

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

66th Legislative Day

Friday, March 18, 2011

Prayer	By the chaplain, Rabbi Steven Foster, Congregation Temple Emanuel, Denver.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator Lambert.	12
Roll Call	Present--32. Absent--1, Aguilar. Excused--2, Mitchell, Newell. Present later--2, Aguilar, Newell.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Giron, reading of the Journal of Thursday, March 17, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	15

MESSAGE FROM THE HOUSE

March 17, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1200.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1160, amended as printed in House Journal, March 15, pages 643-644.
HB11-1076, amended as printed in House Journal, March 15, page 645.
HB11-1163, amended as printed in House Journal, March 15, page 645.
HB11-1080, amended as printed in House Journal, March 15, page 645.
HB11-1198, amended as printed in House Journal, March 15, pages 646-647.
HB11-1230, amended as printed in House Journal, March 15, page 647.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-034, amended as printed in House Journal, March 15, page 644.

MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

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Without comment, HB11-1200.
 Without comment, as amended, HB11-1076, 1080, 1160, 1163, and 1230.
 Without comment, as amended, SB11-034.
 With comment, as amended, HB11-1198.

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

SJR11-027 by Senator(s) Shaffer B. and Kopp; also Representative(s) McNulty and Pace--Concerning continued support by the Colorado General Assembly for a strong relationship between the United States and Israel.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

SJR11-025 by Senator(s) Spence; also Representative(s) Williams A.--Concerning the need to support women small business owners, and, in connection therewith, promoting economic development in Colorado.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-010 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

Senator Tochtrop moved that the Senate concur in House amendments to **SB11-010**, as printed in House journal, March 11, page 614. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	22	NO	10	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsor added: Boyd

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Senator Grantham moved that the Senate not concur in House amendments to **SB11-007**, as printed in House journal, March 11, page 615, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President Pro Tem appointed Senators Grantham, Chair, Morse, and Carroll as Senate conferees on the first conference committee on **SB11-007**.

Senator Grantham moved that the Senate conferees on the first conference committee on **SB11-007** be granted permission to go beyond the scope of the differences between the two houses.

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

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

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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:

HB11-1226 by Representative(s) Conti, Acree, Brown, Kerr J., Scott, Summers; also Senator(s) Spence--Concerning the information provided on a disabled veteran's property tax exemption application form.

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

HB11-1153 by Representative(s) Hullinghorst; also Senator(s) Newell--Concerning juror service.

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

HB11-1239 by Representative(s) Nikkel, Waller; also Senator(s) Roberts--Concerning a requirement to include additional information in fiscal notes for certain bills related to criminal offenses.

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

HB11-1178 by Representative(s) Looper; also Senator(s) Williams S.--Concerning the regulation of persons who dispose of human remains in the ordinary course of lawful business.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 16, page 468 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

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

YES	33	NO	0	EXCUSED	2	ABSENT	0	
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y	1
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y	2
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y	3
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y	4
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y	5
Carroll	Y	Jahn	Y	Newell	E	White	Y	6
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	7
Giron	Y	King K.	Y	Renfroe	Y	President	Y	8
Grantham	Y	King S.	Y	Roberts	Y			9

The Committee of the Whole took the following action:

Passed on second reading: HB11-1226, HB11-1153, HB11-1239, HB11-1178 as amended.

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon 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:

- SB11-107** by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.
Laid over until Monday, March 21, retaining its place on the calendar.
- HB11-1181** by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.
Laid over until Monday, March 21, retaining its place on the calendar.
- HB11-1109** by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.
Laid over until Friday, April 1, retaining its place on the calendar.
- SB11-126** by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.
Laid over until Friday, March 25, retaining its place on the calendar.
- SB11-168** by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.
Laid over until Friday, March 25, retaining its place on the calendar.
- SB11-072** by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, pages 196-198 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, page 382 and placed in members' bill files.)

Amendment No. 3(L.009), by Senator Carroll.

Amend the Judiciary Committee Report, dated February 14, 2011, page 3, line 11, strike "(a)".

Page 3, line 13, strike "PARTY." and substitute "PLAINTIFF. IF THE COURT FINDS THAT AN ACTION BROUGHT PURSUANT TO".

Page 3, strike lines 14 through 21.

Page 3, after line 24 insert:

"(6) THIS SECTION SHALL BE CONSTRUED, INTERPRETED, AND APPLIED IN A MANNER THAT IS CONSISTENT WITH STANDARDS ESTABLISHED THROUGH JUDICIAL INTERPRETATION OF 42 U.S.C. SEC. 1981a AND 42 U.S.C. SEC. 2000e-5 (k)."

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

HB11-1167 by Representative(s) Ferrandino, Lee, Levy; also Senator(s) Nicholson, Steadman-- Concerning the petition process for the sealing of certain drug offense records.

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

HB11-1210 by Representative(s) Hamner, Levy, McCann, Tyler; also Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 16, pages 467-468 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Nicholson.

Amend the Transportation Committee Report, dated March 15, 2011, page 1, strike line 5 and substitute "TRANSIT OPTIONS,".

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

SB11-178 by Senator(s) Newell; --Concerning the manner in which a statutory local government may adopt a sales tax exemption.

Laid over until Monday, March 21, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-072 as amended, HB11-1167, HB11-1210 as amended.

Laid over until March 21: SB11-107, HB11-1181, SB11-178.

Laid over until March 25: SB11-126, SB11-168.

Laid over until April 1: HB11-1109.

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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-028 by Senator(s) Jahn; also Representative(s) Williams A.--Concerning recognition of Single Parents' Day.

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

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SENATE SERVICES REPORT

Correctly Printed: SB11-198 and 199; SJR11-026 and 027.

Correctly Reengrossed: SB11-183.

Correctly Rerevised: HB11-1260.

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COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB11-1004** be referred to the Committee on Appropriations with favorable recommendation.

Transportation After consideration on the merits, the Committee recommends that **HB11-1216** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 2, strike "Article 2 of title 26," and substitute "Article 30 of title 24,".

Page 3, line 4, strike "11" and substitute "21".

Page 3, line 6, strike "**26-2-1101.**" and substitute "**24-30-2101.**".

Re-number succeeding C.R.S. sections accordingly.

Page 3, line 6, strike "11" and substitute "21".

Page 3, line 8, strike "11," and substitute "21,".

Page 3, line 11, strike "26-2-1103." and substitute "24-30-2103.".

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Page 3, line 24, strike "STATE DEPARTMENT." and substitute "DEPARTMENT OF PERSONNEL."

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Page 4, line 21, strike "26-2-1104" and substitute "24-30-2104".

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Page 4, line 22, strike "26-2-1105." and substitute "24-30-2105."

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Page 4, line 25, strike "11;" and substitute "21;".

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Page 4, line 27, strike "PART 11" and substitute "PART 21" and strike "TITLE 24," and substitute "THIS TITLE".

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Page 5, line 1, strike "C.R.S.,".

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Page 5, strike lines 7 and 8 and substitute:

"(b) TO PREPARE AND SIGN CONTRACTS;".

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Page 5, line 11, strike "11;" and substitute "21;".

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Page 5, after line 13 insert:

"(7) THE COMMITTEE MAY HIRE EMPLOYEES OR OBTAIN THE SERVICES OF PROFESSIONAL ADVISORS."

(8) THE ATTORNEY GENERAL IS THE LEGAL COUNSEL FOR THE COMMITTEE."

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Page 5, line 17, strike "42-1-408," and substitute "42-1-407,".

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Page 6, line 7, strike "TITLE 24," and substitute "THIS TITLE.".

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Page 6, strike line 8.

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Page 7, line 24, strike "STATE" and substitute "DEPARTMENT OF PERSONNEL,".

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Page 7, line 25, strike "DEPARTMENT,".

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Page 8, line 4, strike "42-1-408," and substitute "42-1-407,".

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Page 8, line 5, strike "26-2-1103" and substitute "24-30-2103".

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Page 8, line 7, strike "11;" and substitute "21;".

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Page 8, line 9, strike "42-1-408," and substitute "42-1-407,".

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Page 8, line 15, strike "STATE DEPARTMENT" and substitute "DEPARTMENT OF PERSONNEL".

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Page 8, line 16, strike "11." and substitute "21.".

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Page 8, after line 16 insert:

"24-30-2106. Implementation. THE GENERAL ASSEMBLY DOES NOT INTEND TO REQUIRE THE DEPARTMENT OF PERSONNEL TO EXPEND MONEYS TO IMPLEMENT THIS PART 21. NOTWITHSTANDING ANY OTHER SECTION OF THIS PART 21, THE DEPARTMENT OF PERSONNEL AND THE COMMITTEE NEED NOT IMPLEMENT THIS PART 21 UNTIL THE DISABILITY-BENEFIT SUPPORT FUND CONTAINS ENOUGH MONEY TO IMPLEMENT THIS PART 21."

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Renumber succeeding C.R.S. section accordingly.

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Page 8, line 17, strike "11" and substitute "21".

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Page 8, line 21, strike "24-34-104, C.R.S." and substitute "24-34-104.".

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Page 9, strike line 2 and substitute "PART 21 OF ARTICLE 30 OF THIS TITLE.".

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Page 9, line 23, before "LICENSE," insert "PERPETUAL".

Page 11, after line 16 insert:

"(6) THE ATTORNEY GENERAL IS THE LEGAL COUNSEL FOR THE GROUP."

Page 12, line 25, after "NUMBER" insert "AS A RESULT OF THE RIGHT TO USE THE NUMBER BEING SOLD".

Page 13, strike lines 1 through 14.

Renumber succeeding C.R.S. sections accordingly.

Page 14, line 4, strike "42-1-408." and substitute "42-1-407."

Page 14, line 25, strike "26-2-1105," and substitute "24-30-2105,".

Page 15, line 9, strike "26-2-1105," and substitute "24-30-2105,".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1234** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, after line 12 insert:

SECTION 4. Article 10.1 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-10.1-207. Taxicab license plates - rules - repeal.

(1) (a) THE COMMISSION SHALL EITHER:

(I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS ARTICLE MAY USE TO VERIFY TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT THAT THE PERSON IS SO AUTHORIZED; OR

(II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT THAT THE PERSON IS AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS PART 2.

(b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC VERIFICATION TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT.

(2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION AND TO ENFORCE SECTION 42-3-236, C.R.S.

(3) (a) BY JANUARY 1, 2012, THE COMMISSION SHALL NOTIFY EACH PERSON AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS ARTICLE OF THE REQUIREMENTS OF SECTION 42-3-236, C.R.S.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 5. Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-236. Taxicab license plates - taxicabs - repeal. (1) THE TAXICAB LICENSE PLATE IS HEREBY ESTABLISHED. THE PLATE CONSISTS OF BLACK LETTERS ON A YELLOW BACKGROUND AND FEATURES THE WORDS "COLORADO" ACROSS THE TOP AND "TAXICAB" ACROSS THE BOTTOM OF THE PLATE.

(2) A PERSON WHO IS AUTHORIZED TO PROVIDE TAXICAB SERVICE UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., SHALL REGISTER A MOTOR VEHICLE USED FOR TAXICAB PURPOSES UNDER THIS ARTICLE AND DISPLAY TAXICAB LICENSE PLATES ON THE VEHICLE. UPON REGISTRATION, THE DEPARTMENT SHALL ISSUE TAXICAB LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL NOT ISSUE A TAXICAB LICENSE PLATE UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-207, C.R.S.

(3) A PERSON PROVIDING TAXICAB SERVICES USING A MOTOR

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VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2012, IS NOT REQUIRED TO OBTAIN TAXICAB LICENSE PLATES UNTIL THE VEHICLE IS SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON RENEWING A REGISTRATION FOR A TAXICAB REGISTERED UNDER THIS ARTICLE, THE DEPARTMENT SHALL ISSUE TAXICAB LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1, 2013.

(4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH A TAXICAB LICENSE PLATE OR TEMPORARY TAXICAB LICENSE PLATE UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR TAXICAB LICENSE PLATES.

(5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH TAXICAB LICENSE PLATES IS NOT THE PERSON UNDER WHOSE AUTHORITY THE MOTOR VEHICLE OPERATES UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., THE PERSON WITH THE AUTHORITY MAY REQUEST THAT THE DEPARTMENT OF REVENUE REQUIRE THE PLATE TO BE REPLACED. WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST, THE DEPARTMENT SHALL REQUIRE THE OWNER OF THE MOTOR VEHICLE TO RETURN THE TAXICAB LICENSE PLATE AND BE ISSUED A NEW LICENSE PLATE. THE OWNER OF THE MOTOR VEHICLE SHALL SURRENDER THE TAXICAB LICENSE PLATE TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIVING NOTICE FROM THE DEPARTMENT UNLESS THE OWNER OF THE MOTOR VEHICLE OBTAINS AUTHORITY TO OPERATE A TAXICAB UNDER PART 2 OF ARTICLE 10.1 OF TITLE 40, C.R.S., EITHER DIRECTLY OR AS AN AGENT, AND EITHER THE PERSON SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-207, C.R.S.

(6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

(7) THIS SECTION IS EFFECTIVE JANUARY 1, 2012."

Renumber succeeding sections accordingly.

Page 6, strike lines 14 through 23 and substitute:

"SECTION 7. Effective date. This act shall take effect July 1, 2011; except that section 1 and 2 shall not take effect if House Bill 11-1198 is enacted and becomes law, and section 4 and 5 of this act shall take effect only if House Bill 11-1198 is enacted and becomes law.

SECTION 8. 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."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1236** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

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

MEMBER OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

effective December 31, 2010, for terms expiring December 31, 2014:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, appointed.

Education

After consideration on the merits, the Committee recommends that **SB11-052** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike everything below the enacting clause and substitute:

"SECTION 1. 23-1-108, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-1-108. Duties and powers of the commission - legislative declaration - master plan - state goals - accountability. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) THE STATEWIDE SYSTEM OF HIGHER EDUCATION MUST FOCUS ON:

(A) INTERPRETING THE CHANGES IN STATE DEMOGRAPHICS AND WORKFORCE NEEDS AND RESPONDING TO THOSE CHANGING NEEDS BY EFFICIENTLY PROVIDING TO THE STATE A WELL-EDUCATED AND HIGHLY SKILLED WORKFORCE THAT ALIGNS WITH AND IS PREPARED TO MEET THE EMPLOYMENT NEEDS OF THE BUSINESSES AND INDUSTRIES THAT DRIVE THE STATE'S ECONOMY;

(B) ENSURING THAT ALL ADULT CITIZENS OF THE STATE, REGARDLESS OF RACE, ETHNICITY, INCOME, AGE, OR GEOGRAPHIC LOCATION, HAVE ACCESS TO AND ARE SUCCESSFUL IN COMPLETING THE POSTSECONDARY EDUCATION OPPORTUNITIES AND SERVICES THEY NEED TO ENABLE THEM TO MEET THEIR PERSONAL ACADEMIC AND CAREER GOALS AND MAXIMIZE THEIR CONTRIBUTION TO THE STATE'S ECONOMY AND SOCIETY; AND

(C) SUPPORTING THE STATE'S ECONOMIC STRENGTH AND DIVERSITY BY PROVIDING TEACHING AND RESEARCH IN AREAS OF HIGHEST PRIORITY TO THE STATE AND EDUCATING A WORKFORCE THAT ALIGNS WITH THE NEEDS OF EMPLOYERS FOR HIGHLY SKILLED WORKERS;

(II) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHOULD DEMONSTRATE ITS SUCCESSES IN SERVING THE PEOPLE OF THE STATE IN THESE FOCUS AREAS, DEMONSTRATE THE LEVEL OF EFFICIENCY AND PRODUCTIVITY WITH WHICH IT PROVIDES THESE SERVICES, AND PUBLICLY COMMUNICATE THESE SUCCESSES; AND

(III) EACH PUBLIC INSTITUTION SHOULD BE REWARDED FOR ITS SUCCESSES IN THESE FOCUS AREAS WITH STATE FUNDING THAT WILL ASSIST THE INSTITUTION IN BUILDING ON ITS SUCCESSES AND CONTINUING TO RAISE ITS LEVEL OF SERVICE TO THE STATE AND ITS CITIZENS.

(b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION SHALL:

(I) NEGOTIATE GOALS FOR EACH TIER OF INSTITUTIONS IN THE STATEWIDE SYSTEM OF HIGHER EDUCATION BASED ON THE STATE GOALS IDENTIFIED IN THIS SECTION AND IN THE MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION DEVELOPED IN COLLABORATION WITH THE GOVERNING BOARDS AND ADOPTED BY THE COMMISSION PURSUANT TO THIS SECTION;

(II) NEGOTIATE PERFORMANCE CONTRACTS, AS DESCRIBED IN SECTION 23-5-129, THAT CLEARLY STATE THE EXPECTATIONS OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN CONTRIBUTING TO ACHIEVEMENT OF THE NEGOTIATED GOALS; AND

(III) COLLECT FROM THE GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THE DATA NECESSARY TO MEASURE EACH INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS.

(c) IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT:

(I) BY THE 2019-20 ACADEMIC YEAR, THE TOTAL NUMBER OF BACCALAUREATE DEGREES, ASSOCIATE'S DEGREES, AND CAREER AND TECHNICAL EDUCATION CERTIFICATES ISSUED BY THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL INCREASE BY AT LEAST THIRTY PERCENT OVER THE NUMBER ISSUED IN THE 2009-10 ACADEMIC YEAR; AND

(II) BEGINNING IN THE 2016-17 FISCAL YEAR, TWENTY-FIVE PERCENT OF THE FUNDING FOR THE STATE SYSTEM OF HIGHER EDUCATION WILL BE ALLOCATED TO THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION BASED ON EACH INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS SPECIFIED IN ITS PERFORMANCE CONTRACT.

(2) ON OR BEFORE MARCH 15, 2012, THE COMMISSION SHALL DEVELOP AND SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION. THE COMMISSION SHALL COLLABORATE WITH THE GOVERNING BOARDS AND CHIEF EXECUTIVE OFFICERS OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING THE MASTER PLAN. IN ADDITION, THE

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COMMISSION SHALL TAKE INTO ACCOUNT THE NOVEMBER 2010 FINAL REPORT OF THE HIGHER EDUCATION STRATEGIC PLANNING STEERING COMMITTEE APPOINTED BY THE GOVERNOR. THE MASTER PLAN SHALL ADDRESS THE IMPORTANCE AND ROLE OF PRIVATE AND PROPRIETARY INSTITUTIONS IN PROVIDING POSTSECONDARY EDUCATION SERVICES TO PERSONS IN THE STATE, BUT INCLUSION OF THESE INSTITUTIONS IN THE MASTER PLAN IN NO WAY IMPLIES CONTROL OR STATE AUTHORITY OVER THEIR OPERATIONS.

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

(I) IMPROVING ACCESS, QUALITY, AFFORDABILITY, AND PRODUCTIVITY AT THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN ORDER TO INCREASE THE NUMBER OF BACCALAUREATE DEGREES, ASSOCIATE'S DEGREES, AND CAREER AND TECHNICAL EDUCATION CERTIFICATES ISSUED BY THE INSTITUTIONS;

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

(III) ENSURING THE LONG-TERM FISCAL STABILITY, AFFORDABILITY, AND QUALITY OF THE STATE SYSTEM OF HIGHER EDUCATION AND ENSURING THE EFFICIENT ALLOCATION OF AVAILABLE STATE RESOURCES TO SUPPORT PUBLIC INSTITUTIONS OF HIGHER EDUCATION WHILE PROTECTING THE UNIQUE MISSION OF EACH INSTITUTION AND RESPECTING THE CONSTITUTIONAL ROLE OF THE INSTITUTION'S GOVERNING BOARD. THE ALLOCATION SHALL TAKE INTO CONSIDERATION, BUT NEED NOT BE LIMITED TO, INSTITUTIONAL MISSION, 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.

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

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

(VI) ADDRESSING OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, INCLUDING INTELLECTUAL DISABILITIES, TO PARTICIPATE IN POSTSECONDARY EDUCATION;

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

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

(b) THROUGH THE MASTER PLAN, THE COMMISSION SHALL SPECIFICALLY ARTICULATE THE APPLICATION OF THE STATE GOALS TO THE STATE RESEARCH UNIVERSITIES, THE STATE FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION, THE STATE COMMUNITY AND TECHNICAL COLLEGES, THE PUBLIC JUNIOR COLLEGES, AND THE AREA VOCATIONAL SCHOOLS AND FOR EACH INSTITUTION WITHIN EACH OF SAID INSTITUTIONAL TIERS, TAKING INTO ACCOUNT THE UNIQUE ROLE AND MISSION OF EACH INSTITUTION AND RESPECTING THE CONSTITUTIONAL ROLE OF THE INSTITUTION'S GOVERNING BOARD. IN NEGOTIATING EACH INSTITUTION'S PERFORMANCE CONTRACT PURSUANT TO SECTION 23-5-129, THE COMMISSION SHALL CLEARLY STATE THE AGREED UPON EXPECTATIONS OF EACH INSTITUTION IN CONTRIBUTING TO STATEWIDE ATTAINMENT OF THE STATE GOALS IDENTIFIED IN THE MASTER PLAN AND IN MEETING THE GOALS NEGOTIATED IN THE INSTITUTION'S PERFORMANCE CONTRACT, INCLUDING ANNUAL BENCHMARKS FOR MEASURING PROGRESS AND THE STRATEGIES EACH INSTITUTION INTENDS TO EMPLOY IN MEETING THOSE GOALS.

(4) AT A MINIMUM, THE COMMISSION AND THE GOVERNING BOARDS SHALL ADDRESS THE FOLLOWING ISSUES IN DEVELOPING THE MASTER PLAN AND IN NEGOTIATING THE APPLICATION OF THE STATE GOALS TO EACH INSTITUTION AS DESCRIBED IN THIS SECTION:

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(a) THE ROLE AND MISSION OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE GOVERNANCE STRUCTURE OF THE STATE SYSTEM OF HIGHER EDUCATION; AND

(b) THE ROLE OF TWO-YEAR AND FOUR-YEAR JUNIOR COLLEGES AND AREA VOCATIONAL SCHOOLS IN HELPING TO ADDRESS THE WORKFORCE AND ECONOMIC DEVELOPMENT NEEDS OF THE STATE WITHIN THE SYSTEM OF HIGHER EDUCATION.

(5) THE COMMISSION, IN COLLABORATION WITH THE GOVERNING BOARDS, SHALL ENSURE THAT THE MASTER PLAN PREPARED PURSUANT TO THIS SECTION 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:

(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;

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

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

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

(6) PRIOR TO SUBMITTING THE MASTER PLAN TO THE GOVERNOR AND THE GENERAL ASSEMBLY, THE COMMISSION SHALL DISTRIBUTE A DRAFT OF THE PLAN TO THE GOVERNING BOARDS FOR COMMENT. EACH GOVERNING BOARD SHALL SUBMIT TO THE COMMISSION ITS COMMENTS AND ANY SUGGESTED REVISIONS WITHIN THIRTY DAYS AFTER RECEIVING THE DRAFT PLAN. THE COMMISSION SHALL DISCUSS AND CONSIDER ANY REVISIONS SUGGESTED BY THE GOVERNING BOARDS TO THE DRAFT MASTER PLAN.

(7) FOLLOWING RENEGOTIATION OF THE INSTITUTIONS' PERFORMANCE CONTRACTS PURSUANT TO SECTION 23-5-129 TO REFLECT THE INSTITUTIONAL GOALS SPECIFIED IN THE MASTER PLAN, EACH GOVERNING BOARD SHALL REVISE AND UPDATE THE STRATEGIC PLAN FOR EACH PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS UNDER THE GOVERNING BOARD'S DIRECTION TO REFLECT THE STATE GOALS SPECIFIED IN THE MASTER PLAN AND THE AGREED UPON GOALS AND EXPECTATIONS FOR THE INSTITUTION.

(8) AT REGULAR INTERVALS, THE COMMISSION SHALL CONVENE A MEETING OF STAKEHOLDERS TO COLLECTIVELY IDENTIFY THE AREAS THAT ARE OF HIGHEST PRIORITY IN ENSURING THE SUCCESS OF THE STATE. THE COMMISSION SHALL APPLY THESE AREAS IN NEGOTIATING THE GOALS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND IN THE MASTER PLAN. AT A MINIMUM, THE STAKEHOLDERS INCLUDED IN THE MEETINGS SHALL INCLUDE REPRESENTATIVES OF THE BUSINESS AND PROFESSIONAL COMMUNITIES; REPRESENTATIVES OF TECHNOLOGICAL, INDUSTRIAL, AND ENVIRONMENTAL INTERESTS IN THE STATE; REPRESENTATIVES OF THE VISUAL AND PERFORMING ARTS COMMUNITIES IN THE STATE; REPRESENTATIVES OF THE GOVERNING BOARDS AND OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION; REPRESENTATIVES OF PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION; REPRESENTATIVES OF THE ELEMENTARY AND SECONDARY EDUCATION SYSTEM IN THE STATE; AND STATE LEGISLATORS.

(9) (a) THE COMMISSION, THE DEPARTMENT, AND THE GOVERNING BOARDS SHALL JOINTLY ESTABLISH METRICS BY WHICH TO TRACK PROGRESS TOWARD ATTAINING THE STATE GOALS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND IN THE MASTER PLAN AND TO TRACK THE PROGRESS MADE BY EACH PUBLIC INSTITUTION OF HIGHER EDUCATION AND EACH PRIVATE INSTITUTION IN MEETING THE EXPECTATIONS AND GOALS AGREED UPON IN ITS PERFORMANCE CONTRACT UNDER SECTION 23-5-129. THE DEPARTMENT SHALL COLLECT FROM THE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION THE DATA NECESSARY FOR THE ESTABLISHED METRICS. EACH INSTITUTION SHALL PROVIDE TO THE DEPARTMENT THE DATA REQUESTED IN THE FORM REQUESTED BY THE DEPARTMENT FOR PURPOSES OF COMPARISON AND MEASURING PROGRESS OVER TIME.

(b) THE COMMISSION AND THE DEPARTMENT SHALL COMPILE AND ANALYZE THE METRICS AND THE DATA COLLECTED PURSUANT TO

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PARAGRAPH (a) OF THIS SUBSECTION (9) AND, AS SPECIFIED IN SECTION 23-5-129 (6), ANNUALLY REPORT THE SUCCESS OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION AND THE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN ACHIEVING THE STATE GOALS AND SERVING THE PEOPLE OF THE STATE OF COLORADO.

(10) (a) NO LATER THAN THE 2016 REGULAR LEGISLATIVE SESSION, THE COMMISSION SHALL RECOMMEND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, STATUTORY CHANGES NECESSARY TO IMPLEMENT A PERFORMANCE-BASED FUNDING METHOD THAT AUTHORIZES THE COMMISSION TO DIRECTLY ALLOCATE TWENTY-FIVE PERCENT OF THE STATE FUNDING FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION BASED ON THE DEMONSTRATED PERFORMANCE OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

(b) BEGINNING IN THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE COMMISSION SHALL DIRECTLY ALLOCATE TWENTY-FIVE PERCENT OF THE STATE FUNDING FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION TO THE GOVERNING BOARDS, INCLUDING THE GOVERNING BOARDS FOR THE JUNIOR COLLEGES AND THE AREA VOCATIONAL SCHOOLS, BASED ON THE DEMONSTRATED PERFORMANCE OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE GOVERNING BOARDS' RESPECTIVE DIRECTION IN MEETING THE INSTITUTIONS' GOALS AND EXPECTATIONS SPECIFIED IN THE INSTITUTIONS' PERFORMANCE CONTRACTS.

SECTION 2. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

23-1-108.1. Duties and powers of the commission with regard to systemwide planning. (1) THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS SHALL HAVE THE AUTHORITY TO:

(a) ESTABLISH A POLICY-BASED AND CONTINUING SYSTEMWIDE PLANNING, PROGRAMMING, AND COORDINATION PROCESS TO EFFECT THE BEST USE OF AVAILABLE RESOURCES;

(b) ESTABLISH SUCH ACADEMIC AND VOCATIONAL EDUCATION PLANNING AS MAY BE NECESSARY TO ACCOMPLISH AND SUSTAIN THE STATE GOALS SPECIFIED IN SECTION 23-1-108 AND THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108;

(c) DETERMINE THE ROLE AND MISSION OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION WITHIN STATUTORY GUIDELINES;

(d) ESTABLISH ENROLLMENT POLICIES, CONSISTENT WITH ROLES AND MISSIONS, AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION AS DESCRIBED IN STATUTE AND FURTHER DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(e) ESTABLISH STATE POLICIES THAT DIFFERENTIATE ADMISSION AND PROGRAM STANDARDS AND THAT ARE CONSISTENT WITH INSTITUTIONAL ROLES AND MISSIONS AS DESCRIBED IN STATUTE AND FURTHER DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(f) ADOPT STATEWIDE AFFIRMATIVE ACTION POLICIES FOR THE COMMISSION, GOVERNING BOARDS, AND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION. RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICIES IS RESERVED TO THE GOVERNING BOARDS.

(g) REPORT NOT LESS THAN EVERY FOUR YEARS TO THE EDUCATION COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, ON THE NEED FOR, ADVISABILITY OF, OR PROGRESS TOWARD REORGANIZING THE STRUCTURE OF PUBLIC HIGHER EDUCATION IN COLORADO; AND

(h) ESTABLISH SYSTEMWIDE POLICIES CONCERNING ADMINISTRATIVE COSTS.

(2) THE COMMISSION SHALL DEVELOP CRITERIA FOR DETERMINING WHETHER AN INSTITUTION SHOULD BE CONSOLIDATED OR CLOSED AND, AFTER CONSULTATION WITH THE APPROPRIATE GOVERNING BOARD, SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR CLOSURE OR CONSOLIDATION OF CAMPUSES THAT MEET THE CRITERIA.

(3) THE COMMISSION SHALL DEVELOP, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS, COOPERATIVE PROGRAMS AMONG STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

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(4) THE COMMISSION SHALL CONVENE PERIODICALLY THE CHIEF EXECUTIVE OFFICERS OF THE CAMPUSES FOR THE PURPOSE OF EVALUATING AND DISCUSSING STATEWIDE POLICY ISSUES.

(5) THE COMMISSION SHALL ESTABLISH PROGRAMS TO DEVELOP AND IMPROVE GOVERNING BOARDS CONCERNING STATEWIDE EDUCATIONAL POLICY ISSUES.

(6) THE COMMISSION SHALL PRESCRIBE UNIFORM ACADEMIC REPORTING POLICIES AND PROCEDURES TO WHICH THE GOVERNING BOARDS AND THEIR INSTITUTIONS SHALL ADHERE.

(7) THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION SHALL PROVIDE THE COMMISSION WITH SUCH DATA AS THE COMMISSION DEEMS NECESSARY UPON ITS FORMAL REQUEST. DATA FOR INDIVIDUAL STUDENTS OR PERSONNEL SHALL NOT BE DIVULGED OR MADE KNOWN IN ANY WAY BY THE EXECUTIVE DIRECTOR OR BY ANY COMMISSION EMPLOYEE, EXCEPT IN ACCORDANCE WITH JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO VIOLATES THIS SUBSECTION (7) COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S. IN ADDITION, THE PERSON SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON GROUNDS OF MALFEASANCE IN OFFICE.

(8) THE COMMISSION, ON BEHALF OF THE STATE OF COLORADO, MAY ENTER INTO AGREEMENTS WITH ANOTHER STATE OR WITH THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON BEHALF OF ANOTHER STATE FOR THE GRANTING OF FULL OR PARTIAL WAIVERS OF THE NONRESIDENT TUITION TO RESIDENTS OF SUCH OTHER STATES WHO ARE POSTGRADUATE OR PROFESSIONAL STUDENTS AT, OR ARE ELIGIBLE FOR ADMISSION AS POSTGRADUATE STUDENTS TO, ANY OF THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION IN COLORADO IF THE AGREEMENT PROVIDES THAT, UNDER SUBSTANTIALLY THE SAME CIRCUMSTANCES, SUCH OTHER STATE WILL GRANT RECIPROCAL WAIVERS TO RESIDENTS OF COLORADO WHO ARE POSTGRADUATE OR PROFESSIONAL STUDENTS OF UNIVERSITIES OR COLLEGES IN SUCH OTHER STATES. THE COMMISSION, IN CONSULTATION WITH THE AFFECTED COLORADO INSTITUTIONS, SHALL ESTABLISH REGULATIONS GOVERNING THE ADMINISTRATION OF AGREEMENTS AND THE GRANTING OF WAIVERS. IN 1996 AND IN EACH SUBSEQUENT EVEN-NUMBERED YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THESE PROGRAMS.

(9) (a) THE COMMISSION SHALL ESTABLISH FEE POLICIES BASED ON INSTITUTIONAL ROLE AND MISSION, AND THE GOVERNING BOARDS SHALL SET FEES CONSISTENT WITH SUCH POLICIES. THE COMMISSION SHALL FOLLOW THE REQUIREMENTS OF SECTION 23-1-123 IN ESTABLISHING FEE POLICIES PURSUANT TO THIS SUBSECTION (9).

(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.

(10) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ACADEMIC DEGREE PROGRAMS AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION BE DESIGNED AND IMPLEMENTED TO ENSURE AND EMPHASIZE THAT UNDERGRADUATE STUDENTS HAVE THE MAXIMUM RANGE OF OPPORTUNITIES AND ASSISTANCE TO COMPLETE THEIR COURSES OF STUDY AND OBTAIN THEIR DEGREES IN A REASONABLE AMOUNT OF TIME. THE GENERAL ASSEMBLY THEREFORE DIRECTS THE COMMISSION, WITHIN EXISTING RESOURCES, TO IMPLEMENT AND REVISE APPROPRIATE POLICIES, INCLUDING FINANCIAL INCENTIVES, TO ENSURE THAT STUDENTS AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION COMPLETE THEIR ACADEMIC DEGREE PROGRAMS IN THE MOST EFFICIENT, EFFECTIVE, AND PRODUCTIVE MANNER.

23-1-108.3. Transfer agreements - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "NATIVE STUDENT" MEANS A STUDENT WHO BEGINS AND COMPLETES AN UNDERGRADUATE DEGREE PROGRAM AT A SINGLE PUBLIC INSTITUTION OF HIGHER EDUCATION.

(b) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

(I) THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM;

(II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

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(III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES;

(IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO;

(V) THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE;

(VI) THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO;

(VII) THE BOARD OF TRUSTEES OF MESA STATE COLLEGE;

(VIII) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE;

(IX) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER;

(X) THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION; OR

(XI) THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE.

(c) "STATEWIDE DEGREE TRANSFER AGREEMENT" MEANS AN AGREEMENT AMONG ALL OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR THE TRANSFER OF AN ASSOCIATE OF ARTS OR AN ASSOCIATE OF SCIENCE DEGREE. A STATEWIDE DEGREE TRANSFER AGREEMENT APPLIES TO COMMON DEGREE PROGRAMS AND SPECIFIES THE COMMON TERMS, CONDITIONS, AND EXPECTATIONS FOR STUDENTS ENROLLED IN STATEWIDE DEGREE TRANSFER PROGRAMS.

(2) THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS, SHALL ESTABLISH AND ENFORCE STATEWIDE DEGREE TRANSFER AGREEMENTS BETWEEN TWO-YEAR AND FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND AMONG FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION. GOVERNING BOARDS AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL IMPLEMENT THE STATEWIDE DEGREE TRANSFER AGREEMENTS AND THE COMMISSION POLICIES RELATING TO THE STATEWIDE DEGREE TRANSFER AGREEMENTS. THE STATEWIDE DEGREE TRANSFER AGREEMENTS SHALL INCLUDE PROVISIONS UNDER WHICH PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL ACCEPT ALL CREDIT HOURS OF ACCEPTABLE COURSE WORK FOR AUTOMATIC TRANSFER FROM AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE PROGRAM IN ANOTHER PUBLIC INSTITUTION OF HIGHER EDUCATION IN COLORADO. THE COMMISSION SHALL HAVE FINAL AUTHORITY IN RESOLVING TRANSFER DISPUTES.

(3) (a) A STUDENT WHO COMPLETES AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE THAT IS THE SUBJECT OF A STATEWIDE DEGREE TRANSFER AGREEMENT AND WHO TRANSFERS FROM THE PUBLIC INSTITUTION OF HIGHER EDUCATION THAT AWARDED THE DEGREE TO A FOUR-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL, IF ADMITTED, BE ENROLLED WITH JUNIOR STATUS. SUCCESSFUL COMPLETION OF AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE DOES NOT GUARANTEE THE DEGREE HOLDER ADMISSION TO A FOUR-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION.

(b) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT ADMITS AS A JUNIOR A STUDENT WHO HOLDS AN ASSOCIATE OF ARTS DEGREE OR ASSOCIATE OF SCIENCE DEGREE THAT IS THE SUBJECT OF A STATEWIDE DEGREE TRANSFER AGREEMENT MAY NOT REQUIRE THE STUDENT TO COMPLETE ANY ADDITIONAL CREDIT HOURS OF LOWER-DIVISION GENERAL EDUCATION COURSES; EXCEPT THAT THE INSTITUTION MAY REQUIRE THE STUDENT TO COMPLETE ADDITIONAL LOWER-DIVISION GENERAL EDUCATION COURSES IF NECESSARY FOR PREPARATION IN THE DEGREE PROGRAM IN WHICH THE STUDENT ENROLLS SO LONG AS THE ADDITIONAL COURSES ARE CONSISTENT WITH PUBLISHED DEGREE PROGRAM REQUIREMENTS FOR NATIVE STUDENTS AND DO NOT EXTEND THE TIME TO DEGREE COMPLETION BEYOND THAT REQUIRED FOR NATIVE STUDENTS IN THE SAME DEGREE PROGRAM.

(4) (a) BEGINNING JULY 1, 2010, THE COMMISSION, IN COLLABORATION WITH THE GOVERNING BOARDS AND THE COUNCIL CONVENED PURSUANT TO SECTION 23-1-108.5 (3) (a), SHALL NEGOTIATE STATEWIDE DEGREE TRANSFER AGREEMENTS AND SHALL ENSURE THAT THERE ARE AT LEAST FOUR STATEWIDE DEGREE TRANSFER AGREEMENTS IN PLACE NO LATER THAN JULY 1, 2012, AND THAT, BY NO LATER THAN JULY 1, 2016, THERE ARE A TOTAL OF AT LEAST FOURTEEN STATEWIDE DEGREE TRANSFER AGREEMENTS.

(b) THE GOVERNING BOARDS SHALL RECOMMEND TO THE COMMISSION THE DEGREE PROGRAMS THAT WOULD BE MOST APPROPRIATE

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FOR STATEWIDE DEGREE TRANSFER AGREEMENTS BASED ON STUDENT DEMAND AND THE WORKFORCE NEEDS OF THE STATE.

(5) THE EXISTENCE OF STATEWIDE DEGREE TRANSFER AGREEMENTS DOES NOT PRECLUDE OR RESTRICT A PUBLIC INSTITUTION OF HIGHER EDUCATION FROM AWARDED NONTRANSFER ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREES, APPLIED ASSOCIATE DEGREES, OR GENERAL LIBERAL ARTS ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREES.

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(a) PREVENT OR OTHERWISE INTERFERE WITH THE ABILITY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION TO FULFILL ITS STATUTORY ROLE AND MISSION;

(b) PROHIBIT ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION FROM ENTERING INTO MEMORANDA OF UNDERSTANDING FOR THE TRANSFER OF DEGREES AMONG THE AGREEING INSTITUTIONS;

(c) IMPAIR ANY MEMORANDA OF UNDERSTANDING BETWEEN OR AMONG INSTITUTIONS OF HIGHER EDUCATION IN EFFECT PRIOR TO AUGUST 11, 2010; OR

(d) REQUIRE THE TRANSFER OF COURSE CREDITS EARNED DURING OR APPLICABLE TO A STUDENT'S JUNIOR OR SENIOR YEAR.

(7) ON OR BEFORE OCTOBER 1, 1993, THE COMMISSION SHALL ESTABLISH AND ENFORCE STUDENT TRANSFER AGREEMENTS BETWEEN DEGREE PROGRAMS OFFERED ON THE SAME CAMPUS OR WITHIN THE SAME INSTITUTIONAL SYSTEM. GOVERNING BOARDS AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL IMPLEMENT THE AGREEMENTS AND COMMISSION POLICIES RELATING TO THE AGREEMENTS. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 23-5-122, THE AGREEMENTS SHALL PROVIDE THAT:

(a) IF, NOT MORE THAN TEN YEARS PRIOR TO TRANSFERRING INTO AN UNDERGRADUATE DEGREE PROGRAM, A STUDENT EARNS CREDIT HOURS THAT ARE REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM, THE CREDIT HOURS SHALL APPLY TO THE COMPLETION OF THE STUDENT'S GRADUATION REQUIREMENTS FROM THE UNDERGRADUATE DEGREE PROGRAM FOLLOWING THE TRANSFER;

(b) A STUDENT WHO TRANSFERS INTO AN UNDERGRADUATE DEGREE PROGRAM SHALL NOT BE REQUIRED TO COMPLETE A GREATER NUMBER OF CREDIT HOURS IN THOSE COURSES THAT ARE REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM THAN ARE REQUIRED OF STUDENTS WHO BEGAN IN THE UNDERGRADUATE DEGREE PROGRAM, NOR SHALL THERE BE ANY MINIMUM NUMBER OF CREDIT HOURS REQUIRED POST-TRANSFER OTHER THAN THE NORMAL DEGREE REQUIREMENTS FOR NONTRANSFERRING STUDENTS; AND

(c) THE GRADE POINT AVERAGE THAT IS REQUIRED FOR A STUDENT TO APPLY FOR AND BE FULLY CONSIDERED FOR TRANSFER INTO AN UNDERGRADUATE DEGREE PROGRAM SHALL BE NO HIGHER THAN THE GRADE POINT AVERAGE THAT IS REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM.

SECTION 3. 23-5-129, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-5-129. Governing boards - performance contract - authorization - operations - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED AND OPERATING PURSUANT TO SECTION 24-1-114, C.R.S.

(c) "FINANCIAL AND ACCOUNTABILITY PLAN" MEANS A FINANCIAL AND ACCOUNTABILITY PLAN DESCRIBED IN SECTION 23-5-130.5.

(d) "MASTER PLAN" MEANS THE MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION ADOPTED BY THE COMMISSION PURSUANT TO SECTION 23-1-108.

(e) "PRIVATE INSTITUTION OF HIGHER EDUCATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 23-18-102 (9).

(f) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

(I) THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM;

(II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

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(III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES;

(IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO;

(V) THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE;

(VI) THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO;

(VII) THE BOARD OF TRUSTEES OF MESA STATE COLLEGE;

(VIII) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE;

(IX) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER;

(X) THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;

(XI) THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE; OR

(XII) A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES AND IS DESIGNATED BY THE GENERAL ASSEMBLY AS AN AREA VOCATIONAL SCHOOL AS DEFINED IN SECTION 23-60-103.

(g) "UNFUNDED ENROLLMENT GROWTH" MEANS THE AMOUNT OF ENROLLMENT GROWTH CALCULATED PURSUANT TO SUBSECTION (10) OF THIS SECTION THAT HAS NOT BEEN FUNDED FOR EACH GOVERNING BOARD IN FISCAL YEARS IDENTIFIED BY THE COMMISSION THAT PRECEDE THE FISCAL YEAR IN WHICH THE UNFUNDED ENROLLMENT GROWTH IS CALCULATED.

(2) THE PERFORMANCE CONTRACTS NEGOTIATED PURSUANT TO THIS SECTION AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL JUNE 30, 2012.

(3) (a) NO LATER THAN JULY 1, 2012, EACH GOVERNING BOARD SHALL NEGOTIATE AND FINALIZE WITH THE DEPARTMENT A NEW PERFORMANCE CONTRACT FOR THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION UNDER THE GOVERNING BOARD'S CONTROL. THE PERFORMANCE CONTRACT SHALL SPECIFY THE PERFORMANCE EXPECTATIONS THE INSTITUTION OR INSTITUTIONS SHALL ACHIEVE DURING THE TERM OF THE CONTRACT. THE GOVERNING BOARDS AND THE DEPARTMENT SHALL BASE THE INSTITUTIONS' PERFORMANCE EXPECTATIONS ON THE GOALS FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION ESTABLISHED IN, AND FURTHER ARTICULATED BY THE COMMISSION PURSUANT TO THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108. THE SPECIFIED EXPECTATIONS SET FORTH IN THE PERFORMANCE CONTRACT FOR EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL BE MEASURABLE AND TAILORED TO THE INSTITUTION'S ROLE AND MISSION. EACH INSTITUTION'S PERFORMANCE CONTRACT SHALL INCLUDE ANNUAL BENCHMARKS FOR MEASURING PROGRESS AND STRATEGIES THE INSTITUTION MAY EMPLOY IN MEETING ITS EXPECTATIONS. AN INSTITUTION'S PERFORMANCE CONTRACT MAY INCLUDE NEGOTIATED PROVISIONS PERTAINING TO THE INSTITUTION'S COMPLIANCE WITH SELECTED REQUIREMENTS SPECIFIED IN ARTICLE 1 OF THIS TITLE. THE INSTITUTION'S COMPLIANCE WITH SAID NEGOTIATED PROVISIONS SHALL BE IN LIEU OF COMPLIANCE WITH THE SELECTED REQUIREMENTS AS SPECIFIED IN ARTICLE 1 OF THIS TITLE.

(b) IF A PRIVATE INSTITUTION OF HIGHER EDUCATION PLANS TO ACCEPT STIPENDS PAID ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS PURSUANT TO ARTICLE 18 OF THIS TITLE, THE PRIVATE INSTITUTION OF HIGHER EDUCATION SHALL NEGOTIATE AND FINALIZE NO LATER THAN JULY 1, 2012, A PERFORMANCE CONTACT WITH THE DEPARTMENT, WHICH CONTRACT SHALL SPECIFY THE PERFORMANCE GOALS THE INSTITUTION SHALL ACHIEVE DURING THE PERIOD THAT IT OPERATES UNDER THE CONTRACT.

(c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO THE PERFORMANCE CONTRACT WITH THE COLORADO SCHOOL OF MINES, AUTHORIZED BY SECTION 23-41-104.6, THAT IS IN PLACE ON JULY 1, 2004, AND THAT IS EXTENDED UNTIL JUNE 30, 2012. THE PERFORMANCE CONTRACT THE DEPARTMENT NEGOTIATES WITH THE SCHOOL OF MINES THAT TAKES EFFECT JULY 1, 2012, SHALL BE AUTHORIZED PURSUANT TO SECTION 23-41-104.6.

(4) THE COMMISSION SHALL REVIEW AND APPROVE EACH PERFORMANCE CONTRACT BETWEEN THE DEPARTMENT AND ANY PUBLIC

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OR PRIVATE INSTITUTION OF HIGHER EDUCATION BEFORE THE CONTRACT MAY BECOME EFFECTIVE. THE TERM OF A PERFORMANCE CONTRACT MAY BE UP TO FIVE YEARS AS NEGOTIATED BY THE DEPARTMENT, THE GOVERNING BOARD, AND THE INSTITUTION. THE DEPARTMENT MAY RENEGOTIATE AND RENEW AN INSTITUTION'S PERFORMANCE CONTRACT AT ITS DISCRETION, WITH THE AGREEMENT OF THE COMMISSION, THE GOVERNING BOARD, AND THE INSTITUTION.

(5) (a) THE DEPARTMENT SHALL COLLECT DATA FROM THE GOVERNING BOARDS AND THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION AS NECESSARY TO COMPLETE THE METRICS ESTABLISHED BY THE COMMISSION AND THE DEPARTMENT PURSUANT TO SECTION 23-1-108 (9) TO MEASURE THE SUCCESS OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION IN MEETING THE STATE GOALS ESTABLISHED IN SECTION 23-1-108 AND THE MASTER PLAN AND EACH INSTITUTION'S CONTRIBUTION TO MEETING THE STATE GOALS, INDICATED BY THE INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS SPECIFIED IN ITS PERFORMANCE CONTRACT.

(b) THE COMMISSION AND THE DEPARTMENT SHALL COORDINATE AND CONSOLIDATE THE OVERSIGHT OF AND DATA COLLECTION FOR THE PERFORMANCE CONTRACTS AND THE FINANCIAL AND ACCOUNTABILITY PLANS AND ENSURE THAT THE CONTRACTS, THE PLANS, AND ANY OTHER ACCOUNTABILITY MEASURES IMPLEMENTED BY THE COMMISSION AND AGREED UPON BY THE GOVERNING BOARDS ALIGN WITH THE STATE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108 AND ARE INCLUDED IN A SINGLE, COHESIVE ACCOUNTABILITY STRUCTURE FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION.

(6) (a) BEGINNING JANUARY 2014, AND EACH JANUARY THEREAFTER, THE COMMISSION SHALL SUBMIT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, TO THE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT CONCERNING THE IMPLEMENTATION OF THE PERFORMANCE CONTRACTS AND THE FINANCIAL AND ACCOUNTABILITY PLANS. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) A REVIEW OF THE OPERATIONS OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION UNDER THE INSTITUTION'S PERFORMANCE CONTRACT AND FINANCIAL AND ACCOUNTABILITY PLAN, IF ANY;

(II) A REVIEW OF THE OPERATIONS OF ANY PRIVATE INSTITUTION OF HIGHER EDUCATION UNDER THE INSTITUTION'S PERFORMANCE CONTRACT;

(III) THE METRICS AND DATA COLLECTED TO POPULATE THE METRICS AGREED UPON BY THE GOVERNING BOARDS, THE DEPARTMENT, AND THE COMMISSION PURSUANT TO SECTION 23-1-108 (9) AND AN EXPLANATION BASED ON THE METRICS OF THE STATE'S SUCCESS IN MEETING THE STATEWIDE GOALS SPECIFIED IN SECTION 23-1-108 AND THE MASTER PLAN AND FURTHER ARTICULATED BY THE COMMISSION AND EACH INSTITUTION'S CONTRIBUTION TO THAT SUCCESS BASED ON MEETING THE EXPECTATIONS SPECIFIED IN THE INSTITUTION'S PERFORMANCE CONTRACT.

(b) IN SUBMITTING THE REPORT, THE COMMISSION MAY MAKE RECOMMENDATIONS FOR STATUTORY CHANGES, INCLUDING CHANGES TO THE STATE GOALS, AS THE COMMISSION DEEMS APPROPRIATE TO INCREASE THE CONTRIBUTION OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION TO THE CITIZENS AND ECONOMY OF THE STATE.

(c) THE DEPARTMENT SHALL POST THE REPORT ON ITS WEB SITE FOR PUBLIC ACCESS.

(7) WHILE OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER EDUCATION:

(a) SHALL CONTINUE TO OPERATE AS THE GOVERNING BOARD FOR THE INSTITUTION. IN ADDITION, AT THE REQUEST OF THE GOVERNING BOARD, THE GOVERNOR MAY APPOINT ADDITIONAL ADVISORY MEMBERS TO THE GOVERNING BOARD TO SUSTAIN AND ENHANCE THE ROLE AND MISSION OF THE INSTITUTION. ADDITIONAL MEMBERS OF THE GOVERNING BOARD SHALL SERVE AS NONVOTING MEMBERS OF THE BOARD AND SHALL SERVE WITHOUT COMPENSATION. THE ROLE OF THE ADVISORY MEMBERS

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SHALL BE TO IMPROVE THE GOVERNING BOARD'S OPPORTUNITIES TO DEVELOP AND ENRICH THE ACADEMIC AND RESEARCH PROGRAMS AT THE INSTITUTION.

(b) NEED NOT CONSULT WITH NOR OBTAIN APPROVAL FROM THE COMMISSION TO CREATE, MODIFY, OR ELIMINATE ACADEMIC AND VOCATIONAL PROGRAMS OFFERED BY THE INSTITUTION, SO LONG AS SUCH CREATIONS, MODIFICATIONS, AND ELIMINATIONS ARE CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION. AN INSTITUTION SHALL SUBMIT INFORMATION TO THE DEPARTMENT DEMONSTRATING THAT THE CREATION OR MODIFICATION OF AN ACADEMIC OR CAREER AND TECHNICAL EDUCATION PROGRAM IS CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION. THE COMMISSION MAY OVERRIDE THE CREATION OR MODIFICATION OF AN ACADEMIC OR VOCATIONAL PROGRAM IF THE CHANGE MADE BY THE GOVERNING BOARD IS INCONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION.

(c) SHALL REPORT TO THE COMMISSION ITS PLANS FOR ANY TUITION OR OTHER PROPOSED INCREASES FOR THE FOLLOWING FISCAL YEAR, USING APPROVED FORMS, FOR THE COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY DURING THE ANNUAL BUDGET PROCESS; EXCEPT THAT THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

(8) WHILE OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(a) REMAIN ELIGIBLE FOR STATE-FUNDED CAPITAL CONSTRUCTION PROJECTS AND CONTROLLED MAINTENANCE PROJECTS AS PROVIDED IN SECTION 23-1-106; AND

(b) CONTINUE TO ADMIT COLORADO RESIDENT APPLICANTS WITHIN THE REQUIREMENTS OF SECTION 23-1-113.5 WHO MEET THE ADMISSIONS CRITERIA OF THE INSTITUTION.

(9) WHILE A PUBLIC INSTITUTION OF HIGHER EDUCATION IS OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE GENERAL ASSEMBLY RETAINS THE AUTHORITY TO APPROVE TUITION SPENDING AUTHORITY FOR THE GOVERNING BOARD OF THE INSTITUTION; EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION (9) SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

(10) THE COMMISSION, IN CONSULTATION WITH THE GOVERNING BOARDS, MAY CALCULATE THE AMOUNT OF UNFUNDED ENROLLMENT GROWTH. DURING THE PERIOD THAT A GOVERNING BOARD IS OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE COMMISSION MAY REQUEST, AS PART OF THE ANNUAL BUDGET CYCLE, A GENERAL FUND APPROPRIATION FOR EACH GOVERNING BOARD FOR THE AMOUNT OF UNFUNDED ENROLLMENT GROWTH, TO THE EXTENT THAT THERE REMAINS AN AMOUNT OF ENROLLMENT GROWTH THAT IS UNFUNDED FOR THE GOVERNING BOARD.

SECTION 4. Repeal. Article 13 of title 23 and 23-1-105 (3.7), Colorado Revised Statutes, are repealed.

SECTION 5. 23-3.3-102 (2), Colorado Revised Statutes, is amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (2) (a) The commission shall determine, by guideline, the institutions eligible for participation in the program and shall annually determine the amount allocated to each institution.

(b) THE COMMISSION SHALL DEVELOP PERFORMANCE CRITERIA THAT A NONPUBLIC INSTITUTION OF HIGHER EDUCATION SHALL MEET AS A CONDITION OF PARTICIPATING IN THE PROGRAM; EXCEPT THAT THE PERFORMANCE CRITERIA SHALL NOT APPLY TO A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A PERFORMANCE CONTRACT PURSUANT TO SECTION 23-5-129. THE DEPARTMENT SHALL COLLECT INFORMATION FROM NONPUBLIC INSTITUTIONS OF HIGHER EDUCATION AS NECESSARY TO APPLY THE PERFORMANCE CRITERIA. THE PERFORMANCE CRITERIA SHALL APPLY FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2012.

SECTION 6. 22-60.5-116.5 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

22-60.5-116.5. Education committees - evaluation of teacher preparation programs - biennial joint meeting. (1) (b) At the meeting,

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the committees shall consider the reports on the review of approved teacher preparation programs received from the Colorado commission on higher education pursuant to section 23-1-121 (6), C.R.S. The committees shall take testimony from representatives of the institutions of higher education that provide the teacher preparation programs, the state board of education, the Colorado commission on higher education, and from any other interested persons. Based on the review of said reports and any testimony received, the committees shall assess whether the approved teacher preparation programs are adequately preparing teacher candidates to meet the performance-based teacher licensure standards adopted by rule of the state board of education pursuant to section 22-2-109 (3). ~~In addition, the committees shall assess whether each approved teacher preparation program is being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S.~~

~~(2) If the committees, based on the reports received from the Colorado commission on higher education and the state board of education, determine that an approved educator preparation program is not adequately preparing licensure candidates or is not being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S., the committees shall instruct the Colorado commission on higher education to reduce the funding received by the institution of higher education that provides the approved educator preparation program during the next fiscal year. The commission shall notify the committees of the amount of said reduction prior to introduction of the annual general appropriation bill.~~

SECTION 7. 23-1-107 (1) (b) and (3), Colorado Revised Statutes, are amended to read:

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

(1) (b) An institution of higher education shall submit a proposal for a new program to the department. Within a reasonable time after receipt of a proposal for a new program, the department shall review and, consistent with the institutional role and mission and the statewide expectations and goals specified in section ~~23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108, make recommendations to the commission for appropriate action on a proposal for a new program.

(3) Each governing board of the state-supported institutions of higher education shall submit to the department a plan describing the procedures and schedule for periodic program reviews and evaluation of each academic program at each institution consistent with the statewide expectations and goals specified in section ~~23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108 and the role and mission of each institution. The information to be provided to the department shall include, but shall not be limited to, the procedures for using internal and external evaluators, the sequence of such reviews, and the anticipated use of the evaluations.

SECTION 8. 23-1-112, Colorado Revised Statutes, is amended to read:

23-1-112. Tuition - reciprocal agreements. Except as provided in section ~~23-1-108 (10)~~ SECTION 23-1-108.1 (8), the commission shall identify those circumstances where the waiving of the nonresident differential in tuition rates, on a reciprocal basis with other states, would enhance educational opportunities for Colorado residents. Relative to such identified circumstances, the commission shall negotiate with the other states involved with the objective of establishing reciprocal agreements for the waiving of the nonresidential differential for Colorado residents attending state institutions of higher education in other states in exchange for Colorado state institutions of higher education waiving the nonresident differential for residents of the other states. Agreements negotiated between Colorado and other states shall provide for an equal number of resident and nonresident students to be exchanged between the states. Upon successful completion of such negotiations, the commission may identify the numbers of Colorado residents by grade level whose educational opportunities would be enhanced and the numbers of nonresident students by grade level for whom the nonresident differential is to be waived by the Colorado state institutions of higher education and may direct that the state institutions of higher education grant such

waivers. The commission shall establish regulations for the administration of this section, based on the application of the closest college concept, and for the reporting to the general assembly of the numbers of students to whom the waivers are given.

SECTION 9. 23-1-113 (1) (c), Colorado Revised Statutes, is amended to read:

23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education.

(1) (c) The standards established for transfer students shall use college academic performance indicators as the eligibility criteria for admitted transfer students. In lieu of such criteria, additional criteria may be used for up to twenty percent of the admitted transfer students. The academic admission standards and policies established for transfer students shall be consistent with the student transfer agreements established by the commission pursuant to ~~section 23-1-108 (7) (f)~~ SECTION 23-1-108.3. Students who meet the minimum criteria for admission shall not be guaranteed admission to the institution to which they have applied, but they shall be eligible for consideration.

SECTION 10. 23-1-121 (1) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

23-1-121. Commission directive - approval of teacher preparation programs. (1) As used in this section, unless the context otherwise requires:

(a) "Approved teacher preparation program" means a teacher preparation program that has been reviewed pursuant to the provisions of this section and has been determined by the commission to meet the performance-based standards established by the commission pursuant to this section. ~~and the requirements of section 23-1-108 and to be designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title.~~

(4) (b) Each program review conducted pursuant to paragraph (a) of this subsection (4) shall ensure that the program meets the minimum requirements adopted pursuant to subsections (2) and (3) of this section and the requirements of ~~section 23-1-108~~ SECTION 23-1-108.1 and any policies adopted pursuant thereto. ~~In addition, the department shall ensure that the program is designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, for institutions of higher education that are subject to said act.~~ In determining whether to initially approve or continue the approval of a teacher preparation program, the commission shall consider any recommendations made by the state board of education pursuant to section 22-2-109 (5), C.R.S., concerning the effectiveness of the program content. If the state board of education recommends that a program not be approved, the commission shall follow the recommendation by refusing initial approval of the program or placing the program on probation.

SECTION 11. 23-3.1-206.9 (1) (a) (III), Colorado Revised Statutes, is amended to read:

23-3.1-206.9. Colorado collegeinvest scholarship program - administration - fund - policies. (1) There is hereby created the Colorado collegeinvest scholarship program for the purpose of increasing access to postsecondary education. The Colorado collegeinvest scholarship program shall be implemented and administered by the authority. A scholarship under the Colorado collegeinvest scholarship program may be awarded only to an undergraduate student who, each year:

(a) (III) Attends an area vocational school, as defined in section 23-60-103 (1), and is earning postsecondary credits that may be transferred into an associate degree program at a community college or into a degree program at a four-year institution of higher education as provided in ~~section 23-1-108 (7)~~ SECTION 23-1-108.3 and the state credit transfer policies established by the Colorado commission on higher education; and

SECTION 12. 23-5-121 (2), Colorado Revised Statutes, is amended to read:

23-5-121. Governing boards - authority to establish nonprofit corporations for developing discoveries and technology. (2) The governing board of any state-supported institution of higher education or the commission may incorporate one or more private nonprofit

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corporations under articles 121 to 137 of title 7, C.R.S., for the purpose of developing discoveries and technology resulting from science and technology research at such state-supported institution of higher education. Such a corporation shall have all rights and powers of a private nonprofit corporation organized under the laws of this state and shall not be an agency of state government or a department or political subdivision thereof and shall not be subject to any provisions of law affecting only governmental or public entities; except that provisions as provided for in ~~section 23-1-108 (1) (f)~~ SECTION 23-1-108.1 (1) (f) regarding affirmative action shall be followed.

SECTION 13. 23-18-202 (2) (e), Colorado Revised Statutes, is amended to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - repeal. (2) (e) An eligible undergraduate student who attends a participating private institution of higher education may receive financial assistance under this part 2 in the amount of fifty percent of the stipend amount; except that the amount of the stipend under this paragraph (e) may increase in proportion to the percent of unfunded enrollment growth that is appropriated to the governing boards pursuant to ~~section 23-5-129 (8)~~ 23-5-129 (10).

SECTION 14. The introductory portion to 23-41-104.6 (3), Colorado Revised Statutes, is 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~~ JUNE 30, 2012, and beginning ~~July 1, 2010~~ JULY 1, 2012, for the contract in effect through ~~June 30, 2021~~ JUNE 30, 2022, 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:

SECTION 15. 23-60-211 (1), Colorado Revised Statutes, is amended to read:

23-60-211. Degrees. (1) Before a community college offers a two-year degree program with academic designation, as authorized by section 23-60-201, the community college shall determine the program designation for the degree. A two-year degree program with academic designation shall only be for a degree program that has a valid student transfer agreement pursuant to ~~section 23-1-108 (7)~~ SECTION 23-1-108.3. The community college shall then submit the degree program designation to the board for its review and approval. The community college may offer the degree program only after it has been approved by the board and by the Colorado commission on higher education. The community college shall exclusively use the degree program designation name in official publications, course catalogs, diplomas, and official transcripts.

SECTION 16. 23-60-802, Colorado Revised Statutes, is amended to read:

23-60-802. Area vocational schools - credits - transfer. On or before September 1, 2004, the board shall adopt policies to ensure that, if a student completes a program of study at an area vocational school and subsequently enrolls in an institution within the state system of community and technical colleges, or transfers from an area vocational school to an institution within the state system of community and technical colleges, any postsecondary course credits earned by the student while enrolled in the area vocational school will apply in full at another area vocational school or to an appropriate program leading to a certificate or to an associate degree at a community or technical college. Postsecondary credits earned by a student at an area vocational school may be transferred into an associate degree program at a community college or into a degree program at a four-year institution of higher education as provided in ~~section 23-1-108 (7)~~ SECTION 23-1-108.3 and the state credit transfer policies established by the Colorado commission on higher education.

SECTION 17. 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."

Appropriations After consideration on the merits, the Committee recommends that **SB11-198** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1155** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the State, Veterans & Military Affairs Committee Report, dated March 14, 2011.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1033** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 1, line 103 strike "INSURANCE." and substitute "INSURANCE, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations After consideration on the merits, the Committee recommends that **HB11-1097** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1101** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 4, line 5, strike "appropriations" and substitute "appropriation".

Page 4, line 8, after "for" insert "the".

Page 4, line 9, strike "are" and substitute "is".

Page 4, line 12, strike "C.R.S." and substitute "Colorado Revised Statutes."

Appropriations After consideration on the merits, the Committee recommends that **HB11-1159** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 4, after line 17 insert:

"SECTION 5. Appropriation - adjustments in 2011 long bill.

For the implementation of this act, the cash funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of agriculture, agricultural services division, for inspection and consumer services, is increased by six hundred dollars (\$600). Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes."

Renumber succeeding section accordingly.

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

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Appropriations	After consideration on the merits, the Committee recommends that SB11-070 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB11-128 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
	Amend printed bill, page 2, line 16, strike "HEALTH INSURANCE COVERAGE" and substitute "A HEALTH BENEFIT PLAN".	9 10 11
	Page 2, line 18, strike "FOR HEALTH CARE SERVICES".	12 13
	Page 2, line 21, strike "COVERAGE" and substitute "BENEFIT".	14 15
	Page 5, after line 26, insert:	16 17
	"(6) FEDERAL GRANT MONEYS SHALL BE USED TO IMPLEMENT THIS SECTION."	18 19 20
	Re-number succeeding subsection accordingly.	21 22
	Page 6, before line 1 insert:	23 24
	"Section 4. Appropriation - adjustments to the 2011 long bill.	25
	(1) The general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of regulatory agencies, division of insurance, will receive the sum of five thousand four hundred fifty-five dollars (\$5,455) in federal funds for the implementation of this act. Said sum shall be from funds received through the federal patient protection and affordable care act, Pub. L. 111-148. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.	26 27 28 29 30 31 32 33 34
	(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred thirty-five dollars (\$2,935), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies of out of the appropriation made in subsection (1) of this section."	35 36 37 38 39 40 41 42 43
	Re-number succeeding section accordingly.	44 45
	Page 1, line 103, strike "BASIS." and substitute "BASIS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."	46 47 48 49
Appropriations	After consideration on the merits, the Committee recommends that SB11-169 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50 51 52 53
	Strike the Finance Committee Report, dated February 24, 2011.	54 55
	Amend the Health and Human Services Committee Report, dated February 17, 2011, page 1 of the committee report, line 3, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS".	56 57 58 59 60
	Page 1 of the committee report, line 4, strike "17." and substitute "17 and substitute:	61 62 63
	"(5.5) "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS REQUIRED TO BE CERTIFIED UNDER PART 2 OF THIS ARTICLE AND WHO ASSISTS A PHYSICAL THERAPIST IN SELECTED COMPONENTS OF PHYSICAL THERAPY."."	64 65 66 67 68
	Page 1 of the committee report, before line 5 insert:	69

"Page 5 of the bill, strike lines 7 and 8.

Page 5 of the bill, after line 15, insert:

"(b) EACH MEMBER OF THE BOARD RECEIVES THE COMPENSATION PROVIDED FOR IN SECTION 24-34-102 (13), C.R.S.

(c) THE BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF REGISTRATIONS AS IF THE POWERS, DUTIES, AND FUNCTIONS WERE TRANSFERRED TO THE DIVISION BY A TYPE 1 TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION SHALL PROVIDE NECESSARY MANAGEMENT SUPPORT TO THE BOARD UNDER SECTION 24-34-102, C.R.S."

Reletter succeeding paragraph accordingly.

Page 8 of the bill, line 18, after the semicolon add "AND".

Page 8 of the bill, strike lines 20 through 23 and substitute:

~~"(f) Subject to the provisions of section 12-41-128 and section 24-34-105, C.R.S., to establish fines, set fees, and make such expenditures as the director may deem necessary for the administration of the provisions of this article;"~~

Reletter succeeding paragraph accordingly.

Page 9 of the bill, strike lines 23 through 25 and substitute "possess a valid license issued by the director in accordance with this article and any rules and regulations adopted under this article."

Page 11 of the bill, line 17, after "12-41-109" insert "(1) (a),".

Page 11 of the bill, strike line 19 and substitute:

"12-41-109. Licensure by endorsement. (1) An applicant for licensure by endorsement shall:

(a) Possess ~~an active~~; A valid license in good standing from another state or territory of the United States;

(2) Upon receipt of all"

Page 11 of the bill, strike lines 24 and 25 and substitute:

~~"(4) The director shall notify the applicant in writing of the denial or approval of the application;"~~

Page 12 of the bill, line 14, strike "(2)," and substitute "(1) (b),".

Page 12 of the bill, line 18, after "13." insert "The introductory portion to 12-41-111 (1) and".

Page 12 of the bill, line 21, strike "by examination" and substitute "by examination".

Page 13 of the bill, strike line 4 and substitute "TO BE LICENSED."

Page 13 of the bill, after line 23, insert:

"SECTION 15. Part 1 of article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-41-112.5 Inactive license. A PHYSICAL THERAPIST MAY REQUEST THAT THE BOARD INACTIVATE OR ACTIVATE THE PHYSICAL THERAPIST'S LICENSE. THE BOARD SHALL PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF LICENSES. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE AND CONTINUING PROFESSIONAL

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COMPETENCE FOR A LICENSEE WHOSE LICENSE IS CURRENTLY INACTIVE. THE BOARD NEED NOT REACTIVATE AN INACTIVE LICENSE IF THE PHYSICAL THERAPIST HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-115. A PHYSICAL THERAPIST WHOSE LICENSE IS CURRENTLY INACTIVE SHALL NOT PRACTICE PHYSICAL THERAPY."

Renumber succeeding sections accordingly."

Page 1 of the committee report, line 19, strike "12-41-124." and substitute "12-41-124 IF THE INSURANCE COVERS AT LEAST ONE MILLION DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER YEAR."."

Page 2 of the committee report, before line 1 insert:

"Page 16 of the bill, strike lines 14 and 15 and substitute:

"(b) THE BOARD SHALL ADOPT RULES ESTABLISHING".

Page 2 of the committee report, after line 11 insert:

"Page 19 of the bill, line 8, strike "12-41-118" and substitute "12-41-118.5,".

Page 19 of the bill, line 9, strike "(5),".

Page 2 of the committee report, line 27, after "THERAPIST" insert "RESPONSIBLE FOR PATIENT RECORDS".

Page 3 of the committee report, after line 12 insert:

"Page 20 of the bill, line 13, strike "LAPSED," and substitute "INACTIVE, EXPIRED,".

Page 21 of the bill, strike lines 10 and 11 and substitute:

~~"(c) The director may take disciplinary action on an emergency basis as provided in section 24-4-105, C.R.S.~~ IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF THIS ARTICLE OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE EMERGENCY ACTION, THE BOARD MAY TAKE DISCIPLINARY ACTION ON AN EMERGENCY BASIS UNDER SECTIONS 24-4-104 AND 24-4-105, C.R.S."

Page 35 of the bill, line 5, after "OWNER" insert "WHO RECEIVED THE STOCKS FROM THE SHAREHOLDER"."

Page 3 of the committee report, strike lines 16 and 17 and substitute:

"Page 35 of the bill, line 14, after "when" insert "THE SHAREHOLDERS MAINTAIN PROFESSIONAL LIABILITY INSURANCE THAT MEETS THE STANDARDS OF SECTION 12-14-114.5 OR WHEN"."

Page 4 of the committee report, line 1, after the colon insert "AND".

Page 4 of the committee report, strike lines 2 through 7 and substitute:

"(f) ESTABLISH FINES UNDER SECTION 12-41-122."

Page 4 of the committee report, strike lines 36 and 37 and substitute:

"(2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT PRACTICE PHYSICAL THERAPY".

Page 4 of the committee report, line 40, strike "(1) EXCEPT" and substitute "EFFECTIVE JUNE 1, 2012, EXCEPT".

Page 5 of the committee report, strike lines 5 through 7.

Page 5 of the committee report, line 8, strike "examination." and

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substitute "**examination - repeal**".

Page 5 of the committee report, strike lines 10 and 11 and substitute:

"(a) (I) HAVE SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS DETERMINED BY THE BOARD; OR

(II) QUALIFY TO TAKE THE PHYSICAL THERAPY EXAMINATION ESTABLISHED UNDER SECTION 12-41-107;"

Page 5 of the committee report, strike lines 19 through 29.

Re-number succeeding subsections accordingly.

Page 5 of the committee report, line 33, strike "IS" and substitute "WOULD BE".

Page 5 of the committee report, line 38, strike "IS" and substitute "WOULD BE".

Page 5 of the committee report, after line 39 insert:

"(4) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (1) OF THIS SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS DETERMINED BY THE BOARD.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 1, 2013."

Page 6 of the committee report, strike lines 21 and 22 and substitute:

"(c) THE APPLICANT HAS PASSED AN".

Page 6 of the committee report, strike lines 29 and 30.

Re-number succeeding subsection accordingly.

Page 6 of the committee report, line 31, strike "SUCH".

Page 6 of the committee report, line 32, strike "IS" and substitute "WOULD BE".

Page 6 of the committee report, line 35, strike "BY".

Page 6 of the committee report, line 36, strike "EXAMINATION".

Page 7 of the committee report, strike line 14 and substitute "CERTIFIED".

Page 7 of the committee report, line 18, strike "IS" and substitute "WOULD BE".

Page 8 of the committee report, line 11, strike "SIX" and substitute "SIXTEEN".

Page 8 of the committee report, strike lines 18 through 26.

Page 8 of the committee report, line 36, strike "WHILE".

Page 12 of the committee report, line 4, strike "FEES" and substitute "PENALTIES".

Page 18 of the committee report, line 34, strike "AT A HEARING HELD".

Page 19 of the committee report, after line 18 insert:

"Page 56 of printed bill, after line 2 insert:

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"SECTION 33. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of one hundred one thousand eight hundred fourteen dollars (\$101,814) cash funds and 1.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for information technology costs, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) and 0.3 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section.

(5) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the programming services to be provided to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (3) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102 strike "**PRACTICE.**" and "**PRACTICE, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-172** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated March 7, 2011, page 1, strike lines 1 through 3 and substitute:

"Amend printed bill, page 11, line 5, strike "AND".

Page 11 of the bill, strike lines 6 through 8 and substitute:

"(v) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE

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ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT; AND
 (w) (I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE
 PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A
 DEPENDENT.
 (II) THIS PARAGRAPH (w) IS EFFECTIVE FOR PLANS ISSUED,
 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2012."."

Page 2 of the committee report, after line 9 insert:

"Page 35 of the bill, strike lines 3 through 5 and substitute:

SECTION 28. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the center for health and environmental information, for the fiscal year beginning July 1, 2011, the sum of ten thousand nine hundred seventy-six dollars (\$10,976) cash funds and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, department of human services medicaid-funded programs, for office of information technology services - medicaid funding, for the fiscal year beginning July 1, 2011, the sum of two thousand three hundred twelve dollars (\$2,312), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand one hundred fifty-two dollars (\$1,152) shall be from the general fund and five dollars (\$5) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of health care policy and financing will receive the sum of one thousand one hundred fifty-five dollars (\$1,155) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of six thousand two hundred forty-two dollars (\$6,242), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand five hundred thirty-two dollars (\$1,532) shall be from the general fund, two hundred ninety dollars (\$290) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution, and two thousand three hundred twelve dollars (\$2,312) shall be from reappropriated funds transferred from the department of health care policy and financing from the appropriation in subsection (2) of this section. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of human services will receive the sum of two thousand one hundred eight dollars (\$2,108) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(4) In addition to any other appropriation, there is hereby appropriated, to the governor-lieutenant governor-office of state planning and budgeting, for allocation to the office of information technology, statewide information technology services, for the Colorado benefits management system, for the fiscal year beginning July 1, 2011, the sum of six thousand two hundred forty-two dollars (\$6,242), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of human services out of the appropriation made in subsection (3) of this section.

SECTION 29. Effective date - applicability. (1) This act shall take effect September 1, 2011; except that section 7 of this act shall take

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effect January 1, 2012.

(2) This act shall apply to civil unions entered into on or after September 1, 2011."

Renumber succeeding section accordingly.

Page 1 of the printed bill, line 101, strike "UNIONS." and substitute "UNIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1111** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-131** be postponed indefinitely.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1156** be referred to the Committee on Appropriations with favorable recommendation.

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, March 18 was laid over until Monday, March 21, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.

Consideration of House Amendments to Senate Bills: SCR11-001.

Consideration of Governor's Appointments:

Member of the Colorado Racing Commission

Member of the Colorado Limited Gaming Control Commission

LETTER FROM THE PRESIDENT

March 18, 2011

Ms. Cindi Markwell
Secretary of the Senate
Colorado Senate Chambers
State Capitol Building
Denver, CO 80203

Dear Madam Secretary,

We have received the attached communication from Stephanie Cegielski which sets out a complaint under Senate Rule No. 43 and alleges an ethical violation by Senator John Morse.

Pursuant to Senate Rule No. 43, we are directed to appoint a Committee on Ethics of at least five Senate members. The five members shall be three majority party members appointed by the Senate President from among the chairmen of committees of reference and two minority party members appointed by the Senate Minority Leader from among members of the Senate who are senior in service and experience.

Accordingly, the appointees of the President are Senators Bacon, M. Carroll, and Steadman. The appointees of the Minority Leader are Senators Mitchell and Spence. The President designates Senator M. Carroll as chairman and Senator Spence as vice-chairman.

In addition, we are asking the Legislative Council to staff the Committee on Ethics and the Office of Legislative Legal Services to provide any legal assistance requested by the Committee.

We request you deliver copies of this letter and the attached complaint to Senator Morse and to the chairman of the Committee on Ethics, Senator M. Carroll. This letter shall serve as formal notice of the initiation of the procedure set out in Senate Rule No. 43. As provided for in Senate Rule No. 43 (c), Senator Morse may submit a written answer to the Committee on Ethics within ten days after today's date, March 18, 2011. The Committee shall proceed in accordance with Senate Rule No. 43.

Sincerely,
(signed)
Brandon Shaffer
President of the Senate

(signed)
Mike Kopp
Senate Minority Leader

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 21, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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