An Act

SENATE BILL 00-183

BY SENATORS Feeley, Blickensderfer, Phillips, Tanner, and Teck;
also REPRESENTATIVES McPherson, Allen, Bacon, Coleman, Dean, Fairbank, Gagliardi, Gotlieb, Hagedorn, Kaufman, Lee, Mace, McElhany, Miller, Mitchell, Morrison, Plant, Scott, Spence, Swenson, Tapia, Taylor, Tochtrop, Tupa, Vigil, S. Williams, Witwer, and Young.

CONCERNING THE ROLE OF HIGHER EDUCATION IN THE DEVELOPMENT OF TECHNOLOGY, AND, IN CONNECTION THEREWITH, ENCOURAGING HIGHER EDUCATION INSTITUTIONS AND SYSTEMS TO PARTICIPATE IN THE DEVELOPMENT OF TECHNOLOGY EDUCATION, INNOVATION, AND COMMERCE.

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

SECTION 1. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 73
Colorado Institute of Technology

23-73-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, WITH THE DEVELOPMENT OF THE TELECOMMUNICATIONS INDUSTRY IN COLORADO AND WITH THE PUBLIC POLICY CHANGES THE GENERAL ASSEMBLY HAS INITIATED, COLORADO HAS

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

THE OPPORTUNITY TO BECOME A WORLD-CLASS CENTER FOR THE TELECOMMUNICATIONS AND TECHNOLOGY INDUSTRY. ANY ECONOMIC DEVELOPMENT PLAN OF THE STATE THAT INCLUDES HIGH TECHNOLOGY MUST BE FOUNDED UPON A STRONG EDUCATIONAL BASE. THE WORK FORCE AVAILABLE FOR COMPANIES TO DRAW UPON MUST BE HIGHLY EDUCATED AND WORKERS EMPLOYED BY THE COMPANIES MUST HAVE ACCESS TO CONTINUING EDUCATIONAL OPPORTUNITIES. IN ADDITION, TECHNOLOGY RESEARCH, THE DEVELOPMENT AND REFINEMENT OF TECHNOLOGY, AND THE UNDERSTANDING OF AND CONTRIBUTION TO THE POLICIES GOVERNING TECHNOLOGY WILL HAVE A GREAT IMPACT UPON THE STATE, BOTH IN TERMS OF CONTRIBUTING TO THE STATE'S ECONOMIC DEVELOPMENT AND PROVIDING A DIRECT BENEFIT TO CITIZENS OF THIS STATE. THEREFORE, THE GENERAL ASSEMBLY FINDS THAT THE AVAILABILITY OF TELECOMMUNICATIONS-RELATED EDUCATION PROGRAMS IS A MATTER OF GREAT STATEWIDE CONCERN.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT CURRENT HIGHER EDUCATION PROGRAMS WITHIN THE STATE CAN SERVE AS THE CORE OF A MORE COMPREHENSIVE TELECOMMUNICATIONS EDUCATIONAL PROGRAM THAT PROVIDES SKILLS, TRAINING, CERTIFICATION, AND SHORT COURSES AS WELL AS DEGREE-BASED LEARNING OPPORTUNITIES FOR TRADITIONAL AND NONTRADITIONAL STUDENT MARKETS. MOREOVER, THE INTEGRATION OF SOUND PEDAGOGICAL APPROACHES WITH CONTEMPORARY TECHNOLOGY HOLDS THE PROMISE OF TRANSFORMING THE WAY STUDENTS ARE TAUGHT AND LEARN, BOTH WITHIN THE CONTEXT OF A TRADITIONAL HIGHER EDUCATION EXPERIENCE AND IN LIFE-LONG LEARNING, WHICH IS BECOMING A PREREQUISITE OF AN INCREASINGLY TECHNOLOGICAL SOCIETY.

(3) THE GENERAL ASSEMBLY INTENDS THAT PROGRAM DELIVERY INCLUDE BOTH TRADITIONAL AND DISTANCE LEARNING BASED ON THE MOST MODERN TECHNOLOGIES, INCLUDING VIDEO, ON-LINE, AND CD-ROMS AND USING THE INTERNET, SATELLITES, AND OTHER FORMS OF COMMUNICATIONS SYSTEMS.

23-73-102. Institute established. (1) THE REGENTS OF THE UNIVERSITY OF COLORADO, THE STATE BOARD OF AGRICULTURE FOR THE COLORADO STATE UNIVERSITY SYSTEM, THE STATE BOARD OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO, THE TRUSTEES OF THE COLORADO SCHOOL OF MINES, THE TRUSTEES OF THE STATE COLLEGES IN COLORADO, AIMS COMMUNITY COLLEGE, AND COLORADO MOUNTAIN COLLEGE, ACTING

IN CONCERT, ARE HEREBY AUTHORIZED TO INCORPORATE, THE COLORADO INSTITUTE OF TECHNOLOGY, REFERRED TO IN THIS ARTICLE AS THE "INSTITUTE"; EXCEPT THAT ANY OF THE NAMED GOVERNING BOARDS MAY CHOSE NOT TO PARTICIPATE IN INCORPORATING THE INSTITUTE. THE GOVERNING BOARDS MAY ALSO WORK WITH THE UNIVERSITY OF DENVER, THE COLORADO TECHNICAL UNIVERSITY, AND ANY OTHER NONPUBLIC INSTITUTION IN INCORPORATING THE INSTITUTE. THE INSTITUTE SHALL BE A COLORADO NONPROFIT CORPORATION WITH THE CONDITION THAT THE CORPORATION BE STRUCTURED AND FUNCTION IN ACCORDANCE WITH THE REMAINING TERMS OF THIS ARTICLE.

(2) UPON INCORPORATING AS A NONPROFIT CORPORATION, THE INSTITUTE SHALL HAVE ALL THE RIGHTS AND POWERS OF A PRIVATE NONPROFIT CORPORATION ORGANIZED UNDER THE LAWS OF THIS STATE AND SHALL NOT BE AN AGENCY OF STATE GOVERNMENT OR A DEPARTMENT OR POLITICAL SUBDIVISION THEREOF. EMPLOYEES OF THE INSTITUTE SHALL NOT BE EMPLOYEES OF THE STATE. THE INSTITUTE SHALL NOT BE SUBJECT TO ANY PROVISIONS OF LAW AFFECTING ONLY GOVERNMENTAL OR PUBLIC ENTITIES, INCLUDING BUT NOT LIMITED TO THE "STATE PERSONNEL SYSTEM ACT", ARTICLE 50 OF TITLE 24, C.R.S., AND THE STATE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.; EXCEPT THAT THE INSTITUTE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24,C.R.S., AND SHALL BE DEEMED A STATE INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.

23-73-103. Institute governance. (1) (a) THE INSTITUTE SHALL BE GOVERNED BY A BOARD OF TRUSTEES OF THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) (A) FIVE PERSONS WHO ARE CHIEF EXECUTIVE OFFICERS, OR A CHIEF EXECUTIVE OFFICER'S DESIGNEE, OF A STATE-SUPPORTED OR NONPUBLIC INSTITUTION OF HIGHER EDUCATION OR THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, OF THE COLORADO COMMISSION ON HIGHER EDUCATION OR THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, OF THE OFFICE OF INNOVATION AND TECHNOLOGY;

(B) OF THE PERSONS APPOINTED PURSUANT TO THIS SUBPARAGRAPH (I), NOT MORE THAN ONE MEMBER SHALL BE FROM THE COLORADO

COMMISSION ON HIGHER EDUCATION AND NOT MORE THAN ONE MEMBER SHALL BE FROM THE OFFICE OF INNOVATION AND TECHNOLOGY;

(II) SIX PERSONS WHO REPRESENT BOTH LARGE AND SMALL FIRMS IN THE TECHNOLOGY INDUSTRY;

(III) THE CHIEF EXECUTIVE OFFICER AND THE CHIEF OPERATING OFFICER APPOINTED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(b) THE MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL SERVE TERMS OF FOUR YEARS; EXCEPT THAT, OF THE FIRST MEMBERS APPOINTED BY THE GOVERNOR, TWO SHALL SERVE AN INITIAL TERM OF ONE YEAR, THREE SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND THREE SHALL SERVE AN INITIAL TERM OF THREE YEARS. AT THE TIME OF THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE WHICH MEMBERS SERVE WHICH INITIAL TERMS.

(c) THE GOVERNOR SHALL DESIGNATE A MEMBER OF THE BOARD OF TRUSTEES TO SERVE AS THE CHAIR OF THE BOARD OF TRUSTEES.

(2) THE BOARD OF TRUSTEES SHALL ESTABLISH THE POLICIES AND DIRECTION FOR THE INSTITUTE INCLUDING, BUT NOT LIMITED TO, CREATING:

(a) DEFINABLE GOALS OF STATEWIDE INTEREST FOR THE INSTITUTE;

(b) METHODS OF ACCOUNTABILITY TO MEASURE PROGRESS AT THE INSTITUTE;

(c) LINKAGES FOR THE INSTITUTE TO EXTERNAL CONSTITUENCIES, INCLUDING BUSINESSES AND INDUSTRIES IN COLORADO AND FEDERAL AND STATE AGENCIES; AND

(d) ONGOING DEVELOPMENT ACTIVITIES TO ENSURE THE AVAILABILITY OF SUFFICIENT FISCAL AND CAPITAL RESOURCES FOR APPROPRIATE GROWTH FOR THE INSTITUTE.

(3) THE BOARD OF TRUSTEES SHALL DELIVER AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, THE COLORADO COMMISSION ON HIGHER EDUCATION, AND PARTICIPATING GOVERNING BOARDS AND INSTITUTIONS.

(4) (a) THE GOVERNOR SHALL APPOINT AN INITIAL CHIEF EXECUTIVE OFFICER OF THE INSTITUTE WHO SHALL SERVE AT THE PLEASURE OF THE BOARD OF TRUSTEES. AFTER THE INITIAL APPOINTMENT, THE BOARD OF TRUSTEES SHALL APPOINT SUBSEQUENT CHIEF EXECUTIVE OFFICERS.

(b) THE CHIEF EXECUTIVE OFFICER OF THE INSTITUTE SHALL APPOINT A CHIEF OPERATING OFFICER OF THE INSTITUTE.

23-73-104. Institute mission. (1) THE MISSION OF THE INSTITUTE SHALL BE TO PROMOTE, ADVANCE, AND SUSTAIN COLORADO AS A PREMIER LOCATION FOR THE TECHNOLOGY INDUSTRY THROUGH AN INDUSTRY AND HIGHER EDUCATION PARTNERSHIP FOCUSED ON MEETING THE CURRENT AND FUTURE NEEDS OF THE TECHNOLOGY INDUSTRY IN CONJUNCTION WITH THE ECONOMIC DEVELOPMENT EFFORTS OF STATE AND LOCAL GOVERNMENT. SPECIFICALLY, THE INSTITUTE AND ITS AFFILIATED PROGRAMS SHALL:

(a) ENSURE THE AVAILABILITY OF AN ADEQUATE, HIGHLY QUALIFIED LABOR MARKET TO SUPPORT THE STATE'S TECHNOLOGY INDUSTRY;

(b) ESTABLISH COLORADO AS A WORLDWIDE CENTER FOR THE INNOVATION AND DEVELOPMENT OF TECHNOLOGY PROCESSES, PRODUCTS, AND SERVICES; AND

(c) SUPPORT COLORADO'S EFFORTS TO ATTRACT AND RETAIN NEW AND EMERGING TECHNOLOGY BUSINESSES.

(2) AT A MINIMUM, THE INSTITUTE, IN COOPERATION WITH OTHER EDUCATIONAL INSTITUTIONS IN THE STATE, SHALL:

(a) OPERATE AS AN INTERFACE BETWEEN INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AND EDUCATIONAL MARKETS CONNECTED WITH THE TELECOMMUNICATION AND TECHNOLOGY BUSINESSES AND INDUSTRY IN THE STATE;

(b) ESTABLISH COURSE CREDIT RECIPROCITY AGREEMENTS;

(c) SUPPORT THE DEVELOPMENT AND DELIVERY OF SYSTEMS OF DISTANCE LEARNING PROGRAMS IN FIELDS RELATED TO TECHNOLOGY;

(d) FOSTER THE INTEREST, APTITUDE, AND PREPARATION OF ELEMENTARY AND SECONDARY STUDENTS TO PREPARE FOR CAREERS IN THE

TECHNOLOGY INDUSTRY;

(e) PROVIDE GREATER EMPHASIS ON SCHOOL-TO-WORK TRANSITIONS, INCLUDING CAREER COUNSELING;

(f) IDENTIFY DESIRABLE EDUCATIONAL OUTCOMES THAT PROMOTE STUDENT PERFORMANCE IN THE WORK PLACE; AND

(g) PROMOTE AND SUPPORT RESEARCH AND DEVELOPMENT THAT STRENGTHENS COLORADO AS A LOCATION OF PREFERENCE FOR THE TECHNOLOGY INDUSTRY.

23-73-105. Participation of the private sector with the institute. (1) INDUSTRY AND REPRESENTATIVES OF THE BUSINESS SECTOR, AS PARTNERS OF THE INSTITUTE, MAY:

(a) ARTICULATE THE EDUCATIONAL NEEDS OF EMPLOYEES AND ESTABLISH MARKET DEMAND FOR THE EDUCATIONAL SERVICES OF THE INSTITUTE AND ITS HIGHER EDUCATION PARTNERS;

(b) PROVIDE PERSONNEL QUALIFIED TO TEACH COURSES AND DEVELOP PROGRAMS;

(c) MARKET HIGHER EDUCATION TELECOMMUNICATIONS PROGRAMS TO POTENTIAL STUDENTS;

(d) PROVIDE SCHOLARSHIPS, INTERNSHIPS, AND OTHER FINANCIAL AID TO STUDENTS ENROLLED IN PROGRAMS FOSTERED BY THE INSTITUTE;

(e) GUARANTEE JOBS TO STUDENTS WHO SUCCESSFULLY COMPLETE PROGRAMS;

(f) PARTICIPATE IN ADVANCED TECHNOLOGY PROGRAMS ESTABLISHED BY THE INSTITUTE; AND

(g) PROVIDE RESOURCES THAT FACILITATE THE INSTITUTE'S OBJECTIVES.

23-73-106. Participation of public institutions of higher education and other state agencies with the institute. (1) COLORADO PUBLIC

INSTITUTIONS OF HIGHER EDUCATION AND OTHER STATE AGENCIES, INCLUDING BUT NOT BE LIMITED TO THE COLORADO COMMISSION ON HIGHER EDUCATION, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, PURSUANT TO PART 1 OF ARTICLE 37.5 OF TITLE 24, C.R.S., ARE HEREBY AUTHORIZED TO PARTICIPATE, CONTRACT, AND ENTER INTO MEMORANDA OF UNDERSTANDING WITH THE INSTITUTE AS FOLLOWS:

(a) FOR PROVISION OF IN-KIND SERVICES;

(b) TO RECEIVE GRANTS FOR COURSE DEVELOPMENT, FACULTY SALARIES, DEMONSTRATION PROJECTS, RESEARCH, STUDENT SCHOLARSHIPS, INTERNSHIPS, AND ASSISTANTSHIPS;

(c) TO PROVIDE ACCESS TO STUDENT INFORMATION AND RECORDS;

(d) TO SHARE INTELLECTUAL PROPERTY RIGHTS AND EXCHANGE TECHNOLOGY;

(e) TO PARTICIPATE ON ADVISORY BOARDS AND COMMITTEES; AND

(f) TO PARTICIPATE IN OTHER WAYS IN SUPPORT OF THE MISSION OF THE INSTITUTE.

SECTION 2. Repeal. Article 20.3 of title 23, Colorado Revised Statutes, is repealed.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or

an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Ray Powers PRESIDENT OF THE SENATE	Russell George SPEAKER OF THE HOUSE OF REPRESENTATIVES
Patricia K. Dicks SECRETARY OF THE SENATE	Judith M. Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO