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0179 Organization of State Government

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No.179

Report to the Colorado General Assembly:

ORGANIZATION OF STATE GOVERNMENT



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO.179

December, 1971

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

ORGANIZATION OF STATE GOVERNMENT

**Legislative Council
Report To The
Colorado General Assembly**

**Research Publication No. 179
December, 1971**

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

December 1, 1971

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REP. CLARENCE QUINLAN

To Members of the Forty-eighth Colorado General Assembly:

In accordance with House Joint Resolution No. 1033, passed by the First Regular Session of the Forty-eighth General Assembly, the Legislative Council submits for your consideration the accompanying report pertaining to the organization of state government in Colorado.

The Committee appointed by the Legislative Council reported its findings and recommendations to the Legislative Council on November 29, 1971, and the Council accepted the report for transmission to the Governor and members of the General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 25, 1971

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Research Associate
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Research Associate
WALLACE PULLIAM
Research Associate

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

The Committee on Organization of State Government appointed by the Legislative Council has completed its first year of study and herewith submits a report of its findings and recommendations. This report deals exclusively with the governance of higher education.

The Committee will continue its efforts during the 1972 interim at which time the Committee will study health care licensure. Its work in this important area of concern will terminate in time for consideration of the Committee's recommendations during the 1973 Session of the General Assembly.

Respectfully submitted,

Representative Carl Gustafson
Chairman
Committee on Organization of
State Government

CG/mp

FOREWORD

As prescribed by House Joint Resolution No. 1033, 1971 Session, the Legislative Council appointed the following Committee to conduct a study of the organization of state government in Colorado:

Rep. Carl Gustafson, Chairman	Rep. Forrest Burns
Sen. Fred Anderson, Vice Chairman	Rep. John Fuhr
Sen. Chester Enstrom	Rep. Charles Edmonds
Sen. Vincent Massari	Rep. Leo Lucero
Sen. Kingston Minister	Rep. Ralph Porter
Sen. Al Ruland	Rep. Eric Schmidt
	Rep. Roy Shore

The General Assembly directed the Organization of State Government Committee to concern itself with the governance of higher education and the licensure of health care occupations. During the first year of the Committee's work, the subject of higher education dominated the work of the Committee although a significant amount of ground work was accomplished for continued study of health care licensure during the 1972 interim.

The Committee and its staff express their appreciation to the following individuals for their assistance during the 1971 interim: Dr. Frank Abbott, Executive Director, Commission on Higher Education, and his staff; members of the Commission on Higher Education and in particular Donald McKinlay, chairman, and Larry E. Scott, chairman, Subcommittee on Structures and Systems; Byron Johnson and Harry Carlson, Regents, University of Colorado; President F. P. Thieme, University of Colorado; Dr. John Thimmig, President, State Board of Agriculture; Stuart McLaughlin, President, Trustees of the State Colleges of Colorado; Ted P. Stockmar, President, Board of Trustees, Colorado School of Mines; and Marvin W. Buckels, Executive Vice President, State Board for Community Colleges and Occupational Education.

Mrs. Becky Lennahan, Legislative Drafting Office, provided bill drafting and other legal services.

Preparation of the Committee's final report was the responsibility of David Hite, Senior Analyst; he was assisted during the interim by Larry Thompson, Research Assistant.

November, 1971

Lyle C. Kyle
Director

TABLE OF CONTENTS

	<u>Page</u>
LETTERS OF TRANSMITTAL.....	iii
FOREWORD.....	vii
TABLE OF CONTENTS.....	ix
COMMITTEE FINDINGS AND RECOMMENDATIONS.....	1
Committee Objectives.....	4
Proposed Legislation for the Governance of Higher Education.....	5
Proposal No. 1 -- Proposed Constitutional Amendment.....	5
Attorney General Opinion.....	7
Proposal No. 2 -- Changing the Number of Board Members for the School of Mines.....	10
Proposal No. 3 -- Relating to the Board of Agriculture and Fort Lewis College, and Creating Three New Governing Boards.....	10
Governance of the State College System.....	10
Name and Size Change for State Board of Agriculture.....	12
Fort Lewis College.....	13
University of Northern Colorado.....	13
Proposal No. 4 -- "Diploma Mills".....	14
ORGANIZATION CHARTS.....	17
Present Governing/Coordinating.....	17
Structure of Higher Education.....	17
Proposed Governing /Coordinating Struc- ture of Higher Education.....	19
APPENDICES.....	21
Proposed Constitutional Amendment.....	21
Changing the Number of Board Members for the School of Mines.....	25
Relating to the Board of Agriculture and Fort Lewis College, and Creating Three New Governing Boards.....	27

COMMITTEE FINDINGS AND RECOMMENDATIONS

The Organization of State Government Committee, now in its second decade of continuing study of the administrative alignment of Colorado's state government, has maintained an abiding concern over the coordination and governance of higher education.

The two functions -- governance and coordination -- are closely interrelated. Institutions can hardly function effectively without awareness of the statewide needs and of activities going on in other places. Planning and coordination, on the other hand, must take account of current efforts and needs in the existing institutions.

To organize the total higher educational system so as to foster the individuality of institutions which meet differing aspects of the total need, without promoting local and partisan influence that will obstruct the accomplishment of statewide objectives and priorities -- this is the task the state face in developing structures for governance and coordination.

In 1967, the Committee concerned itself with a proposal to establish three governing boards for the three major sectors of higher education: universities and special purpose institutions, general colleges, and community colleges. Although the Committee did not make a specific recommendation regarding that proposal, it did state its belief that "the time has arrived for the General Assembly to submit a proposed constitutional amendment to the people concerning higher education."

Agreement was not reached on the necessary statutory and constitutional changes during the 1968 or 1969 Sessions. A number of reorganizational proposals were, however, debated during the 1969 Session. The proposal for a single board for all of the senior colleges and universities was brought before the General Assembly for the fourth time. Another proposal was that C.S.U., the School of Mines, University of Northern Colorado at Greeley, and the centers of the University of Colorado be made "campuses, centers and branches" of the University of Colorado at Boulder under a single board of Regents.

appointed by the Governor. Still another proposal sought to place these state schools within the University of Colorado and designate governance by the Regents. Another proposal called for the administration of HCU by the Board of Trustees along with CU, and transfer of Fort Lewis to the State Colleges, Inc.

The 1969 General Assembly directed the Organization of State Government Committee to examine the problems of higher education including the roles of the Commission on Higher Education and the various governing boards. During the 1969 interim the Committee undertook this task with "the knowledge that the spiraling costs of education, the increasingly intense competition for the education dollar, the lack of effective coordinative measures by which present and future expenditures for higher education can be contained, make change during the 1970 Session necessary".

The 1969 Interim Organization Committee considered several approaches to the problem of coordination and governance of higher education: adoption of governing boards for the three state systems; adding to the authority of the Commission on Higher Education; giving each institution a separate governing board while strengthening the coordinative power of the Commission on Higher Education; or instituting a single governing board for all state institutions of higher education. The Committee concluded that a measure strengthening the functions of the Commission on Higher Education was, at that time, the best approach to follow. The result was H.B. 1010 which was introduced and passed during the 1970 Session of the General Assembly. There were two essential parts to the bill: a greater emphasis on statewide and institutional planning; and a strengthening of the Commission's role in fiscal reporting and budgetary affairs. The amendment H.B. 1010 provided to the 1965 Act creating the Commission on Higher Education has come to be regarded as an effective approach to the coordination of higher education in Colorado. The issue of governance of institutions of higher education within the state remained unresolved.

It was left to the efforts of the Organization of State Government Committee during the 1971 interim to begin to deal with the issue of governance, an issue appropriately called "theory and perpetual". "Efficiency and scale; centralization and decentralization; local control or more distant control -- these questions are as theory and as perpetual with public schools, and with state and national government, as they are with higher education."

As a first step in its study, the Committee asked for comments and suggestions by the governing boards and the heads of each of the state institutions as well as the Commission on Higher Education. Specifically, the Committee invited comments on the following items.

RELATING TO THE ENTIRE SYSTEM

Present organization for the governing and coordinating, including specific provisions of the statutes pertaining to each governing board and the Commission on Higher Education.

RELATING TO THE REGENTS OF THE UNIVERSITY OF COLORADO

(1) The constitutional status accorded the University of Colorado and the Regents so far as control over funds and appropriations to the University are concerned, and reasons such status should be continued or otherwise modified.

(2) Composition of the Board of Regents and provisions that the President of the University is presiding officer who votes in event of a tie.

(3) Provision for operation by the Regents of the University of institutions or programs, other than "temporary lecture courses", outside Boulder and Denver (beyond medicine, dentistry and pharmacy, as specified by the State Constitution).

RELATING TO THE STATE BOARD OF AGRICULTURE

The appropriateness of having the State Board of Agriculture govern a university and a state college.

RELATING TO THE BOARD OF TRUSTEES OF STATE COLLEGES

The appropriateness of having the Board govern a university as well as state colleges.

After reviewing the responses and discussing the issues with the respondents, final Committee approval was given to four proposals for consideration by the General Assembly.

Committee Objectives

The Committee's approach to the issues of governance was formulated upon certain principles and objectives.

First, there was an affirmation of the principle of coordination rather than central governance of higher education in Colorado. By considerably expanding the authority of the Commission on Higher Education through H.B. 1010 in 1970, the Organization of State Government Committee, and the General Assembly as a whole, indicated support for the concept of several governing boards and a coordinating board with substantial authority as preferable to central governance through a single board of governance. This kind of structure prevails nationally as governors and legislative committees alike find that the most effective means for providing an overall view of needs, goals, and directions for the big business of higher education lies in a coordinating body.

Second, there was a clear understanding that the individual roles of most institutions of higher learning in Colorado have changed, often dramatically, during the last decade. Indeed, the role of higher education as an element of state government has changed dramatically as well. There are several ways of measuring the change. There have been vast increases in the student population. In 1954, enrollment projections were made for 1969 by the Association of State Institutions of Higher Education in Colorado; these projections were exceeded before the "enrollment boom" of 1963. Fall head count enrollment increases for the period 1965-1970 were as follows: two-year schools, 210 percent; four-year state schools, 81.5 percent; and universities, 37.3 percent. A dozen years ago, most of the state's institutions of higher education did not exist and those that were established, in many instances, were different institutions than they are today. A decade ago, the University at Boulder was in fact the only comprehensive university in the state. It can be said that C.U.'s contributions in graduate study and research were elementary compared to its present influence. Some fifteen years ago, the institution at Fort Collins was a university neither in name or fact but was instead the Colorado Agricultural and Mechanical College. It offered graduate programs including a limited number on the doctoral level in agricultural sciences and engineering, both areas of emphasis at a land-grant college. The change at CMU is self-evident today. The state system of higher education as we know it did not exist ten years ago. The University of Northern Colorado was given university status

inaction by the General Assembly in 1979, only another indicator of the breadth of this institution's program. With regards to the governance of the state institutions, however, either little change has been made over the years or, in the case of new governance structures, stresses are being placed on their ability to govern.

Third, there was agreement that any scheme of governance must be formulated around lay control since the lay governing board has been an effective liaison between institutions of higher learning in Colorado and the General Assembly. To make the system of lay board governance viable, however, the Committee recognizes that professional staff assistance is needed to help formulate and follow through the board's business. Finally, it is recognized that the governments task is becoming too great for some boards which oversee a number of institutions responsible for a varied educational program. Such a situation results in too much reliance on staff decision making and leads to a subversion of the lay governance principle.

Fourth, there was concern that all schools within the state system be given equal legal footing. The Board of Regents is, of course, the only governing board to enjoy a constitutional status granted by specific provisions relating to size and selection of the Board, its presiding officer, and its control of funds and appropriations made to the Board. The Committee is of the opinion that, as a practical matter, constitutional status may not be significant. The introduction of devices for planning, evaluation and control by the Executive and Legislative Branch have effectively reduced the degree of freedom which a reading of the Constitution seems to provide. Nevertheless, the Committee asserts that each educational institution should be given identical constitutional status.

Fifth, and finally, the Committee was guided by the principle that the General Assembly should have the distinct prerogative to determine, through statutory means, the location, functions, and powers of schools, their governing boards, and the provisions for coordination in higher education in Colorado. Given the tools of an effective coordinating body and governing boards with effective spans of control, the General Assembly can move with greater assurance that the needs of higher education are being met in the most effective and efficient manner.

Proposal No. 1

The first measure the Committee recommends for consideration by the General Assembly calls for amendment of articles VIII and IX of the State Constitution. The text of the proposal is found on page 21 of this report.

The Board of Regents of the University of Colorado is authorized to exercise the powers conferred upon it by the Constitution of the State of Colorado, subject to the approval of the Governor and the Senate. The Board of Regents is authorized to exercise the powers conferred upon it by the Constitution of the State of Colorado, subject to the approval of the Governor and the Senate.

The Committee believes there are a number of compelling reasons for change in the present constitutional status of the University of Colorado. In a single general statement of principle, the following is an accurate observation:

Divisions within the Board of Regents of the University of Colorado have been interpreted as contributing to unrest within the University and to instability in the presidential office of the University. Inability of the Legislature to modify the structure and essential powers of the Board because of the Board's constitutional position has influenced the content and thrust of several proposals for restructuring of higher education more than have concepts of sound organizational structure.

The specific changes proposed for Section 5 of Article VII would provide a final solution to many of the problems raised over a period of time concerning the special constitutional status of the University of Boulder, its legal status in operating a center in Denver, and the operation of the School of Nursing in Denver. Presently, Section 5 of Article VII specifies the geographic location of some, but not all, of the educational institutions of the state. The state's Attorney General has on three occasions advised that this language limits such institutions to the specific locations specified in the Constitution. The March 1971 opinion advises that the General Assembly cannot add to the functions and powers of the Board of Regents by assigning to them the operation of educational programs or institutions not provided for in the Constitution. The specifics of that opinion read, in part, as follows:

... dated January 4, 1968, to Denver
... dated November 21, 1968
... dated January 4, 1968
... dated November 21, 1968

QUESTION NO. 1. Can the Legislature create an independent institution of higher education located at Colorado Springs (and, by implication, at any other place in Colorado), and designate the Regents of the University of Colorado to be its governing body?

CONCLUSION: No.

ANALYSIS: (in part) Accordingly, except as noted hereinafter, it is my opinion that Section 5 of Article VIII restricts the powers and duties of the Regents specified in Section 14, Article IX, to the supervision of the University at Boulder and the departments of medicine, dentistry and pharmacy at Denver and that neither the Regents nor the General Assembly can enlarge these to include governance of another institution of higher education elsewhere in the state.

QUESTION NO. 2. Does it continue to be your opinion that the Regents of the University of Colorado may not operate at Denver or Colorado Springs or elsewhere, any center or branch of the University on an independent or autonomous basis as a degree-granting institution, in the absence of a constitutional amendment specifically authorizing such an operation?

ANSWER: Yes, as qualified below.

ANALYSIS: (in part) In response to your specific question, it is my opinion that Section 5, Article VIII of the Constitution, clearly prohibits the Regents from operating any center or branch of the University on an independent or autonomous basis as a degree-granting institution.

• • • • •

The Committee's proposed amendment to Section 5, Article VIII adds to the list of institutions already enumerated the University of Colorado's Denver Center. In proposing this change for the Denver Center and not for Colorado Springs, the Committee addresses, as a majority view, the following general statement:

Since adoption of the Colorado Constitution in 1876, the Denver Metropolitan Area has developed and enlarged to include Boulder, Boulder County in fact lies within the Denver Standard Metropolitan Statistical Area. Moreover the interrelation of programs, facilities, students, and services among operations at Boulder, the Center in Denver, and the Medical Center in Denver, are highly significant to each.

There are of course interrelationships between the Center in Colorado Springs and the

Boulder Campus as well, but these are no significant educational benefits to the University in Boulder. It is the intent that there is no such benefit. It could be avoided without the aid through a common governing board and administration.

The section also specifies authority for the University to maintain the School of Nursing, "together with hospitals and supporting facilities and programs related to health" in Denver. By submitting this change, the Committee's objective is to clarify the extralegal status of the Denver facility.

In addition to enumerating certain institutions and their locations, the Committee submits new language specifying that other schools now existing or which may be established in the future shall also be recognized as state institutions if so designated by law. The proposed language continues by providing that the establishment, and abolition of state institutions of higher education shall be subject to control by the General Assembly. Finally, the Committee recommends providing that, with the prior approval of the General Assembly, state institutions may establish centers of branches of the parent institution anywhere in the state. The intent of the Committee is clear: the new language a) gives all institutions constitutional designation; and b) gives the General Assembly the final authority in the establishment of state institutions of higher learning.

This same rationale prevails in the Committee recommendation that the governing boards of state schools, whether those boards have constitutional or statutory designation, "shall have the general supervision of their respective institutions and the exclusive control and direction of all funds... appropriations to their... institutions, unless otherwise provided by law." (emphasis added) Again the intent of the Committee is clear: ultimate control over higher education in Colorado rests with the General Assembly; nevertheless, the General Assembly has neither the intent nor the desire to manage the specific operation of the schools themselves. The Committee submits that the proposed language recognizes the practical realities of today's relationship between institutions of higher education and the Legislature. It recognizes

Office of the Director of State Government Operations
1000 East Colfax Avenue, Denver, Colorado 80202

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that in some decisions the state must have the primary voice; in others, the institutions must be dominant; and in still others, the state and the institutions must work closely together. Finally, the new language is submitted with the knowledge that the growth of cooperation between higher education and government will be dependent on two things: the climate of opinion, and the availability of practical machinery to encourage cooperation. With new constitutional language, the Committee proposes that a better climate of opinion will exist among institutions and between institutions and the General Assembly. This, combined with the machinery of statutory provisions and the effective functioning of the state's coordinative body, will enhance the relationship and understanding between the General Assembly and the state's colleges and universities.

The Committee also proposes amending Sections 12 and 13 of Article IX by a) enlarging the membership of the Board of Regents from its present number, six, to nine; b) providing that the Board of Regents be appointed; c) specifying that not more than five members of the board be members of the same political party; d) limiting terms of board members to two successive terms; e) allowing the board to select from its members a chairman; and f) removing the President of the University from the Board of Regents.

There is common agreement between members of the General Assembly, the University of Colorado, and the Commission on Higher Education over the principle changes made in the proposed constitutional amendment: the board should be enlarged; the President should be removed as a voting member of the board; and members of the board should be appointed.

Speaking to all three issues, the Commission on Higher Education notes:

The small size of the Board combined with its selection in partisan elections brings into undue prominence issues that divide the Board. The constitutional provision that the University's chief executive officer is also the Board's presiding officer forces the University President into the untenable position, when the Board is split, of determining issues of policy that are the responsibility of the Board. 5/

ing body for five state schools with a student population of over 30,000, or approximately one in three college students attending state-supported institutions in Colorado. The Committee observes that such a span of control is too broad. Under these circumstances the trustees' have been overburdened and the Board's surveillance of the schools within its purview has been less direct and effective than is desired. These factors have caused the Board to depend increasingly on its central staff as well as on system-wide committees.

The Committee recognizes that although each of the five institutions governed by the Trustees is somewhat distinctive, there are important characteristics that make several of the schools similar. For example, Adams State and Western State College, along with Fort Lewis College reflect similarities, as do Southern Colorado State College and Metropolitan State College.

Western, Adams, and Fort Lewis have evolved to a status of multiple-purpose schools based upon the liberal arts and sciences. All three are located in small cities outside the heavily populated region of the state. Each institution serves an area in which there is no comprehensive community college. Each should remain essentially undergraduate colleges. Taking all of these factors into account, the Committee recommends that a nine member lay board be instituted to govern Western State, Adams State, and Fort Lewis Colleges.

Southern Colorado State College and Metropolitan State College, although different in origin, have important common elements: arts and sciences as well as business and education offerings; urban centered; both offer programs in selected technologies; and both are oriented to a "practical" emphasis in a number of fields in contrast to the advanced professional and graduate emphasis of universities. With these factors in mind, the Committee recommends that the two institutions be governed by a single, nine member, lay board of trustees.

With the establishment of a separate board of trustees for the University of Northern Colorado, as recommended and discussed below, and the establishment of new and separate boards for other schools now governed by the Trustees of the State College, this board will be superseded as a statutory body. It is hoped that its members could provide a nucleus for each of the three proposed boards.

In proposing the three new boards, the Committee suggests that the operations of these new structures be carried out with a staff similar that existing in the Trustees

of State Colleges as that board now functions. The Committee suggests a staffing pattern similar to that recommended by the Commission on Higher Education be examined.

Specifically the board for UNC would remain as staff other than that of the University itself. We believe the other two boards, each governing three institutions, should need a professional staff officer to coordinate affairs in behalf of the board but it appears possible and perhaps advantageous that these boards could operate largely through borrowing needed staff services from the institutions covered. In the area of legal services, assignment of such services to one of the boards to be shared with the others, would appear advantageous. The extent of staff needs for the two boards governing groups of institutions should be closely monitored by the Commission and Executive Budget Office, in reference to institutional and to executive and legislative requirements and expectations.

Proposed Staff Changes for the Board of Agriculture.

The Commission on Higher Education has recommended that the governing board of the State Board of Agriculture be composed of members from the State Board of Agriculture to the Board of Agriculture, State University. In supporting this change, the Committee agrees with those that suggest the name of the present board is an anachronism. UNC is no longer an agricultural and mechanical school alone; it is a comprehensive university with leadership in selected professions and, in particular, the science of biology. Thus the University possesses the best qualities of a land-grant school and a modern, comprehensive university. The Committee believes that a change in the name of the governing board will give impetus to the basic changes in the scope of the school, and provide the leadership of the school's role in its role in a broader sense, by having the composition of the board include members "by applying the title Virginia" to the

RECOMMENDATION OF THE COMMISSION ON HIGHER EDUCATION
TO THE GOVERNMENT OF THE STATE OF VIRGINIA
The Commission on Higher Education has the honor to acknowledge the receipt of your letter of the 10th day of June, 1964, regarding the proposed changes in the composition of the governing board of the State Board of Agriculture. The Commission has given this matter the most careful consideration and has concluded that the proposed changes are in the best interests of the State of Virginia and the University of North Carolina. The Commission recommends that the proposed changes be approved by the General Assembly.

governing board of CSU, the General Assembly would so designate the governing bodies of the two comprehensive universities in the State and no other board. The President of the Board of Agriculture reported to the Committee that the Board agrees their name should be changed; the Board has no preference for a new title. In proposing an additional member to the Board, the Committee gives uniformity to its recommendations on the size of governing boards.

Fort Lewis College. The Committee concurs with the Commission on Higher Education's assessment that

The College had its origins as a two-year "agricultural and mechanical" school. Its transposition in 1962 into a general undergraduate college removed the logic of a special linkage to CSU through a common governing Board. While a number of useful programs and operating relationships between the College and CSU have resulted from this common governance, there is no reason such relationships cannot be perpetuated and extended under a different governing arrangement.^{9/}

Fort Lewis has sought, and achieved, identification as a liberal arts school with emphasis on undergraduate teaching. Recently it has developed programs related to needs of residents in the Four Corners Area and the number of American Indian students studying at the school.

The Committee recommends the transfer of governance of Fort Lewis from the governing board of Colorado State University to a new board which would also serve Western State and Adams State colleges. As noted previously, the three schools have much in common in history, objectives, size, and programs. The Committee emphasizes that this proposal does not mean an end to the cooperative spirit between Fort Lewis College and Colorado State University; indeed, the Committee charges the schools, the governing boards, and the Commission on Higher Education to continue this relationship whenever possible.

University of Northern Colorado. The state school at Greeley has evolved into a large institution with acknowledged leadership in fields relating to the education profession. In

^{9/} Letter to the Organization of State Government Committee from the Commission on Higher Education, September 30, 1971, p. 2.

recognition of that fact the school was given university designation by the General Assembly in 1970. As a university, the institution is obligated to the community of Colorado but it should serve the entire state, and can be identified, as universities should be, as a national educational resource.

Recognizing these factors, the Committee recommends that a separate board of trustees be instituted for the University of Northern Colorado. The Committee suggests that a single governing board of nine members can strengthen the University in its efforts to provide leadership in the fields relating to the education profession. Such a move will minimize the need for special board staff, involve an additional number of lay persons in the development of higher education, and provide effective review of policies and programs of the University administration.

Proposal No. 4

It has been brought to the attention of the Committee that there has been an increasing number of private educational institutions formed with very doubtful academic or financial backing. The Proprietary School Act of 1966 provides strong surveillance over proprietary schools; however, there is virtually no control over institutions purporting to offer associate, baccalaureate, and higher degrees. HB 1012, 1965 Session, which is contained in the statutes as Article 21 of Chapter 17A, was apparently enacted with the intent of providing protection from misrepresented educational benefits, but these provisions established no standards and provided no body with regulatory and enforcement power.

A recent report from the U.S. Office of Education stated that there are more than one hundred "diploma mills" offering expensive, worthless degrees" throughout the country. It is believed that there are four of these facilities in Colorado. The Commission on Higher Education reports that "within the past year two Colorado corporations have initiated advertising of educational programs, one not yet offering full degree programs, the other advertising a wide range of doctoral degrees. There is no provision at law for state review, inspection, approval or disapproval of the operations of such incorporations."¹⁰

¹⁰ Refer to the Organization of State Government Committee Report, The Commission on Higher Education, December 1970, p. 2.

The Committee recommends that the Commission on Higher Education be authorized to issue certificates of approval to persons wishing to establish new schools in the state. This provision would not apply to institutions established pursuant to law as an agency of the state, nor would it include any proprietary school subject to the provisions of Article 3 of Chapter 146, nor would it include any "seminary" or "bible college" which the Commission finds to be a bona fide religious institution and which is exempt from property taxation. Violations of the provisions of the act would be subject to a fine not exceeding \$500 for each conviction, or imprisonment for a period not to exceed six months, or by fine and imprisonment.

**Present Governing/Coordinating
Structure of Higher Education**

Commission on Higher Education

Regents, University of Colorado* (6 members)

Boulder Campus
Colorado Springs Center
Denver Center
Medical Center

State Board of Agriculture (8 members)

Colorado State University
Agricultural Experiment Station
Cooperative Extension Service
State Forestry Service
Fort Lewis College

**State Board for Community Colleges and Occupational
Education (9 members)**

Occupational Education Division
Proprietary Schools and Veterans Approval Agency
Community Colleges
Arapahoe Community College
Community College of Denver
El Paso Community College
Lamar Community College
Otero Junior College
Trinidad State Junior College
Local District Junior Colleges
(Aims, Colorado Mountain, Mesa, Morgan,
Northeastern, Rangely)

Trustees, Colorado School of Mines (5 members)

Trustees of the State Colleges in Colorado (7 members)

Adams State College
Metropolitan State College
Southern Colorado State College
University of Northern Colorado
Western State College

* Special constitutional status

**Proposed Governing/Coordinating
Structure of Higher Education**

Commission on Higher Education

Regents, University of Colorado (9 members)

Boulder Campus
Colorado Springs Center
Denver Center
Medical Center

Regents of Colorado State University (9 members)

Colorado State University
Agricultural Experiment Station
Cooperative Extension Service
State Forestry Service

Trustees, Colorado School of Mines (7 members)

Trustees, University of Northern Colorado (9 members)

Trustees (9 members)

Metropolitan State College
Southern Colorado State College

Trustees (9 members)

Adams State College
Fort Lewis College
Western State College

**State Board for Community Colleges and Occupational
Education (9 members)**

Occupational Education Division
Proprietary Schools and Veterans Approval Agency
Community Colleges
Arapahoe Community College
Community College of Denver
El Paso Community College
Lamar Community College
Otero Junior College
Trinidad State Junior College
Local District Junior Colleges
(Ains, Colorado Mountain, Meas, Morgan,
Northeastern, Rangely)

HOUSE CONCURRENT RESOLUTION NO.

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLES VIII AND IX OF THE CONSTITUTION OF THE STATE OF COLORADO CONCERNING THE STATE INSTITUTIONS OF HIGHER EDUCATION, AND PROVIDING FOR THE GOVERNING BOARDS THEREOF; PROVIDING FOR THE APPOINTMENT OF NINE MEMBERS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO; PROVIDING FOR THE SELECTION OF A CHAIRMAN BY THE REGENTS FROM THEIR MEMBERSHIP; AND PROVIDING FOR THE REMOVAL OF THE AUTHORITY OF THE PRESIDENT OF THE UNIVERSITY OF COLORADO TO VOTE IN CASE OF A TIE VOTE BY THE REGENTS.

Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 5 of article VIII of the constitution of Colorado is amended to read:

Section 5. Educational institutions. (1) The following educational institutions, to-wit: the university at Boulder AND DENVER, the ~~Agricultural-College~~ UNIVERSITY at Fort Collins, the school of mines at Golden, and the ~~Institute-for-the-Education-of Mutes-(which-shall-hereafter-be-known-as-Colorado-School-for-Deaf and-Blind)~~ COLORADO SCHOOL FOR THE DEAF AND THE BLIND at Colorado Springs are hereby declared to be institutions of the state of Colorado, and SUCH OTHER INSTITUTIONS OF HIGHER EDUCATION AS NOW EXIST OR MAY HEREAFTER BE ESTABLISHED BY LAW SHALL BE INSTITUTIONS OF THE STATE IF THEY ARE DESIGNATED BY LAW AS STATE INSTITUTIONS. The ESTABLISHMENT, management, ~~thereof~~ AND ABOLITION OF THE STATE INSTITUTIONS SHALL BE subject to the control of the state, under the provisions of the constitution and such laws and regulations as the general assembly may provide, and the location of said institutions, as well as all gifts, grants and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively; provided, this section shall not apply to any institution, the property, real or personal, of which is now vested in the

trustees thereof, until such property to be transferred by proper conveyance together with the control thereof, to the officers provided for the management of said institutions by this constitution or by law; and, provided further, that the regents of the university may whenever in their judgment the needs of the institution demand such action, establish, maintain and conduct all or any part of the ~~departments~~ SCHOOLS of medicine, dentistry, NURSING, and pharmacy of the university, TOGETHER WITH HOSPITALS AND SUPPORTING FACILITIES AND PROGRAMS RELATED TO HEALTH at Denver; and provided, further, that nothing in this section shall be construed to prevent state educational institutions from giving temporary lecture courses, commonly called "University Extension Work" and "Farmers' Institute and Short Courses," in any part of the state, or conducting class excursions for the purpose of investigation and study; AND PROVIDED FURTHER, THAT SUBJECT TO PRIOR APPROVAL BY THE GENERAL ASSEMBLY, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE STATE INSTITUTIONS OF HIGHER EDUCATION FROM HEREAFTER ESTABLISHING, MAINTAINING, AND CONDUCTING CENTERS OR BRANCHES OF SUCH INSTITUTIONS IN ANY PART OF THE STATE.

(2) THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, WHETHER ESTABLISHED BY THIS CONSTITUTION OR BY LAW, SHALL HAVE THE GENERAL SUPERVISION OF THEIR RESPECTIVE INSTITUTIONS AND THE EXCLUSIVE CONTROL AND DIRECTION OF ALL FUNDS OF, AND APPROPRIATIONS TO, THEIR RESPECTIVE INSTITUTIONS, UNLESS OTHERWISE PROVIDED BY LAW.

Sections 12 and 13 of article IX of the constitution of the state of Colorado are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 12. Regents of university. The board of regents of the university of Colorado shall consist of nine members to be appointed by the governor, by and with the consent of the senate, for terms of office as follows:

Three for six years, beginning the second Tuesday in January, 1973; two for six years, beginning the second Tuesday in January, 1975; two for six years, beginning the second Tuesday in January, 1977; three for six years, one for four years, and one for two years, beginning the second Tuesday in January, 1979; and every two years thereafter, the governor shall appoint three regents for terms of six years each. Not more than five of such persons shall be members of the same major political party, as the term "major political party" shall be defined by law, and not less than one of such persons shall be from each congressional district of the state. No person shall serve as regent for more than two successive terms, except that an appointment to fill a vacancy shall not be considered as a term. Vacancies in office shall be filled in accordance with section 6 of article IV of this constitution. The board of regents shall constitute a body corporate to be known by the name and style of "The Regents of

the University of Colorado".

At the first meeting in odd numbered years, beginning in 1973, the board of regents shall select from its members a chairman who shall conduct the meetings of the board, and a vice chairman who shall assume the duties of the chairman in case of his absence.

Nothing in this section shall be construed to cause the removal of any regent from his office for the term for which he has been elected, and each such regent shall serve the term for which he was elected.

Section 13. President of university. The regents of the university shall elect a president of the university who shall hold his office until removed by the board of regents. He shall be the principal executive officer of the university, a member of the faculty thereof, and shall carry out the policies and programs established by the board of regents.

Section 14 of article IX of the constitution of the state of Colorado is repealed.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to articles VIII and IX of the constitution of the state of Colorado concerning the state institutions of higher education, and providing for the governing boards thereof; providing for the appointment of nine members to the board of regents of the university of Colorado; providing for the selection of a chairman by the regents from their membership; and providing for the removal of the authority of the president of the university of Colorado to vote in case of a tie vote by the regents.

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

A BILL FOR AN ACT

CONCERNING THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE
COLORADO SCHOOL OF MINES.

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

SECTION 1. 124-9-2, Colorado Revised Statutes 1963, is amended to read:

124-9-2. Board of trustees - term. (1) There shall be a board of trustees of the Colorado school of mines to be composed of ~~five~~ SEVEN persons who after the appointments to be made in 1935 shall be appointed for a period of six years. Commencing with the year 1935 on or before the expiration of the terms of three of the present trustees, the governor shall appoint three trustees to fill these vacancies as follows: One for a term of four years and two for terms of six years. THE GOVERNOR SHALL APPOINT TWO ADDITIONAL MEMBERS OF THE BOARD TO TAKE OFFICE MARCH 1, 1973. OF SUCH TWO ADDITIONAL MEMBERS, ONE SHALL BE APPOINTED FOR A TWO-YEAR TERM AND ONE SHALL BE APPOINTED FOR A FOUR-YEAR TERM. Thereafter the governor shall appoint every two years a ~~member-or~~ members of the board for a term of six years, in accordance with this arrangement.

(2) Said trustees shall hold their offices for the terms for which they have been appointed and until their successors are appointed and qualified. Any ~~three~~ FOUR of said board shall constitute a quorum for the transaction of business and the said board shall have such powers and perform such duties as specified in the laws creating the institution and providing for its maintenance.

SECTION 2. 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.

A BILL FOR AN ACT

CONCERNING THE GOVERNANCE OF HIGHER EDUCATION IN COLORADO, AND PROVIDING FOR THE TRANSFER OF THE POWERS, DUTIES, AND FUNCTIONS OF THE BOARD OF TRUSTEES OF THE STATE COLLEGES IN COLORADO TO THREE NEW GOVERNING BOARDS; CHANGING THE NAME AND COMPOSITION OF THE STATE BOARD OF AGRICULTURE; AND TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE STATE BOARD OF AGRICULTURE WITH RESPECT TO FORT LEWIS COLLEGE.

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

SECTION 1. 124-5-1, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

124-5-1. Governing boards of state colleges. (1) There is hereby established the board of trustees for the university of northern Colorado, which shall consist of nine members and shall be the governing authority for the university of northern Colorado.

(2) There is hereby established a board of trustees which shall consist of nine members and shall be the governing authority for metropolitan state college and southern Colorado state college.

(3) There is hereby established the board of trustees which shall consist of nine members and shall be the governing authority for Adams state college of Colorado, Western state college of Colorado, and Fort Lewis college.

(4) Each board created by this section shall be and is hereby declared to be a body corporate, and as such and by the names designated in this section may hold property for the use of the schools which it governs, be party to all suits and contracts, and do all things lawfully appertaining to such schools, in like manner as municipal corporations of this state. The trustees of each board created by this section, and their successors, shall have perpetual succession, shall have a seal, and may make bylaws and regulations for the well ordering and government of the schools within their respective jurisdictions, and may conduct the business of such schools, in a manner not repugnant to the constitution and laws of this state.

(5) The powers, duties, and functions of the board of trustees of the state colleges in Colorado with respect to the university of northern Colorado are hereby transferred to the

board of trustees of the university of northern Colorado. The powers, duties, and functions of the board of trustees of the state colleges in Colorado with respect to metropolitan state college and southern Colorado state college are hereby transferred to the board of trustees created by subsection (2) of this section. The powers, duties, and functions of the board of trustees of the state colleges in Colorado with respect to Adams state college of Colorado and Western state college of Colorado, and the powers, duties, and functions of the state board of agriculture with respect to Fort Lewis college and the Hesperus account, are hereby transferred to the board of trustees created by subsection (3) of this section. The board of trustees of the state colleges in Colorado is abolished.

(6) All transfers under this section shall take effect July 1, 1972. Whenever in any law of this state reference is made to the board of trustees of the state colleges in Colorado, such term shall be deemed to refer to the board of trustees created by this section to which the powers, duties, and functions of the board of trustees of the state colleges in Colorado were transferred. Whenever in any law of this state relating to Fort Lewis college or the Hesperus account reference is made to the state board of agriculture, such term shall be deemed to refer to the board of trustees created by subsection (3) of this section.

SECTION 2. 124-5-2, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

124-5-2. Appointment of boards - terms. (1) The governor shall appoint, with the consent of the senate, the members of the boards of trustees created by section 124-5-1. The initial members of such boards shall take office on July 1, 1972. The terms of members of boards of trustees shall be six years, except that appointments of members to take office on July 1, 1972, shall be made such that one-third of the members of each board have terms expiring on June 30, 1975, one-third of the members of each board have terms expiring on June 30, 1977, and one-third of the members of each board have terms expiring on June 30, 1979. All vacancies shall be filled by appointment of the governor for the unexpired term.

(2) The governor shall designate each member of the board of trustees of the state colleges in Colorado serving on the effective date of this section, as amended, to serve on one of the three boards created by section 124-5-1, and such persons shall continue to serve until the term for which they were appointed has expired by limitation.

(3) Each trustee so appointed shall take and subscribe to the oath of office prescribed by the constitution of this state before entering upon the duties of his office, which oath shall be placed and kept on file in the office of the secretary of state.

SECTION 3. 124-1-1, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

124-1-1. Colorado educational institutions - annual reports. The president of the board of regents of the university of Colorado; the president of the board of trustees of the school of mines; the president of the ~~state-board-of agriculture---for---the~~ BOARD OF REGENTS OF Colorado state university; ~~and-the-Fort-Lewis--college;~~ the president of the ~~trustees--of--Colorado--state--college--at-Greeley;~~ ~~Western-state college;~~ ~~Adams-state-college-of-COLORADO;~~ ~~southern-COLORADO-state college;~~ ~~and-metropolitan-state-college;~~ EACH BOARD OF TRUSTEES CREATED BY SECTION 124-5-1; the president of the board of trustees for the Colorado school for deaf and blind, shall each prepare and transmit annually, in the form and manner prescribed by the controller pursuant to the provisions of section 3-3-17, C.R.S. 1963, a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to their respective institutions.

SECTION 4. 124-1-5 (1), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

124-1-5. Pledge of income. (1) The governing board of any one or more state educational institutions, including, but not limited to, the colleges under the control and operation of the BOARDS OF trustees ~~of-the-state-colleges-in-COLORADO;~~ CREATED BY SECTION 124-5-1, which shall enter into such a contract for the advancement of moneys is hereby 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 hereby authorized to pledge the net income derived or to be derived from other housing facilities, dining facilities, recreational facilities, health facilities, and parking facilities, or other land and facilities of the institution or institutions not acquired and not to be acquired with moneys appropriated to the institution or institutions by the state of Colorado, and to pledge the net income, fees, and revenues derived from the above sources, if such be 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.

SECTION 5. 124-5-4, Colorado Revised Statutes 1963, is amended to read:

124-5-4. Faculty - salaries - course of study. ~~Subject-to the-constitutional-powers-of-the-state-board--of--education;~~ ~~the~~

EACH BOARD OF trustees CREATED BY SECTION 124-5-1 shall have the general supervision of the colleges named in SUCH section ~~124-5-1~~ and the control and direction of their funds and the appropriations therefor. They shall have power to appoint the faculty, consisting of ~~principals-and-assistant--principals,--and such--other~~ professors TEACHERS, AND OTHER EMPLOYEES as may be required. ~~they-may-also-appoint-such-assistant-teachers--as--are found--necessary.~~ They shall also have power to remove said ~~principals-or-assistant-principals;~~ or any professor, teacher, or employee in or about the colleges, and to appoint or employ another or others instead; to fix the salaries of each and to prescribe their several duties. With the advice and consent of the faculty, they shall prescribe the various books to be used in the colleges, the courses of study and instruction, which in no case shall cover a period of less than three years, and shall make all needful rules, regulations, and by-laws for the good government and management of the same.

SECTION 6. 124-5-5, Colorado Revised Statutes 1963, is amended to read:

124-5-5. Grounds, buildings, and apparatus. The EACH board of trustees CREATED BY SECTION 124-5-1 shall also have power, and it shall be their duty from time to time, as means shall be provided and placed at their disposal, to provide suitable grounds and buildings, either by donation, purchase, or lease, for the use of said schools, and, in their discretion, shall also provide all proper and needful apparatus, books, articles, and things for teaching and illustrating the branches of study authorized in said schools.

SECTION 7. 124-5-6, Colorado Revised Statutes 1963, is amended to read:

124-5-6. Boards to elect officers. The EACH board of trustees CREATED BY SECTION 124-5-1 shall elect from among their number, at the annual meeting of said board, a president, who shall preside at all meetings and perform such duties as are incumbent upon such office. The EACH board shall also elect a secretary, who shall not be a member of the board, and who shall hold office for the term of one year, and until his successor shall be elected and qualified. The secretary shall give bond, in a sum to be fixed by the ~~state-commissioner-of~~ COLORADO COMMISSION ON HIGHER education, for the faithful handling and true accounting and delivery of all moneys and property of said schools coming into his hands or control, which bond shall be filed with the secretary of state, after approval of the sureties thereon by the board of trustees. No secretary shall receive into his possession or control any money or property of said schools until after he shall have executed his bond and the same shall have been approved and filed as aforesaid.

SECTION 8. 124-5-7, Colorado Revised Statutes 1963, is amended to read:

124-5-7. Treasurer of boards - oath and bond. ~~The~~ EACH board of trustees ~~CREATED BY SECTION 124-5-1~~ shall elect a treasurer, who shall hold his office at the pleasure of said board. Said treasurer shall keep a true account of all moneys received and paid out by him, and shall pay all warrants duly signed by the president and countersigned by the secretary of said board in the order of their presentation. Before entering upon the duties of his office as treasurer he shall take and subscribe an oath that he will faithfully perform the duties of treasurer, and shall also give a bond in the penal sum of not less than twenty-five thousand dollars, conditioned for the faithful discharge of his duties as treasurer, and that at all times he will keep and render a true account of all moneys and other valuables received by him as such treasurer and of the disposition he has made of the same, and that he will at all times be ready to discharge himself of the trust and to deliver up, when requested by said board, all moneys, notes, bonds, and other valuables entrusted to him; which bond shall have two or more good securities, and shall be approved as to its form and the sufficiency of its sureties by the board of trustees and the secretary of state, who shall endorse their approval on the same; and it shall be filed in the office of the secretary of state. No member of ~~the~~ ANY board of trustees ~~of--said--institution~~ ~~CREATED BY SECTION 124-5-1~~ shall be eligible to the office of treasurer.

SECTION 9. 124-5-8, Colorado Revised Statutes 1963, is amended to read:

124-5-8. Powers of trustees. ~~The~~ EACH board of trustees ~~CREATED BY SECTION 124-5-1~~ shall have power to receive, demand, and hold for the uses and purposes of ~~said~~ THE schools UNDER ITS JURISDICTION such moneys, lands, or other property as may be donated or devised for or thereto, and to apply the same within the powers conferred by law, in such manner as shall best subserve the interests and objects of said schools.

SECTION 10. 124-5-9, Colorado Revised Statutes 1963, is amended to read:

124-5-9. Students - qualifications. ~~The~~ EACH board of trustees ~~CREATED BY SECTION 124-5-1~~ shall prescribe the qualifications for admission of students to ~~said~~ THE schools UNDER ITS JURISDICTION. Every applicant for admission shall undergo an examination by the faculty of said schools, and if it shall appear that such applicant is not a person of good moral character, or fails to pass such examination, such applicant shall be rejected.

SECTION 11. 124-5-10, Colorado Revised Statutes 1963, as amended by section 11 of chapter 85, Session Laws of Colorado 1970, is amended to read:

124-5-10. Open to residents - tuition. The schools under

the control of the BOARDS OF trustees ~~of-the--state--colleges--in Colorado~~ CREATED BY SECTION 124-5-1 shall be open, subject to their regulations, to all persons resident in this state, sixteen years of age and upwards, upon the payment of such reasonable charges for tuition as ~~the~~ EACH board may determine FOR THE SCHOOLS UNDER ITS JURISDICTION; and to persons resident without this state, under such regulations as said board may prescribe, upon payment of a rate of tuition to be fixed by said board. ~~The~~ EACH board shall fix tuition in accordance with the level of appropriations set by the general assembly for such institutions.

SECTION 12. 124-5-11, Colorado Revised Statutes 1963, is amended to read:

124-5-11. Granting of degrees and diplomas. ~~The Colorado state--college;--the--Western--state--college--of--Colorado;--and--the Adams--state--college--of--Colorado;~~ SCHOOLS UNDER THE CONTROL OF THE BOARDS OF TRUSTEES CREATED BY SECTION 124-5-1 are hereby authorized to grant degrees and diplomas to such students as shall have completed the full course of instruction in said schools and shall have been recommended for such diploma by the respective faculties of said schools. Such diplomas, when signed by the president of the respective school ~~the-state--commissioner of--education;~~ and the president and secretary of the board of trustees GOVERNING SUCH SCHOOL, shall be evidence that the receiver thereof is a graduate of the respective school and is entitled to all the honors and privileges of such graduates.

SECTION 13. 124-5-12, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

124-5-12. Additional powers of trustees. (1) The board of trustees FOR THE UNIVERSITY OF NORTHERN COLORADO AND THE BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (2) shall also have the power to lease portions of the college grounds of THE UNIVERSITY OF NORTHERN Colorado ~~state--college~~ and southern Colorado state college, RESPECTIVELY, 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 state colleges under ~~its~~ THEIR control, all in the manner provided by and subject to the limitations contained in sections 124-7-3 to 124-7-9, C.R.S. 1963; ~~provided+~~ EXCEPT that none of the grounds so leased nor any of the improvements constructed thereon shall be used for the purpose of housing fraternities, sororities, or other such student clubs or organizations; that none of such grounds or improvements shall be used in any manner which discriminates against anyone because of race, creed, color, or religion; and that all the improvements constructed thereon shall be operated and managed by said state college.

(2) In exercising the powers conferred on ~~it~~ THEM by subsection (1) of this section, the ~~board~~ BOARDS of trustees ~~is~~ ARE hereby authorized to enter into agreements which establish

fixed building rental rates for the full term of any building lease, to let individual rooms and quarters within leased buildings at such rental rates as are approved by the board BOARDS and are prescribed in the lease, and to enter into agreements not to alter such rates during the term of any lease agreement without the prior consent of the building lessor or his assigns.

SECTION 14. 124-5-13 (1), Colorado Revised Statutes 1963 (1967 Supp.), is amended to read:

124-5-13. Trustees authorized to cede jurisdiction of college driveways. (1) ~~The EACH BOARD OF trustees of--the--state colleges--in--Colorado--are~~ CREATED BY SECTION 124-5-1 IS hereby authorized to cede jurisdiction of the regulation and control of the use of the driveways on the campus of any state college under the ITS jurisdiction, ~~of--the--trustees,~~ to the town, city, or county in which a state college is located, subject to the acceptance of said jurisdiction by the respective town, city, or county.

SECTION 15. Article 5 of chapter 124, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

124-5-14. Effect of transfer of powers, duties, and functions. (1) The boards of trustees created by section 124-5-1 to which powers, duties, and functions of the board of trustees of the state colleges in Colorado and the state board of agriculture are transferred shall be the successors in every way, with respect to such powers, duties, and functions, of the board of trustees of the state colleges in Colorado or the state board of agriculture in which such powers, duties, and functions were vested prior to July 1, 1972. Whenever the board of trustees of the state colleges in Colorado or the state board of agriculture is referred to or designated by any law, contract, or other document pertaining to the powers, duties, and functions transferred by section 124-5-1, such reference or designation shall be deemed to apply to the board of trustees in which such powers, duties, and functions are vested by section 124-5-1.

(2) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been lawfully commenced, by or against the board of trustees of the state colleges in Colorado or the state board of agriculture, or by or against any member of either board in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer under the provisions of section 124-5-1. The court may allow the suit, action, or other proceeding to be maintained by or against the successor of the board of trustees of the state colleges in Colorado or the state board of agriculture, or any member affected.

(3) All rules, regulations, and orders of the board of

trustees of the state colleges in Colorado and the state board of agriculture pertaining to the powers, duties, and functions transferred by section 124-5-1, lawfully adopted prior to July 1, 1972, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

124-5-15. Transfer of employees, property, and appropriations. (1) Effective July 1, 1972, such officers and employees of the board of trustees of the state colleges in Colorado or of the state board of agriculture who were engaged prior to said date in the performance of powers, duties, and functions transferred by section 124-5-1, and who, in the opinion of the executive director of the Colorado commission on higher education and the board of trustees to which such powers, duties, and functions are transferred, shall be necessary to perform the powers, duties, and functions of such board, shall become officers and employees of such board, and shall retain any rights to state personnel system and retirement benefits which they may possess under the laws of this state and their services shall be deemed to have been continuous.

(2) Effective July 1, 1972, the boards of trustees created by section 124-5-1 shall succeed to all property, including office furniture, fixtures, books, documents, and records, of the board of trustees of the state colleges in Colorado and the state board of agriculture which were principally used for, or pertain to, the performance of the powers, duties, and functions transferred by section 124-5-1. Any conflict as to the proper disposition of such property arising under this subsection (2) and resulting from the transfer shall be determined by the executive director of the Colorado commission on higher education, whose decision shall be final.

(3) All moneys appropriated to the board of trustees of the state colleges in Colorado or the state board of agriculture for the fiscal year beginning July 1, 1972, or remaining to the credit thereof and not revertible by law on July 1, 1972, for the payment of expenses related to the performance of the powers, duties, and functions transferred by section 124-5-1, or so much thereof as may be necessary, are hereby transferred and appropriated for the payment of the operating expenses of the board of trustees created by section 124-5-1, to which such powers, duties, and functions were transferred, for and during the fiscal year beginning July 1, 1972.

SECTION 16. 124-7-2, Colorado Revised Statutes 1963, is amended to read:

124-7-2. 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 GENERAL COLLEGES and shall be controlled and managed by the board of trustees created in section 124-5-1 (3).

SECTION 17. 124-11-1, Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

124-11-1. Regents of Colorado state university. (1) A board is hereby constituted and established which shall be known by the name and style of "the state board of agriculture". It shall consist of ~~eight~~ NINE members. ~~besides the president of the Colorado state university who shall be an ex-officio member of the board.~~ The governor, by and with the consent of the senate, on or before the third Wednesday of January of each session of the general assembly held in odd-numbered years, shall appoint two members of the board to fill the vacancies that shall next occur, which vacancies shall be so filled that at least two of the appointed members of the board shall have some connection with farming. ON OR BEFORE THE THIRD WEDNESDAY OF JANUARY IN 1973, AND EVERY EIGHTH YEAR THEREAFTER, THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE SHALL APPOINT AN ADDITIONAL MEMBER OF THE BOARD, WHO SHALL SERVE FOR AN EIGHT-YEAR TERM.

(2) THE BOARD CONSTITUTED AND ESTABLISHED BY THIS SECTION, REFERRED TO UNDER THE NAME OF "THE STATE BOARD OF AGRICULTURE" BY THIS CHAPTER, SHALL HEREAFTER BE DESIGNATED UNDER THE NAME AND TITLE OF "THE BOARD OF REGENTS OF COLORADO STATE UNIVERSITY"; BUT THE LEGAL EFFECT OF ANY STATUTE HERETOFORE DESIGNATING SUCH BOARD BY ANY OTHER NAME, OR PROPERTY RIGHTS HERETOFORE ACQUIRED AND OBLIGATIONS HERETOFORE INCURRED UNDER ANY OTHER NAME, SHALL NOT BE IMPAIRED HEREBY.

SECTION 18. 124-11-15, Colorado Revised Statutes 1963, as enacted by section 2 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-11-15. Hesperus account created. The proceeds of or income from the property formerly known as the "Fort Lewis school", granted by the United States to the state of Colorado, pursuant to an act of congress approved April 4, 1910 (36 Stat. 274) as modified by an act of congress approved May 18, 1916 (39 Stat. 128), shall constitute a special account, which shall be known as the "Hesperus account". The income from said property and from the Hesperus account shall be applied to such public purpose as may be determined by the ~~state board of agriculture;~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3), subject to appropriation by the general assembly, except that it shall first be used by the ~~state board of agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3) for tuition waivers at Fort Lewis college, in addition to any other funds appropriated therefor, for qualified Indian pupils who are not otherwise able to pay tuition.

SECTION 19. 124-11-16, Colorado Revised Statutes 1963, as enacted by section 2 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-11-16. Development of natural resources. The state

board of land commissioners is hereby authorized and directed prudently to develop such coal measures, mineral deposits, and oil structures by lease or otherwise as may be situate on lands described in section 124-11-15, but such development shall not unreasonably interfere with the use of such land as may be directed from time to time by the ~~state--board--of--agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3). Applications for leases of the coal measures, mineral deposits, and oil structures shall be made to the state board of land commissioners, which board may execute such leases in the manner required by law. Rental, royalties, and income therefrom shall be deposited with the state treasurer and credited to the special account established by section 124-11-15.

SECTION 20. 124-11-17, Colorado Revised Statutes 1963, as enacted by section 2 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-11-17. Power to invest. The ~~state---board---of agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3) shall have the power to direct the investment of funds held by the state treasurer pursuant to section 124-11-15 in such securities as are permitted for private trustees and similar fiduciaries under the law of the state of Colorado.

SECTION 21. 124-14-2, Colorado Revised Statutes 1963, as amended by section 1 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-14-2. College established - objects. A college is hereby established to be known by the name and style of "Fort Lewis College", to be located at Durango, Colorado, TO BE A STATE EDUCATIONAL INSTITUTION WITHIN THE STATE GENERAL COLLEGE SYSTEM, AND to afford a curriculum in the sciences, arts, business, education, and vocational education.

SECTION 22. 124-14-3, Colorado Revised Statutes 1963, as amended by section 1 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-14-3. Governing board - general power. The governing board of Fort Lewis college shall be the ~~state-board-of agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3), which shall have general supervision of the college and plenary power to enact rules and regulations for the governing of the college.

SECTION 23. 124-14-4 (1) (a), Colorado Revised Statutes 1963, as amended by section 1 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-14-4. Governing board - powers. (1) (a) In addition to those powers conferred elsewhere in this article, the ~~state board-of-agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1

(3) shall have the power to:

SECTION 24. 124-14-5 (1), Colorado Revised Statutes 1963, as amended by section 1 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-14-5. Tuition fees - Indians. (1) The ~~state-board-of-agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3) shall fix tuition, in accordance with the level of appropriations set by the general assembly for the college, subject to the restriction that all qualified Indian pupils whose domicile lies within the geographic boundaries of the state of Colorado, who qualify for in-state tuition under article 18 of this chapter, and who are not otherwise able to pay tuition, shall at all times be admitted to such school free of charge for tuition and on terms of equality with other pupils.

SECTION 25. 124-14-6, Colorado Revised Statutes 1963, as amended by section 1 of chapter 309, Session Laws of Colorado 1971, is amended to read:

124-14-6. Donations - power to invest. All donations of money, securities, or other property of whatever kind and wherever situated made to Fort Lewis college shall be held by the ~~state-board-of-agriculture~~ BOARD OF TRUSTEES CREATED BY SECTION 124-5-1 (3) for the use and benefit of Fort Lewis college to be expended subject to appropriation by the general assembly or invested in such securities as are permitted for private trustees and similar fiduciaries under the law of the state of Colorado.

SECTION 26. 124-17-1, Colorado Revised Statutes 1963, is amended to read:

124-17-1. College established at Pueblo. A state college, to be known and designated as "Southern Colorado state college," is hereby established at Pueblo, Colorado, which college shall be a state educational institution and shall be under the control of the BOARD OF trustees ~~of--the--state--colleges--in--Colorado;--so designated--in~~ CREATED BY section 124-5-1 (2). ~~Colorado--Revised Statutes--1963;~~

SECTION 27. 124-17-2, Colorado Revised Statutes 1963, is amended to read:

124-17-2. Objectives of college. The objects of the Southern Colorado state college shall be to provide and offer such courses of instruction in the field of liberal arts and sciences as may be determined by said THE BOARD OF trustees ~~of the-state-colleges-in-Colorado;~~ CREATED BY SECTION 124-5-1 (2), and further, may provide and offer instruction in vocational-technical training, industrial technology and adult education on a terminal basis, and to confer all degrees and certificates appropriate to the courses of study offered in said college.

SECTION 28. 124-17-5, Colorado Revised Statutes 1963, is amended to read:

124-17-5. Trustees to supervise. The BOARD OF trustees of ~~the-state-colleges-in-colorado~~ CREATED BY SECTION 124-5-1 (2) shall have general supervision of Southern Colorado state college and the control and direction of the funds and appropriations made thereto, and shall have power to receive, demand, and hold for the uses and purposes of said college all money, lands, and other property as may be donated, devised, or conveyed thereto, and to apply the same in such manner as shall best serve the objects and interests of the said college.

SECTION 29. 124-17-6, Colorado Revised Statutes 1963, is amended to read:

124-17-6. Power to acquire land. The BOARD OF trustees of ~~the--state--colleges--in--Colorado~~ CREATED BY SECTION 124-5-1 (2) shall also have power to take and hold by gift, devise, purchase, or through exercise of the power of eminent domain pursuant to law, so much additional land as may become necessary for the location and construction of such additional buildings, structures, and other facilities as may be required for the uses and purposes of said college.

SECTION 30. 124-19-2 (1) (a), Colorado Revised Statutes 1963, is amended to read:

124-19-2. Control, objects, and purposes. (1) (a) Metropolitan state college shall be under the control and management of the BOARD OF trustees of ~~the-state-colleges-in-colorado~~ CREATED BY SECTION 124-5-1 (2) and its objects shall be:

SECTION 31. 3-28-15 (4) (c) and (d), Colorado Revised Statutes 1963 (1969 Supp.), ARE REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3-28-15. Department of higher education - creation. (4) (c) The board of regents of Colorado state university, created by article 11 of chapter 124, C.R.S. 1963, and Colorado state university, created by article 10 of chapter 124, C.R.S. 1963.

(d) (i) The board of trustees for the university of northern Colorado, created by section 124-5-1 (1), C.R.S. 1963, and the university of northern Colorado, created by article 6 of chapter 124, C.R.S. 1963.

(ii) The board of trustees created by section 124-5-1 (2), C.R.S. 1963, southern Colorado state college, created by article 17 of chapter 124, C.R.S. 1963, and metropolitan state college, created by article 19 of chapter 124, C.R.S. 1963.

(iii) The board of trustees created by section 124-5-1 (3), C.R.S. 1963, Western state college of Colorado, created by

article 7 of chapter 124, C.R.S. 1963, Adams state college of Colorado, created by article 8 of chapter 124, C.R.S. 1963, and Fort Lewis college, created by article 14 of chapter 124, C.R.S. 1963.

SECTION 32. Effective date. This act shall take effect July 1, 1972.

SECTION 33. 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.