

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

26 (III) DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF
27 THIS ARTICLE IN LIKE MANNER AS MUNICIPAL CORPORATIONS OF THIS

1 STATE, INCLUDING BUT NOT LIMITED TO THE POWER TO DEMAND, RECEIVE,
2 HOLD, AND USE FOR THE BEST INTERESTS OF FORT LEWIS COLLEGE SUCH
3 MONEY, LANDS, OR OTHER PROPERTY AS MAY BE DONATED OR DEvised TO
4 OR FOR THE COLLEGE.

5 (b) THE BOARD OF TRUSTEES AND THEIR SUCCESSORS SHALL HAVE
6 PERPETUAL SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND
7 REGULATIONS FOR THE WELL-ORDERING AND GOVERNANCE OF FORT
8 LEWIS COLLEGE, AND MAY CONDUCT THE BUSINESS OF SAID COLLEGE IN A
9 MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS STATE.

10 THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED MEMBERS A
11 CHAIRPERSON, A SECRETARY, AND A TREASURER, WHOSE DUTIES AND
12 RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS
13 OF THE BOARD OF TRUSTEES. THE STAFF OF FORT LEWIS COLLEGE SHALL
14 PROVIDE STAFF SUPPORT FOR THE BOARD OF TRUSTEES.

15 (2) THE GOVERNOR SHALL APPOINT, ON OR BEFORE AUGUST 1,
16 2002, WITH THE CONSENT OF THE SENATE, SEVEN MEMBERS OF THE BOARD
17 OF TRUSTEES. MEMBERS APPOINTED TO THE BOARD OF TRUSTEES SHALL
18 HAVE THE AUTHORITY TO ACT ON BEHALF OF THE BOARD OF TRUSTEES
19 PRIOR TO OBTAINING CONFIRMATION BY THE SENATE. THE MEMBERS FIRST
20 APPOINTED TO SAID BOARD SHALL TAKE OFFICE ON OR BEFORE AUGUST 1,
21 2002. APPOINTMENTS OF MEMBERS TO TAKE OFFICE ON OR BEFORE
22 AUGUST 1, 2002, SHALL BE MADE SO THAT TWO MEMBERS OF THE BOARD
23 HAVE TERMS EXPIRING ON **JANUARY 1, 2004**, TWO MEMBERS OF THE BOARD
24 HAVE TERMS EXPIRING ON **JANUARY 1, 2005**, **TWO** MEMBERS OF THE BOARD
25 HAVE TERMS EXPIRING ON **JANUARY 1, 2006**, **AND ONE MEMBER OF THE**
26 **BOARD HAS A TERM EXPIRING ON JANUARY 1, 2007**; THEREAFTER, THE
27 TERMS OF SAID SEVEN MEMBERS OF THE BOARD OF TRUSTEES SHALL BE

1 FOUR YEARS. OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR, NO
2 MORE THAN FOUR SHALL BE FROM ANY ONE POLITICAL PARTY AND
3 NO MORE OR LESS THAN TWO SHALL BE **RESIDENTS OF** SOUTHWESTERN
4 COLORADO. **THE BOARD MEMBERS FROM SOUTHWESTERN COLORADO**
5 **SHALL RESIDE IN ARCHULETA, DOLORES, LA PLATA, MONTEZUMA, OR SAN**
6 **JUAN COUNTY.**

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

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

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

1 (6) (a) THE BOARD OF TRUSTEES INITIALLY APPOINTED PURSUANT
2 TO THIS SECTION SHALL TAKE ALL NECESSARY ACTION TO IMPLEMENT THE
3 TRANSFERS CONTEMPLATED AND ASSUME ALL LIABILITY AND OBLIGATIONS
4 UNDER THIS ARTICLE NO LATER THAN SEPTEMBER 1, 2002.

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

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

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

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

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

21 **23-52-103. Board of trustees for Fort Lewis college fund -**
22 **creation - control - use.** (1) EFFECTIVE SEPTEMBER 1, 2002, THERE IS
23 CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR FORT
24 LEWIS COLLEGE FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
25 WHICH SHALL BE UNDER THE CONTROL OF AND ADMINISTERED BY THE
26 BOARD OF TRUSTEES IN ACCORDANCE WITH THE PROVISIONS OF THIS
27 ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE LAW, INCLUDING

1 BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL MONEYS
2 RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY FORT LEWIS
3 COLLEGE SHALL BE DEPOSITED IN THE FUND, WHETHER RECEIVED BY
4 APPROPRIATION, GRANT, CONTRACT, OR GIFT OR BY SALE OR LEASE OF
5 SURPLUS REAL OR PERSONAL PROPERTY OR BY ANY OTHER MEANS, WHOSE
6 DISPOSITION IS NOT OTHERWISE PROVIDED FOR BY LAW. ALL INTEREST
7 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND
8 SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
9 CONTINUOUSLY APPROPRIATED TO THE BOARD OF TRUSTEES AND SHALL
10 REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE
11 GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

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

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

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

1 **23-52-114. [Formerly 23-30-114.] Hesperus account created.**
2 The proceeds of or income from the property formerly known as the "Fort
3 Lewis school", granted by the United States to the state of Colorado,
4 pursuant to an act of congress approved April 4, 1910 (36 Stat. 274), as
5 modified by an act of congress approved May 18, 1916 (39 Stat. 128),
6 shall constitute a special account, which shall be known as the "Hesperus
7 account". The income from said property and from the Hesperus account
8 shall be appropriated by the general assembly and used by the ~~state board~~
9 ~~of agriculture~~ BOARD OF TRUSTEES first for tuition waivers at Fort Lewis
10 college for qualified Indian pupils. Any moneys remaining after such use
11 shall be applied to such public purpose as may be determined by the
12 board OF TRUSTEES, subject to appropriation by the general assembly.

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

26 **23-52-116. [Formerly 23-30-116.] Power to invest.** The state
27 ~~board of agriculture~~ BOARD OF TRUSTEES has the power to direct the

1 investment of funds held by the state treasurer pursuant to ~~section~~
2 ~~23-30-114~~ SECTION 23-52-114 in such securities as are permitted for
3 private trustees and similar fiduciaries under the law of the state of
4 Colorado.

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

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

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

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

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

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

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

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

1 which will review and approve or disapprove the proposed transaction
2 pursuant to section 23-1-106.

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

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

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

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

24 (a) THE BOARD OF TRUSTEES AND THE STATE BOARD OF
25 AGRICULTURE SHALL JOINTLY REQUEST THAT THE STATE BOARD OF LAND
26 COMMISSIONERS EXTEND THE EXISTING LEASE OF THE HESPERUS PROPERTY
27 TO THE STATE BOARD OF AGRICULTURE FOR THE USE AND BENEFIT OF THE

1 COLORADO AGRICULTURAL EXPERIMENT STATION BEYOND ITS CURRENT
2 EXPIRATION ON THE SAME TERMS AND CONDITIONS FOR A PERIOD OF NOT
3 LESS THAN TEN YEARS. THE STATE BOARD OF AGRICULTURE SHALL
4 COOPERATE WITH THE BOARD OF TRUSTEES TO FACILITATE THE USE OF
5 PORTIONS OF THE HESPERUS PROPERTY, WHICH IS OWNED BY THE STATE
6 BOARD OF LAND COMMISSIONERS, SO LONG AS SUCH USES ARE COMPATIBLE
7 AND NOT INCONSISTENT WITH THE USE AND OPERATION OF PROPERTY BY
8 THE COLORADO AGRICULTURAL EXPERIMENT STATION.

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

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

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

25 (A) ANY LOCAL, STATE, OR FEDERAL LICENSES OR PERMITS
26 REQUIRED FOR THE OPERATION OF FORT LEWIS COLLEGE HELD IN THE
27 NAME OF THE STATE BOARD OF AGRICULTURE, SUCH AS FEDERAL

1 COMMUNICATIONS COMMISSION LICENSES, ENVIRONMENTAL PERMITS, OR
2 LIQUOR LICENSES; AND

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

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

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

9 **23-52-104.5. Powers and duties of the president - repeal.**

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

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

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

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

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

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

27 (b) ON AND AFTER SEPTEMBER 1, 2002, THE BOARD OF TRUSTEES

1 SHALL FIX TUITION IN ACCORDANCE WITH THE LEVEL OF CASH FUND
2 APPROPRIATIONS SET BY THE GENERAL ASSEMBLY FOR THE COLLEGE
3 PURSUANT TO SECTION 23-1-103.5, SUBJECT TO THE RESTRICTION THAT
4 ALL QUALIFIED INDIAN PUPILS SHALL AT ALL TIMES BE ADMITTED TO SUCH
5 COLLEGE FREE OF CHARGE FOR TUITION AND ON TERMS OF EQUALITY WITH
6 OTHER PUPILS. THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE
7 STATE GENERAL FUND ONE HUNDRED PERCENT OF THE MONEYS REQUIRED
8 FOR TUITION FOR SUCH QUALIFIED INDIAN PUPILS.

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

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

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

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

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

3 **23-52-107. Board of trustees empowered to lease grounds -**
4 **repeal.** (1) (a) PRIOR TO SEPTEMBER 1, 2002, for the purpose of
5 providing dormitories, living and dining halls, or cottages and equipment
6 for the use of the college, and to enable the construction, financing, and
7 ultimate acquisition thereof, and to aid in improving undeveloped
8 portions of the grounds of the Fort Lewis college, the state board of
9 agriculture is empowered to lease grounds under its control to private
10 persons or corporations for a term not exceeding fifty years and subject
11 to such regulations as it may prescribe and upon the condition that such
12 private persons or corporations shall construct and equip on such leased
13 grounds such buildings or improvements as the board designates or
14 approves and secure reimbursement for money invested therein from the
15 rentals of such buildings or from their sale to the board acting for the
16 state.

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

18 (2) ON AND AFTER SEPTEMBER 1, 2002, FOR THE PURPOSE OF
19 PROVIDING DORMITORIES, LIVING AND DINING HALLS, OR COTTAGES AND
20 EQUIPMENT FOR THE USE OF THE COLLEGE, AND TO ENABLE THE
21 CONSTRUCTION, FINANCING, AND ULTIMATE ACQUISITION THEREOF, AND
22 TO AID IN IMPROVING UNDEVELOPED PORTIONS OF THE GROUNDS OF THE
23 FORT LEWIS COLLEGE, THE BOARD OF TRUSTEES IS EMPOWERED TO LEASE
24 GROUNDS UNDER ITS CONTROL TO PRIVATE PERSONS OR CORPORATIONS
25 FOR A TERM NOT EXCEEDING FIFTY YEARS AND SUBJECT TO SUCH
26 REGULATIONS AS IT MAY PRESCRIBE AND UPON THE CONDITION THAT SUCH
27 PRIVATE PERSONS OR CORPORATIONS SHALL CONSTRUCT AND EQUIP ON

1 SUCH LEASED GROUNDS SUCH BUILDINGS OR IMPROVEMENTS AS THE
2 BOARD OF TRUSTEES DESIGNATES OR APPROVES AND SECURE
3 REIMBURSEMENT FOR MONEY INVESTED THEREIN FROM THE RENTALS OF
4 SUCH BUILDINGS OR FROM THEIR SALE TO THE BOARD OF TRUSTEES ACTING
5 FOR THE STATE.

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

8 **23-52-108. No authority to obligate state - repeal.**

9 (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to
10 23-52-113 shall constitute any authority to enter into any contract which
11 in any way creates any debt or obligation upon the state on account of the
12 construction of such buildings or improvements; but buildings and
13 improvements erected on any such lands under the control of the state
14 board of agriculture and devoted to the uses of the college under the
15 terms of sections 23-52-107 to 23-52-113 and the leasehold interest shall
16 be exempt from taxation so far as permitted by the state constitution.

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

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

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

3 **23-52-109. Buildings - control of - repeal.** (1) (a) PRIOR TO
4 SEPTEMBER 1, 2002, the management of buildings erected and equipped
5 under the terms of sections 23-52-107 to 23-52-113 and the scale of
6 rentals thereof shall be subject to the approval of the state board of
7 agriculture.

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

9 (2) **ON AND AFTER** SEPTEMBER 1, 2002, THE MANAGEMENT OF
10 BUILDINGS ERECTED AND EQUIPPED UNDER THE TERMS OF SECTIONS
11 23-52-107 TO 23-52-113 AND THE SCALE OF RENTALS THEREOF SHALL BE
12 SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES.

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

15 **23-52-110. Board of trustees may rent buildings - repeal.**

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

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

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

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

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

9 **23-52-112. Leasehold interest may be sold - repeal.**

10 (1) (a) PRIOR TO SEPTEMBER 1, 2002, nothing in sections 23-52-107 to
11 23-52-113 shall prevent the transfer or sale of the leasehold interests prior
12 to their expiration, subject to the approval of the state board of
13 agriculture.

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

15 (2) ON AND AFTER SEPTEMBER 1, 2002, NOTHING IN SECTIONS
16 23-52-107 TO 23-52-113 SHALL PREVENT THE TRANSFER OR SALE OF THE
17 LEASEHOLD INTERESTS PRIOR TO THEIR EXPIRATION, SUBJECT TO THE
18 APPROVAL OF THE BOARD OF TRUSTEES.

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

21 **23-52-113. Board of trustees may rent rooms - repeal.**

22 (1) (a) PRIOR TO SEPTEMBER 1, 2002, upon the termination of any lease
23 or contract executed with private persons or corporations for the
24 construction of buildings under the terms of sections 23-52-107 to
25 23-52-113, the board is empowered to rent rooms or quarters in buildings
26 erected under such leases or contracts for such reasonable compensation
27 as it deems best in relation to current operation, maintenance, and upkeep

1 costs.

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

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

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

14 **23-1-104. Financing the system of postsecondary education -**
15 **repeal.** (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR THE
16 FISCAL YEAR BEGINNING JULY 1, 2002, THE ALLOCATION OF APPROPRIATED
17 GENERAL FUND MONEYS AND TUITION REVENUE AMONG THE INSTITUTIONS
18 GOVERNED BY THE STATE BOARD OF AGRICULTURE HAS BEEN BASED ON A
19 DIFFERENTIAL FUNDING FORMULA ESTABLISHED BY SAID BOARD.

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

24 (II) (A) EFFECTIVE SEPTEMBER 1, 2002, THE STATE BOARD OF
25 AGRICULTURE SHALL TRANSFER FROM THE STATE BOARD OF AGRICULTURE
26 FUND, CREATED IN SECTION 23-30-106, TO THE BOARD OF TRUSTEES FOR
27 FORT LEWIS COLLEGE FUND, CREATED IN SECTION 23-52-103, AN AMOUNT

1 OF GENERAL FUND MONEYS DETERMINED BY THE STANDARD ALLOCATION
2 METHODOLOGY USED BY THE STATE BOARD OF AGRICULTURE WHICH
3 ACCOUNTS FOR ANY VARIANCES IN RESIDENT FULL-TIME EQUIVALENT
4 STUDENT ENROLLMENT, ANY FUNDING RECEIVED PURSUANT TO SECTION
5 23-13-107 (1) (b), AND ANY OTHER APPROPRIATION CHANGES, PRORATED
6 FOR THE REMAINDER OF THE STATE FISCAL YEAR.

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

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

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

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

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

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

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

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

6 **23-1-113.5. Commission directive - resident admissions.**

7 (2) (c) AFTER ONE HUNDRED PERCENT OF ALL QUALIFIED COLORADO
8 APPLICANTS HAVE BEEN ACCEPTED BY ADAMS STATE COLLEGE, FORT
9 LEWIS COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE
10 OF COLORADO, THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION
11 REGARDING THE FRACTION OF STUDENTS WHO ARE IN-STATE STUDENTS
12 SHALL CEASE TO APPLY TO SAID FOUR COLLEGES.

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

15 **23-5-101.5. Enterprise status of auxiliary facilities.** (4) The
16 expiration of the following designations of auxiliary facilities as
17 enterprises, which are scheduled for expiration pursuant to subsection (3)
18 of this section, are postponed until June 30, 2009:

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

21 [REDACTED]

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

24 **23-5-101.5. Enterprise status of auxiliary facilities.**

25 (5) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (3) OF THIS
26 SECTION RELATING TO THE DESIGNATION OF AUXILIARY FACILITIES AS
27 ENTERPRISES, THOSE AUXILIARY FACILITIES OF FORT LEWIS COLLEGE,

1 WHICH WERE A PART OF THE COLORADO STATE UNIVERSITY SYSTEM
2 ENTERPRISE PURSUANT TO PARAGRAPH (f) OF SUBSECTION (4) OF THIS
3 SECTION, SHALL, AS THEY RELATE TO FORT LEWIS COLLEGE, BE
4 DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES FOR FORT LEWIS
5 COLLEGE, ESTABLISHED IN SECTION 23-52-102.

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

8 **23-30-101. State board of agriculture.** A board is hereby
9 constituted and established which shall be known by the name and title
10 of the state board of agriculture. It shall consist of a total of ~~fifteen~~
11 THIRTEEN members. ~~Six~~ FOUR of the offices shall be advisory, without
12 the right to vote. One shall be filled by an elected officer of the student
13 body who is a full-time junior or senior student at Colorado state
14 university, one by an elected officer of the faculty council of Colorado
15 state university having the rank of associate professor or higher, ~~one by~~
16 ~~an elected officer of the faculty council of Fort Lewis college, one by an~~
17 ~~elected officer of the student body who is a full-time junior or senior~~
18 ~~student at Fort Lewis college,~~ one by an elected officer of the student
19 body who is a full-time junior or senior student at the university of
20 southern Colorado, and one by an elected officer of the faculty council
21 of the university of southern Colorado having the rank of associate
22 professor or higher. The ~~six~~ FOUR advisory members shall be elected by
23 their respective governing bodies from their membership. The terms of
24 these advisory offices shall be for one academic year. Commencing with
25 appointments made in 1974 and subsequent years, the remaining nine
26 members, at least two of whom shall have some connection with
27 agriculture, shall be appointed by the governor, with the consent of the

1 senate, for basic terms of four years, although interim appointments may
2 be made for lesser periods so that at least two of the nine terms will
3 expire in each calendar year. No person, elected under this section, shall
4 serve on the board for more than two terms, regardless of the length of
5 the terms; except that a member of the board, whether elected or
6 appointed, may continue to serve until his OR HER successor is elected or
7 appointed and qualified. For the purposes of this section, "full-time
8 student" means the same as it does in the respective institutions.

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

11 (2) House Bill No. 02-1260 amends various sections of Colorado
12 Revised Statutes to change the name of the state board of agriculture.
13 Some of those sections are also contained in this act. So as to assure that
14 the substantive provisions of this act are given priority, in the event that
15 House Bill No. 02-1260 is enacted at the second regular session of the
16 sixty-third general assembly and becomes law, where the provisions of
17 the two acts are not in conflict they shall be harmonized, but where the
18 sections are in conflict the provisions of this act shall be deemed to
19 supersede the provisions of House Bill No. 02-1260 on the date that
20 House Bill No. 02-1260 becomes effective.

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