

Sixty-seventh General Assembly
STATE OF COLORADO
 Second Regular Session

 108th Legislative Day

 Friday, April 30, 2010

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator Morse.	12
Roll Call	Present--25. Excused--10, Bacon, Harvey, Heath, Hodge, Keller, King, Kopp, Romer, Tapia, White. Present later---10, Bacon, Harvey, Heath, Hodge, Keller, King, Kopp, Romer, Tapia, White.	13 14 15 16 17 18 19 20 21
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Carroll, reading of the Journal of Thursday, April 29, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	23 24 25 26

MESSAGE FROM THE HOUSE

April 29, 2010

The House has postponed indefinitely SB10-039. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR10-1029 by Representative(s) Fischer, Kefalas, Levy; also Senator(s) Bacon--Concerning the intent of the general assembly to prevent distracted driving.

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB10-1350 by Representative(s) Pace, Ferrandino, Frangas, Gagliardi, Labuda, Hullinghorst, Levy, Pommer; also Senator(s) Carroll M.--Concerning requirements for conducting a study by the office of economic development in the office of the governor to establish a plan for tracking certain job creation activities by recipients of certain economic development incentives, and, in connection therewith, creating a plan for tracking job retention and requiring the office of economic development to collect and report information regarding the number of jobs created and median and average salaries of those jobs in the annual report filed pursuant to law.

Finance

HB10-1357 by Representative(s) McFadyen and Judd, Carroll T.; also Senator(s) Romer and Boyd, Mitchell--Concerning creation of a false claims act, and making an appropriation in connection therewith.

Judiciary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

HB10-1404 by Representative(s) McCann; also Senator(s) Steadman--Concerning the administration of the independent ethics commission.
Judiciary

HB10-1405 by Representative(s) Vaad and Pommer, Baumgardner, King S., Liston, Looper, May, McKinley, McNulty, Primavera, Swalm; also Senator(s) Spence and Tochtrop--Concerning a study of the options for devolution of state highways that are commuter highways to local governments.
Transportation

MESSAGE FROM THE GOVERNOR

April 29, 2010

To the Honorable Senate
Sixty-seventh General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB10-038 CONCERNING THE “ORGANIC CERTIFICATION ACT”, AND, IN CONNECTION THEREWITH, AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO CONTRACT WITH INDEPENDENT ORGANICS INSPECTORS AND ALTERING THE COMPOSITION OF THE ORGANIC CERTIFICATION ADVISORY BOARD, AND MAKING AN APPROPRIATION THEREFOR.

Approved April 29, 2010 at 8:44 a.m.

SB10-047 CONCERNING RIGHTS RELATING TO THE DISPOSITION OF THE LAST REMAINS OF MEMBERS OF THE ARMED FORCES.

Approved April 29, 2010 at 8:45 a.m.

SB10-060 CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE AGENCIES.

Approved April 29, 2010 at 8:45 a.m.

SB10-062 CONCERNING THE EXISTING CATEGORICAL EDUCATION PROGRAMS DESCRIBED BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

Approved April 29, 2010 at 8:46 a.m.

SB10-075 CONCERNING THE REQUIREMENT THAT MILITARY VEHICLES VALUED FOR HISTORICAL PURPOSES BEAR A LICENSE PLATE.

Approved April 29, 2010 at 8:47 a.m.

SB10-082 CONCERNING THE SOUTHERN UTE INDIAN TRIBE/STATE OF COLORADO ENVIRONMENTAL COMMISSION, AND, IN CONNECTION THEREWITH, REPEALING TERM LIMITS APPLICABLE TO THE COMMISSION AND REPEALING A MOOT CONDITION RELATED TO THE REPEAL OF THE COMMISSION.

Approved April 29, 2010 at 2:30 p.m.

SB10-098 CONCERNING THE ALLOCATION OF MONEYS TO PROMOTE CONSERVATION OF THE STATE’S NATURAL RESOURCES.

Approved April 29, 2010 at 2:42 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71

SB10-099 CONCERNING THE ACCEPTANCE BY MEMBERS OF THE GENERAL ASSEMBLY FROM A JOINT GOVERNMENTAL AGENCY OF THIS STATE OF THE PAYMENT OF OR REIMBURSEMENT FOR CERTAIN EXPENSES RELATED TO THE MEMBER'S ATTENDANCE AT A MEETING OF THE JOINT GOVERNMENTAL AGENCY.

Approved April 29, 2010 at 2:45 p.m.

SB10-111 CONCERNING PUBLIC SCHOOLS THAT ARE AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE.

Approved April 29, 2010 at 8:47 a.m.

SB10-155 CONCERNING LIMITATIONS ON THE ISSUANCE OF GIFT CARDS.

Approved April 29, 2010 at 2:10 p.m.

SB10-166 CONCERNING THE AUTHORITY OF THE STATE TREASURER TO ENTER INTO LEASE-PURCHASE AGREEMENTS FOR THE DEPARTMENT OF PERSONNEL.

Approved April 29, 2010 at 2:45 p.m.

SB10-172 CONCERNING THE CONTINUATION OF VOLUNTARY CONTRIBUTION DESIGNATION LINES ON STATE INDIVIDUAL INCOME TAX FORMS FOR CERTAIN FUNDS SET TO EXPIRE JANUARY 1,2011.

Approved April 29, 2010 at 2:47 p.m.

SB10-175 CONCERNING THE RELOCATION OF PROVISIONS RELATING TO BEHAVIORAL HEALTH.

Approved April 29, 2010 at 2:49 p.m.

SB10-176 CONCERNING THE REQUIREMENTS FOR INCLUSION OF A PROFESSIONAL NURSE ON THE ADVANCED PRACTICE NURSE REGISTRY.

Approved April 29, 2010 at 2:48 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/29/10, 4:45 p.m.
Karen Goldman, Secretary of the Senate

SENATE SERVICES REPORT

Correctly Printed: SB10-207, 208 and 209; SJR10-048.
Correctly Engrossed: SB10-191; SJR10-041.
Correctly Revised: HB10-1351.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-020, 070, 073, 100 and 182; SJR10-026, 027, 032, 034, 036, 037, 038 and 046; HB10-1101, 1114, 1116, 1117, 1182, 1213, 1222, 1225, 1240, 1244, 1275, 1340, 1372; HB10-1017, 1029, 1164, 1229, 1259, 1276, 1377, 1380, 1382, 1389; HB10-1042, 1208, 1220, 1242, 1378, 1379, 1381, 1384, 1385, 1387

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR10-048 by Senator(s) Shaffer B.; also Representative(s) Primavera--Concerning recognition of military personnel from Colorado who served in the Vietnam war and honoring those who were injured or who died while serving their country.

On motion of Senator Shaffer, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

CONSIDERATION OF MEMORIALS

SJM10-002 by Senator(s) Kopp, Cadman, Mitchell, Johnston, Shaffer B., Harvey, Kester, King K., Morse, Penry, Scheffel, Schultheis, White; also Representative(s) King S.--Memorializing Congress to adopt the Honor and Remember Flag.

On motion of Senator Kopp, the memorial was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Keller, Lundberg, Newell, Renfroe, Romer, Sandoval, Schwartz, Spence, Steadman, Tapia, Tochtrop, Whitehead and Williams.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB10-1352** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1278** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans and Military Affairs Committee report, dated April 21, 2010, page 3, line 2, strike "officer." and substitute "and resource center".

Page 3 of the report, after line 2 insert:

"Page 6 of the reengrossed bill, line 22, strike "one hundred thirty thousand" and substitute "two hundred five thousand eight hundred

	twenty-eight dollars (\$205,828)".	1
		2
	Page 6 of the reengrossed bill, line 23, strike "eight hundred twenty-eight dollars (\$130,828)".	3
		4
		5
Appropriations	After consideration on the merits, the Committee recommends that HB10-1131 be referred to the Committee of the Whole with favorable recommendation.	6
		7
		8
Appropriations	After consideration on the merits, the Committee recommends that SB10-195 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	9
		10
		11
	Amend printed bill, page 9, strike lines 9 through 13 and substitute	12
	"ASSEMBLY CONCERNING METHODS TO PROMOTE THE SHARING AND USE	13
	OF COMMON DATA FOR PLANNING AND ACCOUNTABILITY BY STATE	14
	PROGRAMS AND AGENCIES THAT SUPPORT YOUNG CHILDREN. THE	15
	COMMISSION SHALL WORK WITH THE GOVERNMENT DATA ADVISORY	16
	BOARD CREATED IN SECTION 24-37.5-703 IN DEVELOPING THESE	17
	RECOMMENDATIONS."	18
		19
		20
Appropriations	After consideration on the merits, the Committee recommends that SB10-196 be referred to the Committee of the Whole with favorable recommendation.	21
		22
		23
Appropriations	After consideration on the merits, the Committee recommends that HB10-1209 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	24
		25
		26
		27
Appropriations	After consideration on the merits, the Committee recommends that HB10-1214 be referred to the Committee of the Whole with favorable recommendation.	28
		29
		30
		31
Appropriations	After consideration on the merits, the Committee recommends that HB10-1073 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
		33
		34
		35
Appropriations	After consideration on the merits, the Committee recommends that SB10-206 be referred to the Committee of the Whole with favorable recommendation.	36
		37
		38
Appropriations	After consideration on the merits, the Committee recommends that HB10-1119 be referred to the Committee of the Whole with favorable recommendation.	39
		40
		41
Appropriations	After consideration on the merits, the Committee recommends that HB10-1005 be referred to the Committee of the Whole with favorable recommendation.	42
		43
		44
Appropriations	After consideration on the merits, the Committee recommends that HB10-1033 be referred to the Committee of the Whole with favorable recommendation.	45
		46
		47
Appropriations	After consideration on the merits, the Committee recommends that HB10-1241 be referred to the Committee of the Whole with favorable recommendation.	48
		49
		50
Appropriations	After consideration on the merits, the Committee recommends that SB10-029 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	51
		52
		53
		54
	Amend the State, Veterans & Military Affairs Committee Report, dated April 19, 2010, page 1, strike lines 6 through 17 and substitute:	55
		56
		57
	" declaration - definitions. (1) (f) (I) ON JUNE 30, 2010, AND EACH JUNE 30 THEREAFTER, AT THE".	58
		59
		60
	Page 2, line 1, strike "(III)" and substitute "(II)".	61
		62
	Page 2, line 3, strike "AMOUNTS" and substitute "AMOUNT".	63
		64
	Page 2, lines 5, strike "SUBPARAGRAPHS (I) AND (II)" and substitute "SUBPARAGRAPH (I)".	65
		66
		67
Appropriations	After consideration on the merits, the Committee recommends that SB10-193 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable	68
		69

recommendation.

Amend printed bill, page 12, after line 10 insert:

"SECTION 6. 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."

Renumber succeeding section accordingly.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

for terms expiring December 31, 2011:

LeRoy J. Salazar of Manassa, Colorado, to fill the vacancy occasioned by the resignation of Bruce J. Oreck of Boulder, Colorado, appointed.

Education

After consideration on the merits, the Committee recommends that **SB10-003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) The on-going economic challenges facing the state continue to force drastic cuts in all areas of the state budget, especially in funding for higher education;

(b) A vibrant, effective, high-quality state higher education system that is both accessible and affordable is crucial to maintaining economic development within the state and to ensuring that the citizens of the state have the educational opportunities they need to succeed in a highly competitive global economy;

(c) The Colorado commission on higher education last completed a master plan for the state system of higher education in 2002-03. Since that time, in addition to drastic economic changes in the state and resulting budget cuts, there have been significant changes in state education policy, including:

(I) Direction from the general assembly in the "Preschool to Postsecondary Education Alignment Act", part 10 of article 7 of title 22, Colorado Revised Statutes, to fully align public education from elementary and secondary education through undergraduate and graduate higher education; and

(II) Enactment of Senate Bill 04-189, which created the "College Opportunity Fund Act", article 18 of title 23, Colorado Revised Statutes, and fee-for-service contracts, the combination of which shifts higher education funding from a formula-based funding system to funding based on student enrollment and the purchase of higher education services provided by state institutions of higher education;

(d) In recognition of the significant policy and fiscal changes that have seriously impacted the state higher education system, the Colorado commission on higher education must work with the governing boards and chief executive officers of each of the state institutions of higher education to rewrite the master plan for the state system of higher education;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(e) In rewriting the master plan, the Colorado commission on higher education should also take into account the final report of the higher education strategic planning steering committee appointed by the governor to address state higher education needs, governance, and funding and improving student access and success. The steering committee anticipates completing the final report by November 4, 2010.

(f) The master plan must address:

(I) The state's workforce and economic development needs and how those needs may be met by the system of higher education;

(II) The challenges facing the state system, including but not limited to improving accessibility and affordability for all students graduating from high school, decreasing the geographic disparity of higher education attainment in the state, and closing the educational achievement gap;

(III) The current state funding crisis and its impact on the state higher education system with regard to funding for capital construction, the level of systemic funding, and the level of institutional funding; and

(IV) Alignment of the state higher education system with the system of elementary and secondary education in the state;

(g) The master plan must also include accountability measures that will demonstrate that students receive high-value and high-quality educational services that are provided with the efficiency necessary to reduce attrition and increase retention and enable students to attain their degrees in a reasonable period of time, and to help ensure students achieve post-graduation success.

(2) The general assembly finds, therefore, that, due to the immediate and daunting economic challenges facing the state institutions of higher education, it is in the best interests of the state to immediately grant to the institutions greater flexibility in setting tuition rates and with regard to institutional operations. Further, the implementation of a new master plan for the statewide system of higher education will preserve the vitality and quality of the public higher education system in Colorado into the future to ensure that Colorado's citizens, through their access to a world-class higher education system, can develop the knowledge and skills necessary to ensure their personal success and the success of the state as a whole.

SECTION 2. 23-1-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (1.5) (a) ON OR BEFORE DECEMBER 15, 2010, THE COMMISSION SHALL DEVELOP AND SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A NEW MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION. THE COMMISSION SHALL COLLABORATE WITH THE GOVERNING BOARDS AND CHIEF EXECUTIVE OFFICERS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING THE MASTER PLAN. IN ADDITION, THE COMMISSION SHALL TAKE INTO ACCOUNT THE FINAL REPORT OF THE HIGHER EDUCATION STRATEGIC PLANNING STEERING COMMITTEE APPOINTED BY THE GOVERNOR. AT A MINIMUM, THE COMMISSION SHALL ADDRESS THE FOLLOWING ISSUES IN DEVELOPING THE MASTER PLAN:

(I) THE NEEDS OF THE STATE WITH REGARD TO THE SYSTEM OF HIGHER EDUCATION AND THE TOP PRIORITIES FOR THE STATE SYSTEM OF HIGHER EDUCATION IN MEETING THOSE NEEDS;

(II) ALIGNMENT OF THE STATE SYSTEM OF HIGHER EDUCATION WITH THE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION AND INCREASING THE RATE AT WHICH STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS ENROLL IN AND COMPLETE POSTSECONDARY AND CAREER AND TECHNICAL EDUCATION;

(III) ACCESSIBILITY AND AFFORDABILITY OF THE STATE SYSTEM OF HIGHER EDUCATION, INCLUDING CONSIDERATION OF METHODS TO REDUCE THE STUDENT DEBT LOAD AND INCREASE NEED-BASED FINANCIAL AID FUNDING;

1
2
3
4

(IV) FUNDING FOR THE STATE SYSTEM OF HIGHER EDUCATION AND STRATEGIES FOR STABILIZING AND SUSTAINING AN ADEQUATE FUNDING LEVEL; AND

5
6
7
8

(V) THE ROLE AND MISSION OF THE STATE INSTITUTIONS OF HIGHER EDUCATION AND THE GOVERNANCE STRUCTURE OF THE STATE SYSTEM OF HIGHER EDUCATION.

9
10
11
12

(b) THE COMMISSION SHALL DESIGN THE MASTER PLAN TO ACHIEVE, AT A MINIMUM, THE FOLLOWING GOALS:

13
14
15

(I) IMPLEMENTING SYSTEMIC APPROACHES THAT STRENGTHEN THE CONTINUITY OF PUBLIC EDUCATION FROM ELEMENTARY AND SECONDARY THROUGH POSTSECONDARY EDUCATION FOR TRADITIONAL AND NONTRADITIONAL STUDENTS;

16
17
18
19
20

(II) ENSURING THE LONG TERM FISCAL STABILITY AND AFFORDABILITY OF THE STATE SYSTEM OF HIGHER EDUCATION AND ENSURING THE EFFICIENT ALLOCATION OF AVAILABLE STATE RESOURCES TO SUPPORT INSTITUTIONS OF HIGHER EDUCATION WHILE PROTECTING THE UNIQUE MISSION OF EACH INSTITUTION. THE ALLOCATION SHALL TAKE INTO CONSIDERATION, BUT NEED NOT BE LIMITED TO, TUITION CAPACITY, TUITION RATES RELATIVE TO COMPETITIVE INSTITUTIONS, THE STATE RESOURCES AVAILABLE TO INSTITUTIONS, FUNDING FOR HIGH-COST PROGRAMS, THE STUDENT AND FAMILY INCOMES OF STUDENTS ENROLLED AT INSTITUTIONS, ENROLLMENT LEVELS, GEOGRAPHIC ACCESS TO EDUCATIONAL OPPORTUNITIES THROUGHOUT THE STATE, AND OTHER ISSUES DEEMED RELEVANT BY THE COMMISSION.

21
22
23
24
25
26
27
28
29
30
31
32
33

(III) REDUCING THE EDUCATIONAL ATTAINMENT GAP BETWEEN MAJORITY AND UNDERREPRESENTED POPULATIONS THROUGHOUT THE STATE;

34
35
36
37

(IV) REDUCING THE GEOGRAPHIC DISPARITIES IN ACCESS TO AND OPPORTUNITY TO COMPLETE A BROAD ARRAY OF QUALITY HIGHER EDUCATION AND CAREER AND TECHNICAL EDUCATION PROGRAMS;

38
39
40
41

(V) IMPLEMENTING STRATEGIES THAT STRENGTHEN THE LINK BETWEEN HIGHER EDUCATION AND ECONOMIC DEVELOPMENT AND INNOVATION IN THE STATE; AND

42
43
44
45

(VI) IMPROVING AND SUSTAINING EXCELLENCE IN CAREER AND TECHNICAL EDUCATION AND UNDERGRADUATE AND GRADUATE DEGREE PROGRAMS.

46
47
48
49

(c) (I) THE COMMISSION SHALL ENSURE THAT THE MASTER PLAN PREPARED PURSUANT TO THIS SUBSECTION (1.5) SPECIFICALLY ADDRESSES PROVIDING PROGRAMS THAT SUPPORT AND HELP ENSURE THE SUCCESS OF STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ONE OR MORE OF THE FOLLOWING CRITERIA:

50
51
52
53
54
55
56

(A) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN INSTITUTION OF HIGHER EDUCATION;

57
58
59
60

(B) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

61
62
63

(C) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED POPULATION; OR

64
65
66

(D) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO SUPPORT LEARNING.

67
68
69

(II) PROGRAMS THAT MAY BE ADDRESSED IN THE MASTER PLAN INCLUDE BUT NEED NOT BE LIMITED TO:

(A) PROVIDING STUDENT SUPPORT SERVICES INCLUDING COUNSELING OR TUTORING;

(B) IMPLEMENTING MEASURES TO REDUCE STUDENT DEBT BY MAKING EFFECTIVE USE OF FINANCIAL ASSISTANCE AND ASSISTING IN FEE PAYMENTS AND TEXTBOOK COSTS; AND

(C) PROVIDING ASSISTANCE IN OBTAINING ACCESS TO TECHNOLOGY.

SECTION 3. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-130.5. Governing boards - tuition-setting - repeal.

(1) BEGINNING WITH THE 2011-12 FISCAL YEAR AND FOR FISCAL YEARS THEREAFTER THROUGH THE 2015-16 FISCAL YEAR, EACH GOVERNING BOARD, FOR THE INSTITUTIONS IT CONTROLS, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE INSTITUTIONS. THE TUITION AMOUNT MAY VARY BASED ON THE DEGREE PROGRAM IN WHICH A STUDENT ENROLLS.

(2) IN SETTING THE AMOUNT OF TUITION PURSUANT TO THIS SECTION, A GOVERNING BOARD SHALL NOT INCREASE THE TUITION RATE FOR UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION BY MORE THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT A GOVERNING BOARD MAY INCREASE SAID TUITION RATE BY MORE THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR IF THE GOVERNING BOARD COMPLIES WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND THE COLORADO COMMISSION ON HIGHER EDUCATION, REFERRED TO IN THIS SECTION AS THE "COMMISSION", APPROVES THE INCREASE.

(3) A GOVERNING BOARD THAT SEEKS TO INCREASE UNDERGRADUATE, RESIDENT TUITION BY MORE THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR SHALL SUBMIT TO THE COMMISSION A FOUR-YEAR FINANCIAL AND ACCOUNTABILITY PLAN IN ACCORDANCE WITH TIMELINES ADOPTED BY THE COMMISSION. THE FINANCIAL AND ACCOUNTABILITY PLAN SHALL SPECIFY FOR EACH OF THE FOUR FISCAL YEARS IMMEDIATELY FOLLOWING THE FISCAL YEAR IN WHICH THE GOVERNING BOARD SUBMITS THE PLAN:

(a) THE AMOUNT OF THE INCREASE IN UNDERGRADUATE, RESIDENT TUITION THAT THE GOVERNING BOARD IS REQUESTING;

(b) THE MANNER IN WHICH THE GOVERNING BOARD SHALL ENSURE THAT ENROLLMENT IN THE INSTITUTION CONTINUES TO BE ACCESSIBLE AND AFFORDABLE FOR LOW- AND MIDDLE-INCOME STUDENTS IN THE NEXT FOLLOWING FOUR ACADEMIC YEARS, TAKING INTO ACCOUNT THE AVAILABILITY OF FEDERAL, STATE, INSTITUTIONAL, AND PRIVATE MONEYS FOR FINANCIAL ASSISTANCE, AND MEASURES THE GOVERNING BOARD SHALL IMPLEMENT TO HELP REDUCE STUDENT DEBT LOAD, INCLUDING BUT NOT LIMITED TO THE AMOUNT OF INSTITUTIONAL FUNDS THE GOVERNING BOARD WILL ALLOCATE TO NEED-BASED FINANCIAL ASSISTANCE;

(c) THE MANNER IN WHICH THE GOVERNING BOARD SHALL SPECIFICALLY ADDRESS THE NEEDS OF STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ON OR MORE OF THE FOLLOWING CRITERIA:

(I) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN INSTITUTION OF HIGHER EDUCATION;

(II) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

(III) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED POPULATION; OR

(IV) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO SUPPORT LEARNING.

(d) THE MANNER IN WHICH THE GOVERNING BOARD IS IMPLEMENTING THE FLEXIBILITY PROVIDED WITH REGARD TO PURCHASING, CENTRAL SERVICES, AND OTHER OPERATIONS TO ENSURE GREATER INSTITUTIONAL EFFICIENCIES;

(e) MEASURES THE GOVERNING BOARD SHALL IMPLEMENT TO ENSURE THAT ANY OPERATIONAL CHANGES DESCRIBED IN PARAGRAPH (d) OF THIS SUBSECTION (3) DO NOT REDUCE THE LEVEL OF SERVICE AND THE QUALITY OF ACADEMIC PROGRAMS PROVIDED TO STUDENTS ENROLLED IN THE STATE INSTITUTION OF HIGHER EDUCATION; AND

(f) ANY ADDITIONAL INFORMATION REQUESTED BY THE COMMISSION.

(4) (a) THE COMMISSION SHALL REVIEW EACH FINANCIAL AND ACCOUNTABILITY PLAN RECEIVED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND, WITHIN NINETY DAYS AFTER RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE GOVERNING BOARD'S REQUEST FOR AN INCREASE IN UNDERGRADUATE, RESIDENT TUITION IN EXCESS OF NINE PERCENT. IN APPROVING A TUITION INCREASE, THE COMMISSION MAY APPROVE THE REQUEST FOR TWO YEARS AND MAKE APPROVAL FOR THE SUBSEQUENT TWO YEARS CONDITIONAL UPON THE GOVERNING BOARD'S SUCCESS IN IMPLEMENTING THE MEASURES SPECIFIED IN THE FINANCIAL AND ACCOUNTABILITY PLAN. IF THE REQUEST IS DENIED, THE GOVERNING BOARD MAY SUBMIT AN ALTERNATIVE FINANCIAL AND ACCOUNTABILITY PLAN TO THE COMMISSION IN ACCORDANCE WITH TIMELINES ADOPTED BY THE COMMISSION.

(b) IF THE COMMISSION DENIES THE REQUEST, THE GOVERNING BOARD SHALL NOT IMPLEMENT THE PROPOSED TUITION INCREASE BUT MAY INCREASE UNDERGRADUATE, RESIDENT TUITION BY AS MUCH AS NINE PERCENT FOR THE FOLLOWING FISCAL YEAR. A GOVERNING BOARD MAY RESUBMIT ITS REQUEST FOR AN INCREASE IN UNDERGRADUATE, RESIDENT TUITION IN EXCESS OF NINE PERCENT, WITH THE FINANCIAL AND ACCOUNTABILITY PLAN, IN ANY SUBSEQUENT FISCAL YEAR FOLLOWING A DENIAL.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES, WHICH BOARD OF TRUSTEES SHALL ESTABLISH TUITION RATES FOR STUDENTS WITH IN-STATE CLASSIFICATION AND NONRESIDENT STUDENTS AS PROVIDED IN SECTION 23-41-104.6 (5) (c) (I).

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016."

SECTION 4. 23-1-104, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-1-104. Financing the system of postsecondary education - report - repeal. (1) (a) (I) THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OF MONEYS THAT ARE ESTIMATED TO BE RECEIVED BY AN INSTITUTION, UNDER THE DIRECTION AND CONTROL OF THE GOVERNING BOARD, AS STIPENDS, AS DEFINED IN SECTION 23-18-102, AND THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES; EXCEPT THAT,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (1), TO THE COLORADO STATE FOREST SERVICE, THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF THE COLORADO STATE UNIVERSITY, OR THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE, SUCH MONEYS SHALL NOT BE INCLUDED WITHIN THE SINGLE LINE ITEM APPROPRIATIONS DESCRIBED IN THIS PARAGRAPH (a).

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

(b) (I) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016, THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OF GENERAL FUND MONEYS, OF CASH FUNDS RECEIVED FROM TUITION INCOME, AND OF MONEYS THAT ARE ESTIMATED TO BE RECEIVED BY AN INSTITUTION, UNDER THE DIRECTION AND CONTROL OF THE GOVERNING BOARD, AS STIPENDS, AS DEFINED IN SECTION 23-18-102, AND THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES; EXCEPT THAT, IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (1), TO THE COLORADO STATE FOREST SERVICE, THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF THE COLORADO STATE UNIVERSITY, OR THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE, SUCH MONEYS SHALL NOT BE INCLUDED WITHIN THE SINGLE LINE ITEM APPROPRIATIONS DESCRIBED IN THIS PARAGRAPH (b).

(II) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016, THE GENERAL ASSEMBLY SHALL ALSO MAKE ANNUAL APPROPRIATIONS OF CASH FUNDS, OTHER THAN CASH FUNDS RECEIVED AS TUITION INCOME, AS A SINGLE LINE ITEM TO EACH GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES. EACH GOVERNING BOARD SHALL ALLOCATE SAID CASH FUND APPROPRIATIONS TO THE INSTITUTIONS UNDER ITS CONTROL IN THE MANNER DEEMED MOST APPROPRIATE BY THE GOVERNING BOARD.

(c) IN ADDITION TO ANY APPROPRIATIONS MADE PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1), THE GENERAL ASSEMBLY MAY MAKE ANNUAL APPROPRIATIONS OF GENERAL FUND MONEYS AND OF MONEYS RECEIVED PURSUANT TO A FEE-FOR-SERVICE CONTRACT NEGOTIATED BY THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM AND THE DEPARTMENT OF HIGHER EDUCATION, AS DESCRIBED IN SECTION 23-5-130, AS SEPARATE LINE ITEMS TO:

(I) THE COLORADO STATE FOREST SERVICE DESCRIBED IN PART 3 OF ARTICLE 31 OF THIS TITLE;

(II) THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF THE COLORADO STATE UNIVERSITY DESCRIBED IN PART 6 OF ARTICLE 31 OF THIS TITLE; AND

(III) THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE DESCRIBED IN PART 7 OF ARTICLE 31 OF THIS TITLE.

(d) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION, THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION SHALL HAVE CONTROL AND DIRECTION OF ANY MONEYS RECEIVED BY THEIR RESPECTIVE INSTITUTIONS IN ADDITION TO THE MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (1), UNLESS OTHERWISE PROVIDED BY STATUTE.

(2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, BEGINNING IN THE 2011-12 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE GOVERNING BOARD OF THE COLORADO SCHOOL OF MINES IN ACCORDANCE WITH SECTION 23-41-104.7, AND AS STIPENDS, AS DEFINED IN SECTION 23-18-102, AS A SINGLE LINE ITEM TO SAID GOVERNING BOARD. THE AMOUNT APPROPRIATED PURSUANT TO SECTION 23-41-104.7 SHALL BE IN LIEU OF ANY AMOUNT AUTHORIZED THROUGH FEE-FOR-SERVICE CONTRACTS NEGOTIATED PURSUANT TO SECTION 23-1-109.7 AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

23-5-130.

(3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-75-102, C.R.S., THE GOVERNING BOARDS ARE AUTHORIZED TO RETAIN ALL MONEYS APPROPRIATED PURSUANT TO THIS SECTION AND SECTION 23-1-118, OR OTHERWISE GENERATED, FROM FISCAL YEAR TO FISCAL YEAR.

(b) ALL MONEYS RAISED BY A GOVERNING BOARD SHALL BE AVAILABLE FOR EXPENDITURE BY SUCH GOVERNING BOARD AND SHALL NOT BE TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR EXPENDITURE BY ANY OTHER GOVERNING BOARD OR BY A STATE ENTITY OR STATE AGENCY OTHER THAN THE DEPARTMENT OF HIGHER EDUCATION OR THE COLORADO COMMISSION ON HIGHER EDUCATION.

(4) (a) ON OR BEFORE NOVEMBER 10, 2010, EACH GOVERNING BOARD SHALL SUBMIT TO THE COMMISSION AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT DESCRIBING, WITH REGARD TO EACH INSTITUTION UNDER ITS GOVERNANCE, THE GOVERNING BOARD'S PLANS TO FUND THE INSTITUTION IN THE FOLLOWING FISCAL YEAR IF THE GENERAL ASSEMBLY REDUCES OVERALL STATE FUNDING FOR HIGHER EDUCATION BY FIFTY PERCENT.

(b) EACH GOVERNING BOARD'S REPORT PREPARED PURSUANT TO THIS SUBSECTION (4) SHALL SPECIFICALLY ADDRESS THE MANNER IN WHICH THE INSTITUTIONS GOVERNED BY THE GOVERNING BOARD SHALL SERVE STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ONE OR MORE OF THE FOLLOWING CRITERIA:

(I) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN INSTITUTION OF HIGHER EDUCATION;

(II) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

(III) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED POPULATION; OR

(IV) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO SUPPORT LEARNING.

SECTION 5. 23-1-108 (12), Colorado Revised Statutes, is amended to read:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (12) (a) The commission shall establish ~~tuition and fee~~ policies based on institutional role and mission, and the governing boards shall set ~~tuition and~~ fees consistent with such policies. The commission shall follow the requirements of section 23-1-123 in establishing fee policies pursuant to this subsection (12).

(b) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016, THE COMMISSION SHALL ESTABLISH TUITION POLICIES BASED ON INSTITUTIONAL ROLE AND MISSION, AND THE GOVERNING BOARDS SHALL SET TUITION CONSISTENT WITH SAID POLICIES.

SECTION 6. 23-18-202 (3) (b) and (3) (c), Colorado Revised Statutes, are amended to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - repeal. (3) (b) (I) The tuition increases from which the general assembly derived the total cash spending authority for each governing board shall be noted in a footnote in the annual general appropriations act.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR FISCAL YEARS 2011-12 THROUGH 2015-16,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

TUITION INCREASES SHALL NOT BE NOTED IN A FOOTNOTE IN THE ANNUAL GENERAL APPROPRIATION ACT. EACH GOVERNING BOARD SHALL ESTABLISH TUITION IN EACH OF SAID FISCAL YEARS AS PROVIDED IN SECTION 23-5-130.5. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2016.

(c) (I) ~~If an institution of higher education is designated as an enterprise pursuant to section 23-5-101.7, the institution shall annually allocate at least twenty percent of any increase in undergraduate resident tuition revenues above inflation to need-based financial assistance.~~ FOR FISCAL YEARS 2011-12 THROUGH 2015-16, IF A GOVERNING BOARD SUBMITS A PLAN FOR AUTHORIZATION TO INCREASE UNDERGRADUATE, RESIDENT TUITION BY MORE THAN NINE PERCENT PURSUANT TO SECTION 23-5-130.5, THE GOVERNING BOARD SHALL SPECIFY THE AMOUNT OF INSTITUTIONAL FUNDS THE GOVERNING BOARD WILL ALLOCATE TO NEED-BASED FINANCIAL ASSISTANCE.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 7. 23-20-112, Colorado Revised Statutes, is amended to read:

23-20-112. General powers of the board - repeal. (1) The board of regents shall enact laws for the government of the university; appoint the requisite number of professors, tutors, and all other officers; and determine the salaries of such officers and the amount to be paid for tuition in accordance with the level of cash fund appropriations set by the general assembly for the university pursuant to section 23-1-104 (1) (a) (I). It shall remove any officer connected with the university when in its judgment the good of the institution requires it.

(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF REGENTS, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE UNIVERSITY.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 8. 23-30-112, Colorado Revised Statutes, is amended to read:

23-30-112. Tuition - repeal. (1) The board of governors of the Colorado state university system, shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for the entities it governs pursuant to section 23-1-104 (1) (a) (I). The board may discriminate in regard to tuition between students from this state and students from other states.

(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE INSTITUTIONS IT GOVERNS.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 9. Article 40 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-40-104.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF NORTHERN COLORADO, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE UNIVERSITY OF NORTHERN COLORADO.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 10. 23-41-104.6 (5) (c) (I), Colorado Revised Statutes, is amended to read:

23-41-104.6. Performance contract - authorization - operations - repeal. (5) While operating pursuant to the performance contract negotiated pursuant to this section, the board of trustees of the Colorado school of mines:

(c) (I) (A) Shall have sole authority to establish resident and nonresident tuition rates for the Colorado school of mines; except that the annual percentage increase in resident tuition rates shall not exceed a percentage equal to two times the rate of the percentage change in the consumer price index for the Denver metropolitan area.

(B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES SHALL HAVE SOLE AUTHORITY TO ESTABLISH RESIDENT AND NONRESIDENT TUITION RATES FOR THE COLORADO SCHOOL OF MINES SO LONG AS THE SCHOOL CONTINUES TO MEET THE GOALS SPECIFIED IN THE PERFORMANCE CONTRACT AND TO COMPLY WITH THE PROVISIONS OF SECTION 23-1-104.7. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 11. 23-41-107, Colorado Revised Statutes, is amended to read:

23-41-107. Tuition - school open to all - repeal. (1) The Colorado school of mines is open for instruction to all bona fide residents of this state, without regard to sex or color, upon the payment of such reasonable tuition fees as may be prescribed by the board of trustees. With the consent of such board, students from other states, territories, or countries may receive education thereat upon such terms and at such rates of tuition as such board may determine. The board, shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for such institution pursuant to section 23-1-104 (1) (a) (I).

(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-41-104.6 (c) (I) (B), SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COLORADO SCHOOL OF MINES.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 12. Article 51 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-51-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND ADAMS STATE COLLEGE.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 13. 23-52-105 (1) (b), Colorado Revised Statutes, is amended to read:

23-52-105. Tuition fees - Indians - repeal. (1) (b) (I) On and after September 1, 2002, the board of trustees, shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for Fort Lewis college pursuant to section 23-1-104 (1) (a) (I),

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

subject to the restriction that all qualified Indian pupils shall at all times be admitted to such college free of charge for tuition and on terms of equality with other pupils. The general assembly shall appropriate from the state general fund one hundred percent of the moneys required for tuition for such qualified Indian pupils.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND FORT LEWIS COLLEGE, SUBJECT TO THE RESTRICTION FOR ALL QUALIFIED INDIAN PUPILS AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 14. Article 53 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-53-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND MESA STATE COLLEGE.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 15. Article 54 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-54-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND METROPOLITAN STATE COLLEGE OF DENVER.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 16. Article 56 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-56-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND WESTERN STATE COLLEGE OF COLORADO.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 17. 23-60-202 (1) (c) (I), Colorado Revised Statutes, is amended to read:

23-60-202. Duties of board with respect to state system - repeal. (1) With respect to the community and technical colleges within the state system, the board has the authority, responsibility, rights, privileges, powers, and duties customarily exercised by the governing boards of institutions of higher education, including the following:

(c) (I) (A) To fix the tuition and fees to be charged in the community and technical colleges. The board shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for such institutions pursuant to section 23-1-104 (1) (a) (I).

(B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH 2015-16 FISCAL YEARS, THE BOARD, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COMMUNITY AND TECHNICAL COLLEGES. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 18. 23-3.3-102 (2) and (3), the introductory portion to 23-3.3-102 (3.5), and 23-3.3-102 (4) and (8), Colorado Revised Statutes, are amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (2) The commission shall determine, by guideline, the institutions eligible for participation in the program AND SHALL ANNUALLY DETERMINE THE AMOUNT ALLOCATED TO EACH INSTITUTION.

(3) ~~The commission~~ EACH STATE INSTITUTION shall administer the A FINANCIAL ASSISTANCE program ~~with the assistance of institutions~~ according to policies and procedures established by the ~~commission~~ GOVERNING BOARD OF THE INSTITUTION. EACH PARTICIPATING NONPUBLIC INSTITUTION SHALL ADMINISTER A FINANCIAL ASSISTANCE PROGRAM ACCORDING TO POLICIES AND PROCEDURES ESTABLISHED BY THE COMMISSION. EACH INSTITUTION SHALL FUND ITS ASSISTANCE PROGRAM USING STATE MONEYS ALLOCATED TO THE INSTITUTION AND INSTITUTIONAL MONEYS.

(3.5) Notwithstanding any provision of this article to the contrary, ~~the commission~~ EACH PARTICIPATING INSTITUTION shall adopt policies and procedures to allow a person who meets the following criteria to qualify for financial assistance through the financial assistance programs established pursuant to this article:

(4) Program disbursements shall be handled by the institution subject to audit and review. ~~except that each nonpublic institution of higher education which receives additional financial assistance pursuant to this section, due to the change in the determination of need pursuant to subsection (6) of this section, shall allocate such financial assistance on the basis of need. The change in the determination of need pursuant to said subsection (6) shall in no way reduce the allocation by the Colorado commission on higher education of moneys for merit-based programs to nonpublic institutions of higher education.~~

(8) The state auditor or his OR HER designee shall audit, in accordance with STATE STATUTE AND federal ~~and commission~~ guidelines, the program at any participating institution every other year to review residency determinations, needs analyses, awards, payment procedures, and such other practices as may be necessary to ensure that the program is being properly administered, but ~~such~~ THE audit shall be limited to the administration of the program at ~~such~~ THE participating institution. The state auditor may accept an audit of the program from an institution that is not a state institution from such institution's independent auditor. The cost of conducting audits of the program at an institution that is not a state institution shall be borne by such institution.

SECTION 19. 23-1-113.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-113.5. Commission directive - resident admissions. (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION REGARDING THE PERCENTAGE AND FRACTION OF STUDENTS WHO ARE IN-STATE STUDENTS, AS DEFINED IN SECTION 23-7-102 (5), SHALL NOT APPLY TO THE UNIVERSITY OF COLORADO SYSTEM IF THE FOLLOWING REQUIREMENTS ARE MET:

(I) THE PERCENTAGE OF INCOMING FRESHMAN ADMITTED TO THE INSTITUTION WHO ARE IN-STATE STUDENTS CALCULATED ON A THREE-YEAR ROLLING AVERAGE AND EXCLUDING FOREIGN STUDENTS, IS NOT LESS THAN FIFTY-FIVE PERCENT;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(II) THE FRACTION OF STUDENTS ENROLLED AT EACH CAMPUS WHO ARE IN-STATE STUDENTS IS NOT LESS THAN TWO-THIRDS OF THE TOTAL STUDENT ENROLLMENT AT THE CAMPUS, INCLUDING UNDERGRADUATE AND GRADUATE STUDENTS, CALCULATED ON A THREE-YEAR ROLLING AVERAGE AND EXCLUDING FOREIGN STUDENTS;

(III) THE INSTITUTION CONTINUES TO ADMIT ONE HUNDRED PERCENT OF ALL COLORADO FIRST-TIME FRESHMAN APPLICANTS WHO MEET THE GUARANTEED ADMISSIONS CRITERIA;

(IV) THE PERCENTAGE OF IN-STATE STUDENTS ADMITTED TO EACH CAMPUS OF THE INSTITUTION BASED ON CRITERIA OTHER THAN STANDARDIZED TEST SCORES, HIGH SCHOOL CLASS RANK, AND HIGH SCHOOL GRADE POINT AVERAGE PURSUANT TO SECTION 23-1-113 (1) (b) DOES NOT FALL BELOW A THREE-YEAR ROLLING AVERAGE OF THE PERCENTAGE ADMITTED TO THE CAMPUS IN THE 2009-10 ACADEMIC YEAR; AND

(V) THE TOTAL NUMBER OF FOREIGN STUDENTS ENROLLED AT EACH SPECIFIC CAMPUS OF THE INSTITUTION DOES NOT EXCEED TWELVE PERCENT OF THE TOTAL STUDENT ENROLLMENT, INCLUDING UNDERGRADUATE AND GRADUATE STUDENTS, ENROLLED AT THE CAMPUS.

(b) THE UNIVERSITY OF COLORADO SHALL ANNUALLY REPORT TO THE COMMISSION INFORMATION DEMONSTRATING THAT QUALIFIED IN-STATE STUDENTS ARE NOT DISPLACED OR DENIED ADMISSIONS AS A RESULT OF THE PROVISIONS OF THIS SUBSECTION (4) AND THAT ANY INCREASE IN THE ENROLLMENT OF FOREIGN STUDENTS AT A SPECIFIC CAMPUS OF THE INSTITUTION IS A RESULT OF INCREASED CAPACITY AT THE CAMPUS.

(c) FOR PURPOSES OF THIS SUBSECTION (4), "FOREIGN STUDENT" MEANS A STUDENT WHO IS COUNTED AS FOREIGN AND PRESENT IN THE UNITED STATES ON A NONIMMIGRANT VISA.

SECTION 20. Repeal. 23-5-129 (4), Colorado Revised Statutes, is repealed as follows:

23-5-129. Governing boards - performance contract - authorization - operations. (4) ~~Notwithstanding any requirements of article 101 of title 24, C.R.S., and part 11 of article 30 of title 24, C.R.S., to the contrary, a governing board of a state institution of higher education that operates pursuant to a performance contract negotiated pursuant to this section may negotiate with the department of higher education, after approval from the Colorado commission on higher education, a provision in the performance contract to allow an exemption from the procurement code, article 101 of title 24, C.R.S., and the central state motor vehicle fleet system, part 11 of article 30 of title 24, C.R.S. The executive director of the department of higher education shall communicate in writing with the executive director of the department of personnel regarding any exemptions granted pursuant to this subsection (4).~~

SECTION 21. 23-1-106.3 (3) (c), Colorado Revised Statutes, is amended to read:

23-1-106.3. Duties and powers of the commission - capital construction projects - federal mineral lease revenues fund - higher education institutions lease-purchase cash fund. (3) (c) The provisions of section 24-30-202 (5) (b), C.R.S., shall not apply to a lease-purchase agreement authorized pursuant to paragraph (a) of this subsection (3) or any ancillary agreement or instrument entered into pursuant to paragraph (b) of this subsection (3). THE STATE CONTROLLER OR HIS OR HER DESIGNEE SHALL WAIVE any provision of the fiscal rules promulgated pursuant to section 24-30-202 (1) and (13), C.R.S., that the state controller deems to be incompatible or inapplicable with respect to said lease-purchase agreements or any such ancillary agreement or instrument. ~~may be waived by the controller or his or her designee.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SECTION 22. 23-20-111, Colorado Revised Statutes, is amended to read:

23-20-111. Supervisory powers of board. The board of regents has general supervision of the university and control and direction of all funds of and appropriations to the university. ~~except that the controller shall have the authority to promulgate fiscal rules pursuant to section 24-30-202, C.R.S., which shall be applicable to the university and its officers and employees.~~

SECTION 23. 24-30-201 (1) (e), Colorado Revised Statutes, is amended to read:

24-30-201. Division of accounts and control - controller.
(1) The powers, duties, and functions concerning accounts and control as set forth in this part 2 shall be the responsibility of the state controller. The controller shall be appointed by the executive director of the department of personnel, subject to the provisions of section 13 of article XII of the state constitution. The controller shall be bonded in such amount as the executive director shall fix. The powers and duties of the controller shall be:

(e) To manage the finances and financial affairs of the state, EXCEPT AS OTHERWISE PROVIDED IN SECTION 5 (2) OF ARTICLE VIII OF THE STATE CONSTITUTION AND BY LAW FOR INSTITUTIONS OF HIGHER EDUCATION AND FOR THE AURARIA HIGHER EDUCATION CENTER;

SECTION 24. 24-30-202 (13) and (22), Colorado Revised Statutes, are amended to read:

24-30-202. Procedures - vouchers and warrants - rules - penalties. (13) (a) The controller shall promulgate fiscal rules to carry out the functions assigned and the procedures prescribed by this section. Such rules relating to the forms, records, and procedures involved in financial administration shall be binding upon the several departments, institutions, including institutions of higher education EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13), and other agencies of the state and upon their several officers and employees.

(b) It is the intent of the general assembly that fiscal rules promulgated by the controller shall be applicable to any institution of higher education; ~~notwithstanding any specific grant of authority to the governing board of such institution of higher education~~ EXCEPT THAT THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION THAT HAS ADOPTED FISCAL PROCEDURES AND HAS DETERMINED THAT THE FISCAL PROCEDURES PROVIDE ADEQUATE SAFEGUARDS FOR THE PROPER EXPENDITURE OF THE MONEYS OF THE INSTITUTION MAY ELECT TO EXEMPT THE INSTITUTION FROM THE FISCAL RULES PROMULGATED BY THE CONTROLLER PURSUANT TO THIS SUBSECTION (13), INCLUDING ANY PROCEDURES OR FORMS REQUIRED BY LAW TO BE PROMULGATED BY THE CONTROLLER AND ANY REVIEW OR APPROVAL REQUIRED TO BE PERFORMED BY THE CONTROLLER, AND SHALL NOT BE REQUIRED TO COMPLY WITH RULES PROMULGATED PURSUANT TO THIS SUBSECTION (13) OR WITH THE PROVISIONS OF SUBSECTION (1), (5) (b), (20.1), (22), OR (26) OF THIS SECTION. THE PROVISIONS OF THIS PARAGRAPH (b) SHALL ALSO APPLY TO THE BOARD OF DIRECTORS OF THE AURARIA HIGHER EDUCATION CENTER WITH REGARD TO THE EXPENDITURE OF MONEYS OF THE AURARIA HIGHER EDUCATION CENTER.

(c) Repealed.

(d) AN INSTITUTION OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, THAT IS EXEMPT FROM THE STATE FISCAL RULES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13) SHALL CONTINUE TO PROVIDE TO THE CONTROLLER SUCH INFORMATION AS IS NECESSARY TO ENABLE THE CONTROLLER TO MEET THE OBLIGATIONS SET FORTH IN SUBSECTION (11) OF THIS SECTION AND SECTIONS 24-17-102 AND 24-30-204; EXCEPT THAT AN INSTITUTION OF HIGHER EDUCATION SHALL BE REQUIRED TO PROVIDE ONLY SUCH DATA AND REPORTS AS ARE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

READILY ACCESSIBLE TO THE INSTITUTION OR PRESENTLY GENERATED BY THE INSTITUTION.

(22) The controller shall make uniform and equitable fiscal rules controlling the types of perquisites which may be allowed state employees in the executive branch of government ~~including employees in the institutions of higher education~~; in addition to their regular salaries. Such rules shall include the eligibility of employees to receive such perquisites, the charges to be made for such perquisites, and the method of payment of such charges to the state. Before such rules become effective, they shall be approved by the governor. No employee shall have authority to grant to himself OR HERSELF or to any other employee under his OR HER supervision any perquisite, nor shall any employee receive any perquisite without full payment therefor, except as provided for by statute or by the rules of the controller as authorized in this section. Charges prescribed by such rules shall be reviewed annually by the controller.

SECTION 25. 24-30-202 (9), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-202. Procedures - vouchers and warrants - rules - penalties. (9) (d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (9) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION (9) SHALL NOT APPLY TO ANY WARRANT DRAWN BY AN INSTITUTION OF HIGHER EDUCATION OR BY THE AURARIA HIGHER EDUCATION CENTER THAT IS EXEMPT FROM THE STATE FISCAL RULES PURSUANT TO PARAGRAPH (b) OF SUBSECTION (13) OF THIS SECTION.

SECTION 26. 23-5-113, Colorado Revised Statutes, is amended to read:

23-5-113. Collection of loans and outstanding obligations - state educational institutions. (1) Notwithstanding the provisions of section 24-30-202.4, C.R.S., the governing board of any state educational institution ~~with the approval of the state controller~~; may promulgate rules and regulations relating to procedures for collecting any loans or other outstanding obligations owed to such institution. The institution may employ private counsel or a collection agency to handle the collection of any such loan or obligation. Employment of private counsel or a collection agency shall be in accordance with the rules and regulations, but in no event shall the fees paid to the private counsel or collection agency exceed forty percent of the amount recovered.

(2) The institution ~~with the consent of the controller and the state treasurer~~; is authorized to write off, release, or compromise any debt or obligation due the institution, but only in accordance with the rules and regulations applicable thereto.

SECTION 27. 24-30-202.4 (2) and (3) (a) (II), Colorado Revised Statutes, are amended to read:

24-30-202.4. Collection of debts due the state - controller's duties - creation of debt collection fund - definitions. (2) EXCEPT AS OTHERWISE PROVIDED FOR INSTITUTIONS OF HIGHER EDUCATION PURSUANT TO SECTION 23-5-113, C.R.S., AND except for those debts under the jurisdiction of the department of revenue referred to in section 24-35-108 (1) (a), under the jurisdiction of the judicial department referred to in section 16-11-101.6, C.R.S., and under the jurisdiction of the department of labor and employment related to overpayment of unemployment insurance benefits and delinquent taxes referred to in section 8-79-102, C.R.S., all state agencies shall refer to the state controller debts due the state that the agency has been unable to collect within thirty days after such debts have become past due, together with the data and information necessary for the controller to institute collection procedures. Debts are not subject to referral pursuant to this subsection (2) if payment arrangements have been made and payments due in accordance with the terms of the arrangements are not delinquent. The controller may grant a waiver to the requirement that a state agency refer debts within such thirty-day period based upon a documented request and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

justification provided by a state agency, pursuant to rules promulgated by the department of personnel under article 4 of this title. A waiver may include but shall not be limited to extended periods to collect delinquent debts. For accounts where no waiver to assignment has been granted, the controller shall use all state collection capabilities to collect that debt, including, but not limited to, the certification of that debt to the department of revenue for offset of that debt against any tax refund due the debtor under the provisions of subparagraph (II) of paragraph (a) of subsection (3) of this section. No later than one hundred twenty days after receipt by the controller, the controller or the controller's designee shall legally assign all debts that are not claims in process of collection to private counsel or private collection agencies that appear on the list of private counsel or private collection agencies. For the purposes of this section, "claims in process of collection" means any debts on which payments are being made, on which payments have been promised, on which suit has been brought, or any other debts as defined in rules promulgated by the department of personnel pursuant to article 4 of this title. The private counsel or private collection agencies included in the list of private counsel or private collection agencies shall be selected through competition pursuant to the provisions of the "Procurement Code", articles 101 to 112 of this title. Criteria for selection of the private counsel or private collection agencies shall be developed by the executive director of the department of personnel in consultation with the controller, affected state agencies, and the private collection community. ~~In addition, a state-supported institution of higher education may utilize the provisions of section 23-5-113, C.R.S., for the collection of any loan or other outstanding obligation owed to such institution.~~

(3) (a) (II) Upon verification by the appropriate state agency of the amount of the debt due the state, the controller may certify to the department of revenue any unpaid debt due the state to be offset against a tax refund due the debtor, pursuant to section 39-21-108 (3), C.R.S. Before any unpaid debt is certified to the department of revenue, the controller shall give written notice to the debtor that the debt shall be offset against a tax refund due the debtor and shall notify the debtor that the debtor may, within thirty days of the postmark of the written notice from the controller, request a hearing to dispute the tax refund offset. Such hearing shall be held within thirty calendar days from receipt of the request from the debtor. If the agency that referred the debt to the controller certifies that the debt was the subject of a final agency determination or judicial decision or that the debt has been reduced to judgment, the debtor may not dispute the validity of the debt at the hearing. No money shall be refunded or offset against a tax refund due the debtor if such a hearing is requested until such time as the hearing is completed and a decision is rendered. If at the hearing the dispute is resolved in favor of the debtor, the debtor shall be entitled to a refund of any moneys due plus interest, pursuant to section 39-21-110.5, C.R.S. Provisions for adequate notice and opportunity for hearing shall be made by rules and regulations promulgated by the executive director of the department of personnel. Any debts may be written off, released, or compromised pursuant to paragraph (c) of this subsection (3). ~~As used in this section, unless the context otherwise requires, "agency" includes state-supported institutions of higher education.~~

SECTION 28. 24-30-1102 (5) and (6) (a) (I), Colorado Revised Statutes, are amended to read:

24-30-1102. Definitions. As used in this part 11, unless the context otherwise requires:

(5) "State agency" means this state or any department, board, bureau, commission, institution, or other agency of the state; ~~including institutions of higher education but~~ EXCEPT THAT "STATE AGENCY" shall not include A STATE INSTITUTION OF HIGHER EDUCATION, THE AURARIA HIGHER EDUCATION CENTER, OR the state board of stock INSPECTION commissioners, created pursuant to section 35-41-101, C.R.S.

(6) (a) "State-owned motor vehicle" means all motor vehicles owned by the state or any agency of the state that shall include all two-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

and four-wheel drive trucks, all passenger vehicles including cars, vans, station wagons and other similar passenger vehicles, and any other vehicle not described herein that may be designated as a state-owned motor vehicle if a state agency requests such designation; except that "state-owned motor vehicle" shall not include any vehicle rated at one ton or more that is:

~~(I) Owned, operated, or controlled by an institution of higher education and was not purchased, maintained, or otherwise acquired using state moneys; or~~

SECTION 29. 24-19-103 (2) (a), Colorado Revised Statutes, is amended to read:

24-19-103. Prohibition against postemployment compensation - exception. (2) (a) At the option of the appointing authority for any government-supported official or employee, such official or employee may be provided postemployment compensation that consists of the payment of up to a maximum of three months of salary for such official or employee and the provision of up to a maximum of three months of employee benefits for such official or employee. No postemployment compensation shall be provided other than cash payments and the provision of employee benefits. Postemployment compensation may be approved and provided only if the government-supported official or employee who is to receive such compensation was employed by the governmental unit or government-financed entity for less than five years; EXCEPT THAT POSTEMPLOYMENT COMPENSATION MAY BE APPROVED AND PROVIDED FOR AN OFFICIAL OR EMPLOYEE OF A STATE INSTITUTION OF HIGHER EDUCATION OR OF THE AURARIA HIGHER EDUCATION CENTER, REGARDLESS OF THE LENGTH OF EMPLOYMENT.

SECTION 30. 24-102-205 (1) (b), (1) (c), and (2), Colorado Revised Statutes, are amended to read:

24-102-205. Centralized contract management system - personal services contracts - legislative declaration - definitions.

(1) (b) For purposes of this section, "governmental body" shall have the same meaning as set forth in section 24-101-301 (10); except that, for purposes of this section, "governmental body" shall also include elected officials. ~~the governing board of each institution of higher education, and the Colorado commission on higher education.~~

~~(c) Insofar as a conflict exists between the definition given a particular term affecting a personal services contract by the department acting pursuant to this code or any rules promulgated thereunder and the definition given a term by an institution of higher education, the meaning given the term by the department shall control.~~

(2) This section shall apply to any personal services contract to which the state is a party the value of which exceeds one hundred thousand dollars with the exception of any contract to which the state is a party under medicare, the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., OR the "Colorado Indigent Care Program", part 1 of article 3 of title 25.5, C.R.S. ~~or to any grant, award, or contract funded by any federal or private entity for any research or sponsored project activity of an institution of higher education or an affiliate of an institution of higher education that is funded from moneys that are restricted by the entity under the grant, award, or contract. For purposes of this section, "sponsored project" means an agreement between an institution of higher education and another party that provides restricted funding and requires oversight responsibilities for research and development or other specified programmatic activities that are sponsored by federal or private agencies and organizations.~~

SECTION 31. 24-103.5-101 (1) and (7) (a), Colorado Revised Statutes, are amended to read:

24-103.5-101. Monitoring of vendor performance - definitions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(1) (a) For purposes of this section, "governmental body" shall have the same meaning as set forth in section 24-101-301 (10); except that, for purposes of this section, "governmental body" shall also include elected officials. ~~the governing board of each institution of higher education, and the Colorado commission on higher education.~~

(b) ~~Insofar as a conflict exists between the definition given a particular term affecting a personal services contract by the department acting pursuant to this code or any rules promulgated thereunder and the definition given a term by an institution of higher education, the meaning given the term by the department shall control.~~

(7) Notwithstanding any other provision of this section:

(a) ~~Nothing in this section shall be construed to apply to any contract to which the state is a party under medicare, the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., OR the "Colorado Indigent Care Program", part 1 of article 3 of title 25.5, C.R.S. or to any grant, award, or contract funded by any federal or private entity for any research or sponsored project activity of an institution of higher education or an affiliate of an institution of higher education that is funded from moneys that are restricted by the entity under the grant, award, or contract. For purposes of this article, "sponsored project" means an agreement between an institution of higher education and another party that provides restricted funding and requires oversight responsibilities for research and development or other specified programmatic activities that are sponsored by federal or private agencies and organizations.~~

SECTION 32. 24-105-102 (1) (a) (I) and (1) (b), Colorado Revised Statutes, are amended to read:

24-105-102. Performance evaluation reports - definitions.

(1) (a) As used in this section, unless the context otherwise requires:

(I) "Governmental body" shall have the same meaning as set forth in section 24-101-301 (10); except that, for purposes of this section, "governmental body" shall also include elected officials. ~~the governing board of each institution of higher education, and the Colorado commission on higher education.~~

(b) ~~Insofar as a conflict exists between the definition given a particular term affecting a personal services contract by the department acting pursuant to this code or any rules promulgated thereunder and the definition given a term by an institution of higher education, the meaning given the term by the department shall control.~~

SECTION 33. Repeal. 23-1-106 (8), Colorado Revised Statutes, is repealed as follows:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (8) ~~Any acquisition of real property by a state-supported institution of higher education that is conditional upon or requires expenditures of state-controlled funds or federal funds shall be subject to the approval of the commission, whether acquisition is by lease-purchase, purchase, gift, or otherwise.~~

SECTION 34. 23-1-106 (3), (5) (a), (6), (7) (a), (7) (c) (I), (9), (10), (10.5) (a), and (11) (a) (IV), Colorado Revised Statutes, are amended to read:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (3) The commission shall review and approve facility master plans for all state institutions of higher education on land owned or controlled by the state or an institution and capital construction program plans for projects other than those projects constructed pursuant to DESCRIBED IN subsection (9) or (10) of this section. Except for those projects constructed pursuant to DESCRIBED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

IN subsection (9) or (10) of this section, no capital construction shall commence except in accordance with an approved facility master plan and program plan.

(5) (a) The commission shall approve plans for any capital construction project at any institution, including a community college, regardless of the source of funds; except that the commission need not approve plans for any capital construction project at a local district college or area vocational school or for any capital construction OR ACQUISITION project described in subsection (9) or (10) of this section.

(6) (a) The commission shall request annually from each governing board of each state institution of higher education a five-year projection of capital development projects to be constructed but not including those projects ~~constructed pursuant to~~ DESCRIBED IN subsection (9) or (10) of this section. The projection shall include the estimated cost, the method of funding, a schedule for project completion, and the governing board-approved priority for each project. The commission shall determine whether a proposed project is consistent with the role and mission and master planning of the institution and conforms to standards recommended by the commission.

(b) The commission shall request annually from the governing board of each state institution of higher education a two-year projection of capital construction OR ACQUISITION projects to be ~~constructed~~ UNDERTAKEN pursuant to subsection (9) or (10) of this section and estimated to require total project expenditures exceeding two million dollars. The projection shall include the estimated cost, the method of funding, and a schedule for project completion for each project. An institution shall amend the projection prior to commencing a project that is not included in the institution's most recent projection.

(7) (a) The commission annually shall prepare a unified, five-year capital improvements report of projects to be constructed, but not including those projects constructed OR ACQUIRED pursuant to subsection (9) or (10) of this section, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, and the general assembly, consistent with the executive budget timetable, together with a recommended priority of funding of capital construction projects for the system of public higher education. The commission shall annually transmit the recommended priority of funding of capital construction projects to the capital development committee no later than November 1 of each year.

(c) (I) The commission annually shall prepare a unified, two-year capital improvements report for projects to be constructed OR ACQUIRED pursuant to subsection (9) or (10) of this section and estimated to require total project expenditures exceeding two million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, and the general assembly, consistent with the executive budget timetable.

(9) (a) Except as provided in paragraph (d) of this subsection (9), a capital construction OR ACQUISITION project initiated by the governing board of a state-supported institution of higher education that is contained in the most recent unified, two-year capital improvements project projection approved pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this section, as the projection may be amended from time to time, and that is to be ACQUIRED OR constructed AND operated and maintained solely from cash funds held by the institution shall not be subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee.

(b) Except as provided in paragraph (d) of this subsection (9), a capital construction project for an academic building initiated by the governing board of a state-supported institution of higher education that is contained in the most recent unified, two-year capital improvements project projection approved pursuant to subparagraph (II) of paragraph

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(c) of subsection (7) of this section, as the projection may be amended from time to time, and that is to be ACQUIRED OR constructed solely from cash funds held by the institution and operated and maintained from such funds or from state moneys appropriated for such purpose, or both, shall not be subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee. Any capital construction project subject to this paragraph (b) shall comply with the high performance standard certification program established pursuant to section 24-30-1305, C.R.S.

1
2
3
4
5
6
7
8
9
10
11

(c) Each governing board shall ensure, consistent with its responsibilities as set forth in section 5 (2) of article VIII of the state constitution, that a capital construction OR ACQUISITION project initiated pursuant to this subsection (9) shall be in accordance with its institution's mission, be of a size and scope to provide for the defined program needs, and be designed in accordance with all applicable building codes and accessibility standards.

12
13
14
15
16
17
18
19

(d) (I) The provisions of this subsection (9) shall not apply to a project that is to be ACQUIRED OR constructed in whole or in part using moneys subject to the higher education revenue bond intercept program established pursuant to section 23-5-139.

20
21
22
23
24

(II) Any plan for any such capital construction OR ACQUISITION project that is estimated to require total expenditures of two million dollars or less shall not be subject to review or approval by the commission.

25
26
27
28
29

(10) (a) (I) The commission shall review and approve any plan for a capital construction OR ACQUISITION project that is estimated to require total expenditures exceeding two million dollars and that is to be ACQUIRED OR constructed AND operated and maintained solely from cash funds held by the institution that, in whole or in part, are subject to the higher education revenue bond intercept program established pursuant to section 23-5-139.

30
31
32
33
34
35
36
37

(II) The commission shall review and approve any plan for a capital construction OR ACQUISITION project for an academic building that is estimated to require total expenditures exceeding two million dollars, that is to be ACQUIRED OR constructed solely from cash funds held by the institution that, in whole or in part, are subject to the higher education revenue bond intercept program established pursuant to section 23-5-139, and that is operated and maintained from such cash funds or from state moneys appropriated for such purpose, or both. Any capital construction OR ACQUISITION project subject to this subparagraph (II) shall comply with the high performance standard certification program established pursuant to section 24-30-1305, C.R.S.

38
39
40
41
42
43
44
45
46
47
48
49

(III) Any plan for any such capital construction OR ACQUISITION project that is estimated to require total expenditures of two million dollars or less shall not be subject to review or approval by the commission.

50
51
52
53
54

(b) Upon approval of a plan for a capital construction OR ACQUISITION project pursuant to paragraph (a) of this subsection (10), the commission shall submit the plan to the capital development committee. The capital development committee shall make a recommendation regarding the project to the joint budget committee. Following the receipt of the recommendation, the joint budget committee shall refer its recommendations regarding the project, with written comments, to the commission.

55
56
57
58
59
60
61
62
63

(10.5) (a) For any project commenced pursuant to subsection (9) or (10) of this section, if, after commencement of ACQUISITION OR construction, the governing board of the institution receives an additional gift, grant, or donation for the project, the governing board may amend the project without the approval of the commission, the office of state planning and budgeting, the capital development committee, or the joint

64
65
66
67
68
69

budget committee so long as the governing board notifies the commission, the office of state planning and budgeting, the capital development committee, and the joint budget committee in writing, explaining how the project has been amended and verifying the receipt of the additional gift, grant, or donation.

(11) (a) Each state institution of higher education shall submit to the commission on or before September 1 of each year a list and description of each project for which an expenditure was made during the immediately preceding fiscal year that:

(IV) Was amended or enhanced after commencement of ACQUISITION OR construction pursuant to subsection (10.5) of this section.

SECTION 35. 24-51-1101 (1.8) (e), Colorado Revised Statutes, as enacted by Senate Bill 10-001, is amended to read:

24-51-1101. Employment after service retirement.

(1.8) (e) (I) For purposes of this subsection (1.8), "state college or university" means any A postsecondary educational institution ~~including community and junior colleges,~~ established and existing pursuant to SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION and title 23, C.R.S., ~~as an agency of the state of Colorado and supported wholly or in part by tax revenues~~ AND, FOR A POSTSECONDARY EDUCATIONAL INSTITUTION WITH MORE THAN ONE PRINCIPAL CAMPUS AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), THE SYSTEM ADMINISTRATION OF THE POSTSECONDARY EDUCATIONAL INSTITUTION AND EACH PRINCIPAL CAMPUS OF THE POSTSECONDARY EDUCATIONAL INSTITUTION.

(II) AS USED IN THIS PARAGRAPH (e), "PRINCIPAL CAMPUS" MEANS:

(A) EACH CAMPUS OF THE UNIVERSITY OF COLORADO AS DESCRIBED IN SECTION 23-20-101, C.R.S.;

(B) EACH INSTITUTION OF THE COLORADO STATE UNIVERSITY SYSTEM ESTABLISHED IN SECTIONS 23-31-101 AND 23-31.5-101, C.R.S., BUT NOT INCLUDING THE ONLINE UNIVERSITY ESTABLISHED IN SECTION 23-30-124, C.R.S.; AND

(C) EACH COLLEGE INCLUDED IN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES AS LISTED IN SECTION 23-60-205, C.R.S.

SECTION 36. The introductory portion to 23-41-104.6 (3) and 23-41-104.6 (4), Colorado Revised Statutes, are amended to read:

23-41-104.6. Performance contract - authorization - operations. (3) Beginning July 1, 2001, FOR THE CONTRACT IN EFFECT THROUGH JUNE 30, 2011, AND BEGINNING JULY 1, 2010, FOR THE CONTRACT IN EFFECT THROUGH JUNE 30, 2021, the board of trustees of the Colorado school of mines shall negotiate a performance contract with the Colorado commission on higher education that shall specify the performance goals that the institution shall achieve during the period that it operates under the performance contract. Compliance with the goals specified in the performance contract shall be in lieu of compliance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, and the Colorado school of mines shall therefore be exempt from the requirements of said act while operating pursuant to the performance contract. The specified goals shall be measurable and specific to the Colorado school of mines' role and mission and shall include, at a minimum, the following issues:

(4) (a) The performance ~~contract~~ CONTRACTS negotiated pursuant to this section shall not take effect until approved by a joint resolution adopted by the general assembly. The grounds for rejection of the performance ~~contract~~ CONTRACTS shall include the effect of the provisions of the ~~contract~~ CONTRACTS on the funding for the Colorado school of mines and funding for the statewide system of higher education.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(b) As early as possible during the 2002 regular session AND AS EARLY AS POSSIBLE DURING THE 2011 REGULAR SESSION, the Colorado commission on higher education shall present the finalized performance contract FOR THE APPLICABLE CONTRACT PERIOD at a joint session of the education committees of the senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES, and the joint budget committee of the general assembly. The members of the education committees and the members of the joint budget committee shall review the financial effect of the provisions of the contract with regard to funding for the Colorado school of mines or funding for the statewide system of higher education and may recommend changes to the terms of the performance contract or renegotiation of the performance contract. If a majority of the members of the education committees and the members of the joint budget committee approve the terms of the performance contract, the chairmen of the education committees, in cooperation with the joint budget committee, shall sponsor a joint resolution to recognize and approve the performance contract. The performance contract shall be deemed approved upon final passage of said joint resolution.

(c) The school of mines shall operate pursuant to the performance contract THAT IS APPROVED BY JOINT RESOLUTION PASSED DURING THE 2002 REGULAR SESSION beginning on the date the performance contract is approved and continuing through June 30, 2011. THE SCHOOL OF MINES SHALL OPERATE PURSUANT TO THE PERFORMANCE CONTRACT THAT IS APPROVED BY JOINT RESOLUTION PASSED DURING THE 2011 REGULAR SESSION BEGINNING ON THE DATE THE PERFORMANCE CONTRACT IS APPROVED AND CONTINUING THROUGH JUNE 30, 2021.

SECTION 37. Article 41 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-41-104.7. Funding. (1) BEGINNING IN THE 2011-12 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO THE COLORADO SCHOOL OF MINES AN AMOUNT OF FUNDING IN LIEU OF ANY FUNDING THE INSTITUTION MAY HAVE OTHERWISE RECEIVED THROUGH FEE-FOR-SERVICE CONTRACTS NEGOTIATED BY THE INSTITUTION WITH THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-5-130. THE AMOUNT OF THE APPROPRIATION SHALL BE DETERMINED ANNUALLY THROUGH THE BUDGET PROCESS.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE COLORADO SCHOOL OF MINES SHALL USE A PORTION OF THE MONEYS APPROPRIATED PURSUANT TO THIS SECTION TO PROVIDE MERIT-BASED SCHOLARSHIPS, NEED-BASED FINANCIAL AID, AND GRADUATE FELLOWSHIPS TO ASSIST STUDENTS WITH IN-STATE CLASSIFICATION TO ATTEND THE INSTITUTION AND SHALL INCREASE SAID PORTION TO ENSURE THAT, NO LATER THAN THE 2015-16 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE MONEYS APPROPRIATED PURSUANT TO THIS SECTION ARE USED SOLELY FOR SAID PURPOSES.

(b) IN ANY FISCAL YEAR IN WHICH THE AVERAGE DISCOUNTED TUITION RATE FOR A STUDENT WITH IN-STATE CLASSIFICATION WHO IS ENROLLED AT THE COLORADO SCHOOL OF MINES IS GREATER THAN THIRTY PERCENT, THE INSTITUTION MAY USE ANY AMOUNT OF THE APPROPRIATION THAT IS NOT USED TO MAINTAIN THE AVERAGE DISCOUNTED TUITION RATE AT THIRTY PERCENT FOR OTHER OPERATIONAL PURPOSES. AS USED IN THIS PARAGRAPH (b), "AVERAGE DISCOUNTED TUITION RATE" MEANS THE TOTAL OF THE AMOUNT OF SCHOLARSHIPS, FINANCIAL AID, AND GRADUATE FELLOWSHIPS AWARDED TO STUDENTS ENROLLED IN THE INSTITUTION DIVIDED BY THE TOTAL TUITION REVENUE.

(3) IN ANY FISCAL YEAR IN WHICH THE COLORADO SCHOOL OF MINES RECEIVES AN APPROPRIATION PURSUANT TO THIS SECTION, THE INSTITUTION SHALL NOT BE ELIGIBLE TO RECEIVE FUNDING PURSUANT TO A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION 23-5-130.

SECTION 38. 23-41-102, Colorado Revised Statutes, is amended

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

BY THE ADDITION OF A NEW SUBSECTION to read:

23-41-102. Board of trustees - term. (3) IN APPOINTING PERSONS TO THE COLORADO SCHOOL OF MINES BOARD OF TRUSTEES ON OR AFTER JULY 1, 2010, THE GOVERNOR SHALL ENSURE THAT NO MORE THAN TWO OF THE MEMBERS SERVING ON THE BOARD OF TRUSTEES AT ANY ONE TIME RESIDE OUTSIDE THE STATE OF COLORADO. IN ADDITION, THE GOVERNOR SHALL BASE HIS OR HER APPOINTMENTS ON CONSIDERATIONS OF:

(a) AN APPOINTEE'S PROFESSIONAL BACKGROUND RELATED TO THE INDUSTRIES AND FIELDS FOR WHICH THE COLORADO SCHOOL OF MINES PREPARES STUDENTS FOR EMPLOYMENT AND IN WHICH THE FACULTY OF THE INSTITUTION CONDUCT RESEARCH;

(b) OTHER AREAS OF PROFESSIONAL EXPERTISE THAT AN APPOINTEE MAY BRING TO HIS OR HER SERVICE ON THE BOARD OF TRUSTEES; AND

(c) THE APPOINTEE'S COMMITMENT TO USING HIS OR HER PERSONAL TIME AND EFFORTS TO SERVE AND SUPPORT THE COLORADO SCHOOL OF MINES.

SECTION 39. 24-6-402 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-6-402. Meetings - open to public - definitions. (3) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OR (b) OF THIS SUBSECTION (3) TO THE CONTRARY, UPON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION WHO ARE AUTHORIZED TO VOTE, THE GOVERNING BOARD MAY HOLD AN EXECUTIVE COMMITTEE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (3).

SECTION 40. 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."

Page 1, line 101, "FLEXIBILITY." and substitute "FLEXIBILITY TO IMPROVE THE FINANCIAL POSITION OF STATE INSTITUTIONS OF HIGHER EDUCATION."

Education After consideration on the merits, the Committee recommends that **SCR10-002** be referred to the Committee on Finance with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1139** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB10-192** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 4 insert:

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capitol dome restoration fund created in section 12-47.1-1201 (5) (c) (III), Colorado Revised Statutes, not otherwise appropriated, to capital construction, department of personnel and administration, office of the state architect, for controlled maintenance expenses associated with the state capitol dome restoration project, for the fiscal year beginning July 1, 2010, the sum of four million dollars (\$4,000,000) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "FUND AND" and substitute "FUND,".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Page 1, line 107, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that HB10-1250 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture and Natural Resources Committee Report, dated April 15, 2010, page 1, line 16, after "CONSERVATION" insert "BOARD CONSTRUCTION FUND, FOR USE BY THE COLORADO WATER CONSERVATION".

Page 2 of the report, strike line 33 and substitute:

"2015.

SECTION 8. Purchase of Colorado's allotment of Animas-La Plata project water - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of twelve million dollars (\$12,000,000), or so much thereof as may be necessary, for the purchase of all or a portion of Colorado's allotment of Animas-La Plata project water pursuant to section 39-29-109 (2) (a) (VI) (B), Colorado Revised Statutes.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until they are fully expended, or until June 30, 2015, whichever occurs first."

Appropriations

After consideration on the merits, the Committee recommends that HB10-1329 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the reengrossed bill, page 3, line 16, before "DIRECT" insert "ANTICIPATED PAYMENTS TO THE DEPARTMENT OF LAW, PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1.7), FOR THE".

Page 4, line 1, strike "OF THOSE".

Page 4, strike line 2 and substitute "THE DEPARTMENT MAY EXPEND MONEYS FROM".

Page 4, line 3, strike "LAW".

Page 4, line 4, strike "(1.7)." and substitute "(1.7), TO COMPENSATE THE DEPARTMENT OF LAW FOR ALL OR A PORTION OF THE EXPENSES INCURRED FOR SERVICES RENDERED UNDER THE FEDERAL ACT, AS BILLED TO THE DEPARTMENT BY THE DEPARTMENT OF LAW."

Page 6, line 11, strike "MAKE THE" and substitute "MAKE A ONE-TIME TRANSFER".

Page 6, line 12, strike "FOLLOWING ONE-TIME TRANSFERS".

Page 6, strike lines 13 and 14 and substitute "RESPONSE FUND TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION".

Page 6, line 15, after "C.R.S.," insert "OF".

Page 6, strike lines 17 through 20 and substitute "MANAGEMENT ACTIVITIES."

Page 8, after line 3, insert:

"SECTION 6. Appropriation - adjustments in long bill.
(1) For the implementation of this act, appropriations made in the annual

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

general appropriation act, for the fiscal year beginning July 1, 2010, to the department of law, shall be adjusted as follows:

(a) Appropriations to the administration division are decreased by thirty-seven thousand six hundred ninety-one dollars (\$37,691) general fund and are increased by thirty-seven thousand six hundred ninety-one dollars (\$37,691) reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (3) of this section.

(b) The appropriation to the criminal justice and appellate division, appellate unit, is decreased by forty-one thousand three hundred eighty-four dollars (\$41,384) general fund and is increased by forty-one thousand three hundred eighty-four dollars (\$41,384) reappropriated funds from indirect cost recoveries.

(c) The appropriation to the water and natural resources division, comprehensive environmental response, compensation and liability act, is decreased by three hundred fifty-seven thousand eighty-four dollars (\$357,084) general fund and is increased by three hundred fifty-seven thousand eighty-four dollars (\$357,084) reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (3) of this section.

(d) The appropriation to the water and natural resources division, comprehensive environmental response, compensation and liability act contracts, is decreased by seventy-five thousand dollars (\$75,000) general fund and is increased by seventy-five thousand dollars (\$75,000) reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (3) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, water and natural resources division, for indirect cost assessment, for the fiscal year beginning July 1, 2010, the sum of forty-one thousand three hundred eighty-four dollars (\$41,384) reappropriated funds. Said sum shall be from reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (3) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, hazardous materials and waste management division, contaminated site cleanups, for payments to the department of law for CERCLA-related services pursuant to section 25-16-104.5 (1.7) (b) (II), Colorado Revised Statutes, from the hazardous substance response fund created in section 25-16-104.6 (1) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2010, the sum of five hundred eleven thousand one hundred fifty-nine dollars (\$511,159) cash funds, or so much as may be necessary for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike "FEES." and substitute "FEES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

MESSAGE FROM THE HOUSE

April 30, 2010

The House has voted not to concur in the Senate amendments to HB10-1125 and requests that a conference committee be appointed. The Speaker has appointed Representatives Hullinghorst, chairman, McFadyen, and Looper as House conferees on the First Conference Committee on HB10-1125. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB10-1330 and requests

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

that a conference committee be appointed. The Speaker has appointed Representatives Kefalas, chairman, Kagan, and Roberts as House conferees on the First Conference Committee on HB10-1330. The bill is transmitted herewith. The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1425.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1401, amended as printed in House Journal, April 29, page 1494. HB10-1408, amended as printed in House Journal, April 29, pages 1493-1494. HB10-1113, amended as printed in House Journal, April 29, page 1489-1493, and amended on Third Reading as printed in House Journal, April 30. The House has voted to concur in the Senate amendments to HB10-1133, 1060, 1221, 1342, and has repassed the bills as so amended.

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB10-185 by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

Laid over until Monday, May 3, retaining its place on the calendar.

SB10-191 by Senator(s) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel; also Representative(s) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers--Concerning ensuring quality instruction through educator effectiveness (EQUITEE).

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.098), by Senator Steadman.

Amend engrossed bill, page 26, line 8, strike "LICENSED PERSONNEL" and substitute "TEACHER OR PRINCIPAL".

Page 26, line 26, strike "AND THE".

Page 26, line 27, strike "LICENSED PERSONNEL. *PRINCIPAL".

Page 27, line 3, strike "EVALUATION.*" and substitute "EVALUATION.".

Page 30, line 18, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS".

Page 30, after line 26 insert:

"(e) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE PRINCIPAL'S SCHOOL SHALL PROVIDE INPUT AND RECOMMENDATIONS TO THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.".

Page 37, strike lines 6 through 9.

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Hudak was given permission to offer a third reading amendment.

Third Reading Amendment No. 2.(L.099), by Senator Hudak.

Amend engrossed bill, page 9, line 22, strike "HIS OR HER" and substitute "THEIR".

Page 9, line 24, strike "HIS OR".

Page 9, line 25, strike "HER" and substitute "THEIR".

Page 11, line 11, strike "EVERY" and substitute "ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY".

Page 11, line 16, strike "THE COUNCIL SHALL" and substitute "TO".

Page 12, line 3, strike "GOVERNOR,".

Page 12, line 4, strike "STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 12, line 12, strike "GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 12, line 19, strike "GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 13, line 16, strike "GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 13, line 21, strike "GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 13, line 27, strike "GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY" and substitute "STATE BOARD".

Page 14, line 14, strike "RECOMMENDATIONS," and substitute "RECOMMENDATIONS".

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	Mitchell	Y	Schwartz	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Brophy, Cadman, Harvey, Lundberg, Mitchell, Renfroe, Schultheis and White.

HB10-1351 by Representative(s) Ferrandino, Apuan, Curry, Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler, Vigil; also Senator(s) Romer, Carroll M., Foster, Keller, Morse--Concerning the maximum authorized interest rate for a payday loan.

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.027), by Senator Heath.

Amend revised bill, page 4, line 17, after "MAY" insert "ALSO" and strike "ANNUAL PERCENTAGE" and substitute "INTEREST".

Page 4, line 18, after "PERCENT" insert "PER ANNUM".

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 2(L.029), by Senator Heath.

Severed section #1 -- page 1, lines 1 thru 4

Amend revised bill, page 5, line 15, strike "(2), (3), and (5)," and substitute "(2) and (5),".

Page 5, strike lines 26 and 27.

Page 6, strike lines 1 through 8.

The amendment was passed on the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Severed section #2 -- page 1, lines 1 thru 15

Page 8, strike line 12 through 20 and substitute:

"SECTION 8. Act subject to petition - effective date - applicability. (1) 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor."

The amendment was **passed** on the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	N
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

IMMEDIATE RECONSIDERATION OF HB10-1351 SEVERED SECTION 2

Senator Brophy moved for immediate reconsideration of the last Senate action, adoption of severed section #2, on **HB10-1351**. A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

HB10-1351 - SEVERED SECTION 2

Severed section #2 -- page 1, lines 1 thru 15

Page 8, strike line 12 through 20 and substitute:

"SECTION 8. Act subject to petition - effective date - applicability. (1) 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor."

The amendment was **passed** on the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	N	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

On a substitute motion, Senator Penry moved that the Senate adjourn *sine die*. The motion was **lost** by the following roll call vote:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	N	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	N	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath

IMMEDIATE RECONSIDERATION OF HB10-1351

HB10-1351 by Representative(s) Ferrandino, Apuan, Curry, Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler, Vigil; also Senator(s) Romer, Carroll M., Foster, Keller, Morse--Concerning the maximum authorized interest rate for a payday loan.

Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB10-1351**. A majority of all members elected to the Senate having voted in the affirmative, immediate reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1351 by Representative(s) Ferrandino, Apuan, Curry, Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler, Vigil; also Senator(s) Romer, Carroll M., Foster, Keller, Morse--Concerning the maximum authorized interest rate for a payday loan.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the

following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	N	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

MESSAGE FROM THE HOUSE

April 30, 2010

The House has adopted and returns herewith SJR10-048.

MESSAGE FROM THE REVISOR OF STATUTES

April 30, 2010

We herewith transmit:

Without comment, HB10-1425.

Without comment, as amended, HB10-1113, 1401, and 1408.

CONSIDERATION OF RESOLUTIONS

HJR10-1021 by Representative(s) Nikkel and McCann; also Senator(s) Newell and Kopp--Concerning recognition of the month of April as Child Abuse Prevention Month.

On motion of Senator Newell, the resolution was read at length and **adopted** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	E	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, Lundberg, Mitchell, Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

Committee of the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB10-1009 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Hodge, Carroll M., Tochtrop-- Concerning the board of directors of Pinnacol Assurance.

Laid over until Friday, May 7, retaining its place on the calendar.

HB10-1271 by Representative(s) Curry; also Senator(s) Morse--Concerning the registration date for eligibility of a person seeking to be placed in nomination as a candidate for a partisan office.

Laid over until Monday, May 3, retaining its place on the calendar.

HB10-1141 by Representative(s) Carroll T.; also Senator(s) Tochtrop--Concerning a requirement for mortgage companies to be registered by the division of real estate.

Amendment No. 1, General Orders Committee Amendment.
(Printed in Senate Journal, March 12, pages 516-518 and placed in members' bill files.)

Amendment No. 2, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 1, pages 751-762 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, April 23, page 991 and placed in members' bill files.)

Amendment No. 4(L.015), by Senator Tochtrop.

Amend the Appropriations Committee Report, dated April 23, 2010, page 1, line 4, after "mortgage" insert "company and".

As amended, ordered revised and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-167 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning increased efficiency in the administration of the "Colorado Medical Assistance Act", and, in connection therewith, creating the "Colorado Medicaid False Claims Act".

Laid over until Monday, May 3, retaining its place on the calendar.

HB10-1336 by Representative(s) Schafer S.; also Senator(s) Newell--Concerning expenditures to be made by the department of public safety, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1354 by Representative(s) Benefield and Looper, Weissmann, Acree, Apuan, Balmer, Casso, Curry, DelGrosso, Ferrandino, Frangas, Gagliardi, Gardner C., Gerou, Hullinghorst, Labuda, McFadyen, Merrifield, Middleton, Miklosi, Murray, Rice, Roberts, Scanlan, Schafer S., Solano, Summers, Swalm, Tipton, Todd, Vaad, Vigil; also Senator(s) Morse, Hodge, Newell, Penry, Spence, Steadman--Concerning policy studies conducted by the general assembly during the legislative interim.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 27, pages 1045-1047 and placed in members' bill files.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Amendment No. 2(L.015), by Senator Whitehead.

Amend reengrossed bill, page 8, after line 1, insert:

"(c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE LEGISLATIVE COUNCIL MAY ALLOCATE ONE OR MORE INTERIM COMMITTEE DAYS TO THE WATER RESOURCES REVIEW COMMITTEE CREATED IN SECTION 37-98-102, C.R.S., TO CONSIDER MATTERS RELATED TO WATER RESOURCES; EXCEPT THAT THE NUMBER OF INTERIM COMMITTEE DAYS ALLOCATED TO THE WATER RESOURCES REVIEW COMMITTEE PLUS THE NUMBER OF INTERIM COMMITTEE DAYS ALLOCATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8) IN ANY SINGLE LEGISLATIVE INTERIM SHALL NOT EXCEED TWENTY-FIVE OR SUCH OTHER NUMBER AS MAY BE BUDGETED FOR IN THE LEGISLATIVE DEPARTMENT BUDGET FOR THE APPLICABLE LEGISLATIVE INTERIM. A LEGISLATOR NEED NOT INTRODUCE A JOINT RESOLUTION TO REQUEST INTERIM COMMITTEE DAYS FOR THE WATER RESOURCES REVIEW COMMITTEE."

Page 8, line 2, strike "(9) A" and substitute "(9) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (9), A".

Page 8, strike line 5 and substitute "THE HOUSE OF REPRESENTATIVES, ONLY IF:

(I) THE INTERIM STUDY THAT".

Page 8, strike line 9 and substitute "OF THIS SECTION; OR

(II) THE BILL WAS APPROVED BY THE WATER RESOURCES REVIEW COMMITTEE PURSUANT TO SECTION 37-98-103, C.R.S., MEETING ON AN INTERIM COMMITTEE DAY APPROVED BY THE LEGISLATIVE COUNCIL PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION.

(b) THE RESTRICTIONS OF PARAGRAPH (a) OF THIS SUBSECTION (9)".

Page 9, line 17, strike "article 98 of title 37,".

Page 17, strike lines 3 through 20 and substitute:

"SECTION 16. 37-98-102 (1) (a), Colorado Revised Statutes, is amended to read:

37-98-102. Water resources review committee - creation.

(1) (a) For the purposes of contributing to and monitoring the conservation, use, development, and financing of the water resources of Colorado for the general welfare of its inhabitants and to review and propose water resources legislation, there is hereby created the water resources review committee, referred to in this article as the committee. The committee shall meet at the call of the chair ~~as often as six times during even-numbered years and eight times during odd-numbered years~~ DURING A LEGISLATIVE INTERIM FOR NO MORE THAN THE NUMBER OF INTERIM COMMITTEE DAYS ALLOCATED TO THE COMMITTEE PURSUANT TO SECTION 2-3-303.3, C.R.S., to review and to propose water resources legislation and matters relating thereto. ~~No more than two of such meetings may occur during periods other than the interim period.~~ In connection with such review, the committee may take up to two field trips per year, SUBJECT TO THE NUMBER OF ALLOCATED INTERIM COMMITTEE DAYS AND SUBJECT TO AVAILABLE APPROPRIATIONS, in connection with its mandate and shall consult with experts in the field of water conservation, quality, use, finance, and development. The department of natural resources, the state engineer, and the attorney general, together with the members and staff of the Colorado water conservation board, the Colorado water resources and power development authority, the Colorado water quality control commission, the department of public health and environment, the department of agriculture, and the great outdoors Colorado program, shall cooperate with the committee and with any persons assisting the committee in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

pursuing its responsibilities pursuant to this section. Further, the committee may utilize the legislative council staff to assist its members in researching any matters."

Amendment No. 3(L.016), by Senator Morse.

Amend reengrossed bill, page 25, after line 21 insert:

"SECTION 30. 2-2-307 (3) (a) (I), (3) (a) (I.5), and (4) (b), Colorado Revised Statutes, are amended to read:

2-2-307. Compensation of members - reimbursement of expenses. (3) (a) When the general assembly is in recess for more than three days or is not in session, in addition to the base compensation specified in subsection (1) of this section, the following members of the general assembly shall be entitled to the further sum of ninety-nine dollars per day for necessary attendance at meetings or functions or to legislative matters as follows:

(I) Any member who attends a meeting of the legislative council, committees established by the legislative council, A JOINT COMMITTEE OF REFERENCE CONDUCTING AN interim ~~committees~~ STUDY authorized by law or by joint resolution of the two houses PURSUANT TO SECTION 2-3-303.3, or the committee on legal services;

(I.5) The chair of A JOINT COMMITTEE OF REFERENCE CONDUCTING an interim ~~committee~~ STUDY authorized by law or by joint resolution PURSUANT TO SECTION 2-3-303.3, or the chair's designee, who attends a meeting of the legislative council, or the executive committee of the legislative council, at the request of the legislative council or the executive committee;

(4) (b) The director of research of the legislative council shall approve payroll vouchers and vouchers for per diem payments incurred in connection with attendance by members of both houses at meetings of the statutory committees listed under article 3 of this title, a committee of any such agency, any A JOINT COMMITTEE OF REFERENCE CONDUCTING AN interim ~~committee~~ STUDY authorized by law, by joint resolution, or by resolution of either house PURSUANT TO SECTION 2-3-303.3, or any committee of reference described in subparagraph (V) of paragraph (a) of subsection (3) of this section.

SECTION 31. 2-3-101 (4), Colorado Revised Statutes, is amended to read:

2-3-101. Legislative audit committee - membership - meetings - powers and duties. (4) Members of the committee shall be reimbursed for necessary expenses in connection with the performance of their duties and shall be paid the same per diem as other members of ~~interim committees~~ in attendance at meetings TO CONDUCT AUTHORIZED INTERIM STUDIES.

SECTION 32. 2-3-502 (6), Colorado Revised Statutes, is amended to read:

2-3-502. Committee on legal services - membership - duties. (6) Members of the committee shall be reimbursed for necessary expenses incurred in the performance of their duties and shall be paid the same per diem compensation as provided by law for members of ~~interim legislative committees for each day of attendance~~ IN ATTENDANCE AT MEETINGS TO CONDUCT AUTHORIZED INTERIM STUDIES.

SECTION 33. 2-3-504 (1) (c), Colorado Revised Statutes, is amended to read:

2-3-504. Duties of office. (1) The office shall:

(c) In the interim between sessions of the general assembly, prepare drafts of proposed legislation for ~~legislative interim committees~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

~~appointed by the legislative council or otherwise~~ JOINT COMMITTEES OF REFERENCE CONDUCTING INTERIM STUDIES AUTHORIZED PURSUANT TO SECTION 2-3-303.3;

SECTION 34. 10-16-103.3 (5) (h), Colorado Revised Statutes, is amended to read:

10-16-103.3. Commission on mandated health insurance benefits - cash fund - purpose - creation - duties - repeal. (5) In carrying out its duties and functions under this section, the commission shall:

(h) Make recommendations to the applicable standing committee, task force, or ~~interim~~ JOINT committee OF REFERENCE of the general assembly based on the findings of the commission to enable the formulation of legislation to implement such findings. Whenever applicable, such recommendations shall consider the report submitted by the entity that seeks legislative action mandating a health coverage or offering a health coverage pursuant to section 10-16-103.

SECTION 35. 24-34-901 (1) (b), Colorado Revised Statutes, is amended to read:

24-34-901. Proposed continuing education requirements for regulated occupations and professions - review by office of executive director. (1) Before any bill is introduced in the general assembly that contains, or any bill is amended to contain, a mandatory continuing education requirement for any occupation or profession, the practice of which requires a state of Colorado license, certificate, or registration, the group or association proposing such mandatory continuing education requirement shall first submit information concerning the need for such a requirement to the office of the executive director of the department of regulatory agencies. The executive director shall impartially review such evidence, analyze and evaluate the proposal, and report in writing to the general assembly whether mandatory continuing education would likely protect the public served by the practitioners. Proposals may include, but need not be limited to: Information that shows that the knowledge base for the profession or occupation is changing; that mandatory continuing education of this profession or occupation is required in other states; if applicable, that any independent studies have shown that mandatory continuing education is effective in assuring the competency of practitioners. The proposal may also include any assessment tool that shows the effectiveness of mandatory continuing education and recommendations about sanctions that should be included for noncompliance with the requirement of mandatory continuing education. The provisions of this section shall not be applicable to:

(b) Any bill that is introduced as a result of a legislative interim ~~committee~~ STUDY AUTHORIZED PURSUANT TO SECTION 2-3-303.3 and that, as introduced in the general assembly, includes a mandatory continuing education requirement.

SECTION 36. 25-8-201 (3), Colorado Revised Statutes, is amended to read:

25-8-201. Water quality control commission created. (3) Each member of the commission not otherwise in full-time employment of the state shall receive a per diem which shall be the same amount paid to the general assembly for attendance at interim ~~committees~~ STUDY MEETINGS for each day actually and necessarily spent in the discharge of official duties, not to exceed twelve hundred dollars in any one year; and each member shall receive traveling and other necessary expenses actually incurred in the performance of his OR HER official duties as a member of the commission.

SECTION 37. 32-12-109 (5), Colorado Revised Statutes, is amended to read:

32-12-109. Board of directors. (5) The board may provide by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

resolution for the compensation of its members which shall be the same per diem compensation as provided in section 2-2-307, C.R.S., for members of JOINT COMMITTEES OF REFERENCE CONDUCTING interim legislative committees STUDIES for each day a member is necessarily engaged in the business of the district, in addition to the reasonable and necessary expenses incurred by each member while so engaged. Except for the initial board, the compensation of a member shall not be increased nor diminished during his OR HER term of office.

SECTION 38. 39-29-116 (4) (c), Colorado Revised Statutes, is amended to read:

39-29-116. Uranium mill tailings remedial action program fund - creation - oversight committee - repeal. (4) (c) The legislative members of the oversight committee shall be reimbursed for necessary expenses in connection with the performance of their duties, including attendance at a meeting of the joint budget committee to present the oversight committee's recommendations, and shall be paid the same per diem as other members of interim committees in attendance at meetings TO CONDUCT AUTHORIZED INTERIM STUDIES."

Renumber succeeding section accordingly.

Amendment No. 4(L.018), by Senators Hudak and Williams.

Amend reengrossed bill, page 9, line 16, strike "part 2 of article 6.5 of title 26,".

As amended, **lost** on second reading.

HB10-1334 by Representative(s) King S.; also Senator(s) Steadman--Concerning changes to indecency crimes.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 20, page 940 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Steadman.

Amend reengrossed bill, page 2, line 10, after "of" insert "AN INTIMATE PART AS DEFINED BY SECTION 18-3-401 (2) OF".

Amendment No. 3(L.008), by Senator Steadman.

Amend the Judiciary Committee Report, dated April 19, 2010, page 1, strike lines 3 and 4 and substitute:

"Page 4, line 14, strike "C.R.S." and substitute "C.R.S., IF A SECOND OFFENSE IS COMMITTED WITHIN FIVE YEARS OF THE PREVIOUS OFFENSE OR A THIRD OR SUBSEQUENT OFFENSE IS COMMITTED.".

Page 4, line 27, strike "C.R.S." and substitute "C.R.S., IF A SECOND OFFENSE IS COMMITTED WITHIN FIVE YEARS OF THE PREVIOUS OFFENSE OR A THIRD OR SUBSEQUENT OFFENSE IS COMMITTED."."

As amended, ordered revised and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1141 by Representative(s) Carroll T.; also Senator(s) Tochtrop--Concerning a requirement for mortgage companies to be registered by the division of real estate.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1141 did pass.

Amend the Business, Labor, and Technology Committee Report, dated March 31, 2010, page 7, strike line 2 and substitute:

"Page 7 of the revised bill, strike line 27.

Page 8 of the bill, strike lines 1 and 2 and substitute:

"MATTER TO THE ATTORNEY'S REPRESENTATION OF THE CLIENT."."

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

YES	29	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	E	Williams	Y
Harvey	*	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

* Abstaining from voting under Senate Rule 17(c) -- Senator Harvey

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	E	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

The Committee of the Whole took the following action:

- Passed on second reading: HB10-1141 as amended, HB10-1336, HB10-1334 as amended
- Lost on second reading: HB10-1354 as amended.
- Laid over until Monday, May 3: HB10-1271, SB10-167.
- Laid over until Friday, May 7: HB10-1009.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-199, SB10-201, SB10-029, SB10-195, SB10-206, HB10-1119, HB10-1033 were made Special Orders at 3:42 p.m.

Committee of the Whole

The hour of 3:42 p.m. having arrived, Senator Hodge moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-199 by Senator(s) Carroll M.; also Representative(s) Court--Concerning clarifying revisions to certain provisions of the Colorado probate code.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 29 , page 1073 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB10-201 by Senator(s) Mitchell and Romer, Foster, Hodge, Kester, Kopp, Morse, Newell, Penry, Scheffel, Shaffer B., Tapia; also Representative(s) Soper and Balmer, Baumgardner, Bradford, Casso, DelGrosso, Hullinghorst, Kagan, Liston, Looper, McNulty, Merrifield, Priola, Rice, Scanlan, Sonnenberg, Stephens--Concerning enforcement of the motor vehicle franchise laws against certain types of licensees.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB10-029 by Senator(s) Penry; also Representative(s) Curry--Concerning the creation of efficiencies in governmental entities that provide services to the people of the state.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 20, pages 940-941 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, and placed in members' bill files.)

Amendment No. 3(L.012), by Senator Penry.

Amend the Appropriations Committee Report, dated April 30, 2010, page 1, line 3, strike "JUNE 30, 2010, AND EACH JUNE" and substitute "SEPTEMBER 1, 2010, AND EACH SEPTEMBER 1".

Page 1, line 4, strike "30".

Page 1, line 5, strike ""(II)"." and substitute ""(II)" and after "SECTION," insert "AT THE GOVERNOR'S DISCRETION,".

Page 1, strike line 6 and substitute "Page 2, line 3, strike "THE AMOUNTS" and substitute "AN AMOUNT UP TO THE AMOUNT".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-195 by Senator(s) Newell; also Representative(s) Solano--Concerning creation of the early childhood leadership commission.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Newell.

Amend printed bill, page 6, line 2, strike "THIRTY-ONE" and substitute "THIRTY-FIVE".

Page 6, line 17, strike "AND".

Page 7, line 4, strike "COMMUNITY." and substitute "COMMUNITY; AND".

Page 7, after line 4, insert:

"(g) FOUR LEGISLATIVE MEMBERS APPOINTED AS FOLLOWS:

(I) TWO REPRESENTATIVES, ONE EACH APPOINTED BY THE SPEAKER AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(II) TWO SENATORS, ONE EACH APPOINTED BY THE PRESIDENT AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES."

Page 8, after line 3, insert:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

"(4) (a) THE APPOINTING AUTHORITIES SPECIFIED IN PARAGRAPH (g) OF SUBSECTION (2) OF THIS SECTION SHALL APPOINT THE LEGISLATIVE MEMBERS IN JANUARY OF EACH ODD-NUMBERED YEAR, BEGINNING IN JANUARY 2011. THE LEGISLATIVE MEMBERS SHALL SERVE TWO-YEAR TERMS. THE APPOINTING AUTHORITIES MAY APPOINT PERSONS TO SERVE CONSECUTIVE TERMS. IF A VACANCY ARISES IN A LEGISLATIVE POSITION, THE APPROPRIATE APPOINTING AUTHORITY SHALL FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM ON THE COMMISSION.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE CONTRARY, THE APPOINTING AUTHORITIES SPECIFIED IN PARAGRAPH (g) OF SUBSECTION (2) OF THIS SECTION SHALL EACH APPOINT A LEGISLATIVE MEMBER WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION WHO SHALL SERVE AS MEMBERS OF THE COMMISSION THROUGH DECEMBER 2010.

(c) THE LEGISLATIVE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (2) OF THIS SECTION SHALL SERVE WITHOUT COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN FULFILLING THEIR DUTIES ON THE COMMISSION, SUBJECT TO THE AVAILABILITY OF MONEYS PURSUANT TO SECTION 24-44.7-104."

Renumber succeeding subsections accordingly.

Page 8, line 21, strike "(5)" and substitute "(6)".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB10-206 by Senator(s) White; also Representative(s) Scanlan--Concerning the distribution of fifty percent of the limited gaming fund allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution.

Ordered engrossed and placed on the calendar for third reading and final passage.

HB10-1119 by Representative(s) Ferrandino, Carroll T., Court, Fischer, Gagliardi, Hullinghorst, Kerr A., Labuda, Levy, Merrifield, Middleton, Pace, Pommer, Primavera, Rice, Scanlan, Schafer S., Solano, Todd, Weissmann; also Senator(s) Shaffer B., Boyd, Steadman--Concerning the process by which the state annually allocates moneys for its budget and, in connection therewith, anticipating the receipt of federal funds to be used therefor.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 14, pages 880-881 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1033 by Representative(s) Massey, Frangas, Kerr J., McCann; also Senator(s) Boyd and Schwartz, Foster--Concerning the provision of services through the medicaid program that are related to substance abuse, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB10-029 by Senator(s) Penry; also Representative(s) Curry--Concerning the creation of efficiencies in governmental entities that provide services to the people of the state.

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 10-029 did pass.

Amend the Appropriations Committee Report, dated April 30, 2010, page 1, after line 8, insert:

"Page 2, strike lines 6 through 9 and substitute "PARAGRAPH (f) SHALL BE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

TRANSFERRED TO THE GENERAL FUND OVERFLOW RESERVE FUND CREATED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (f).

(III) THE GENERAL FUND OVERFLOW RESERVE FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO AND REMAIN IN THE FUND. IF FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2012, THE AMOUNT OF STATE REVENUES EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION AND VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS REVENUES FOR THAT FISCAL YEAR OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS REVENUES FOR THAT FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE ALL MONEYS IN THE GENERAL FUND OVERFLOW RESERVE FUND TO THE DEPARTMENT OF REVENUE, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL THEN EQUALLY DIVIDE THE APPROPRIATED MONEYS AMONG ALL QUALIFIED INDIVIDUALS RECEIVING A STATE SALES TAX REFUND PURSUANT TO PART 20 OF ARTICLE 22 OF TITLE 39, C.R.S., AND SHALL DISTRIBUTE SUCH AMOUNTS TO THE QUALIFIED INDIVIDUALS."."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	10	NO	20	EXCUSED	5	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	N	Johnston	Y	Penry	N	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	E	Romer	Y	White	N
Foster	N	King K.	E	Sandoval	N	Whitehead	N
Gibbs	E	Kopp	Y	Scheffel	E	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	E		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	E	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: SB10-199 as amended, SB10-201, SB10-029 as amended, SB10-195 as amended, SB10-206, HB10-1119 as amended, HB10-1033.

RECALL OF HB10-1106

Senator Morse moved for recall of **HB10-1106** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB10-1329, HB10-1241, HB10-1005, HB10-1073,

HB10-1139, HB10-1358 were made Special Orders at 4:22 p.m.

Committee of the Whole The hour of 4:22 p.m. having arrived, Senator Hodge moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB10-1329 by Representative(s) Peniston, Casso, Court, Fischer, Frangas, Hullinghorst, Labuda, Levy, McCann, Miklosi, Pommer, Riesberg, Solano, Tyler, Vigil; also Senator(s) Boyd, Bacon, Hodge, Hudak, Keller, Romer, Steadman, Tochtrop, Williams--Concerning solid waste user fees.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1241 by Representative(s) Casso; also Senator(s) Tochtrop--Concerning required registration for persons who work on fire suppression systems, and making an appropriation therefor.

Amendment No. 1(L.007), by Senator Tochtrop.

Amend reengrossed bill, page 2, line 18, strike "OR" and substitute "OF".

Amendment No. 2(L.010), by Senator Lundberg.

Amend reengrossed bill, page 4, line 3, after the period add ""SPRINKLER FITTER" DOES NOT INCLUDE A PERSON PERFORMING WORK ON HIS OR HER OWN HOME.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1005 by Representative(s) Massey, Frangas, Kerr J., McCann; also Senator(s) Foster, Boyd, Lundberg, Schwartz--Concerning home health care through telemedicine pursuant to the "Colorado Medical Assistance Act", and making an appropriation therefor.

Amendment No. 1(L.007), by Senator Foster.

Amend reengrossed bill, page 4, line 2, after the period add "AFTER TWO YEARS OR IF THE MONEYS IN THE CASH FUND ARE DEPLETED, THE DEPARTMENT IS AUTHORIZED TO GO THROUGH THE NORMAL BUDGET PROCESS TO CONTINUE IMPLEMENTATION OF THIS SECTION.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1073 by Representative(s) Roberts; also Senator(s) Sandoval--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution benefitting the Colorado 2-1-1 first call for help fund, and making an appropriation therefor.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 21, page 959 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

HB10-1139 by Representative(s) Apuan; also Senator(s) Heath--Concerning the creation of special license plates for military veterans of the conflicts occurring after September 11, 2001, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1358 by Representative(s) Fischer, Apuan, Court, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, Merrifield, Middleton, Pace, Peniston, Primavera, Ryden, Solano, Todd, Tyler, Vigil, Weissmann; also Senator(s) Johnston, Bacon, Hodge, Steadman, Tapia, Williams--Concerning a requirement for new home builders to offer home buyers water efficiency options.

Laid over until Monday, May 3, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	30	NO	1	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: HB10-1329 as amended, HB10-1241 as amended, HB10-1005 as amended, HB10-1073 as amended, HB10-1139.
Laid over until Monday, May 3: HB10-1358

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, April 30 was laid over until Monday, May 3, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1395, HB10-1399.
- Consideration of Resolutions: SJR10-033, SJR10-039, SJR10-042, SJR10-043, SR10-009, SJR10-047, HJR10-1021.
- Consideration of House Amendments to Senate Bills: SB10-071, SB10-153, SB10-159, SB10-162.
- Consideration of House Amendments to Senate Resolutions: SJR10-040.
- Consideration of Governor's Appointments:
 - Board of Directors of Denver Metropolitan Major League Stadium District
 - Members of the Colorado Channel Authority Board of Directors
 - Members of the Charter School Institute Board
 - Members of the Board of Assessment Appeals
 - Members of the Colorado Lottery Commission
- Consideration of Conference Committee Reports: SB10-109.
- Conference Committees to Report: HB10-1273, HB10-1252, HJR10-1015.
- Request for Conference Committee: HB10-1188.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **SCR10-003** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB10-210** by Senator(s) Romer and Penry, Spence, Heath, Gibbs, Steadman, Tapia; also Representative(s) Ferrandino and Massey--Concerning authorization of funding for educational programs that provide incentives for students to read.
Education
- HB10-1113** by Representative(s) McFadyen, Sonnenberg, Vaad; also Senator(s) Hodge, Kester-- Concerning the modification of agencies that perform oversight of the commercial vehicle industry through a transfer of the ports of entry section in the department of revenue to the Colorado state patrol in the department of public safety by a type 2 transfer.
Transportation
- HB10-1401** by Representative(s) Ferrandino; also Senator(s) Carroll M.--Concerning the management of information technology in state agencies.
State, Veterans & Military Affairs
- HB10-1408** by Representative(s) Weissmann; also Senator(s) Morse--Concerning statutory directions concerning congressional districts.
State, Veterans & Military Affairs
- HB10-1425** by Representative(s) Miklosi; also Senator(s) Foster--Concerning the exemption from the postretirement employment limit for certain employees of the Denver public school district who are retirees of the public employees' retirement association.
Finance
- SB10-211** by Senator(s) Morse and Gibbs, Bacon, Boyd, Brophy, Foster, Harvey, Heath, Hodge, Johnston, Kester, King K., Kopp, Lundberg, Mitchell, Penry, Renfro, Romer, Scheffel, Schultheis, Shaffer B., Tapia, Tochtrop, White, Whitehead, Williams; also Representative(s) Looper and Scanlan, Apuan, Balmer, DelGrosso, Kerr J., Nikkel, Priola, Swalm-- Concerning big game hunting licenses for members of the United States armed services wounded warrior programs who have sustained severe combat-related injuries while serving in post-September 11, 2001, overseas contingency operations.
Agriculture and Natural Resources
- SB10-212** by Senator(s) Cadman, Shaffer B., Penry, Tapia, Romer, Boyd; --Concerning the repeal of mechanisms to refund excess state revenues.
Finance

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, May 3, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61