

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0336.01 Julie Pelegrin

SENATE BILL 10-003

SENATE SPONSORSHIP

Morse and Penry, Heath

HOUSE SPONSORSHIP

Middleton and May, Court, Gerou

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING HIGHER EDUCATION FLEXIBILITY TO IMPROVE THE**
102 **FINANCIAL POSITION OF STATE INSTITUTIONS OF HIGHER**
103 **EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Long-term Fiscal Stability Commission. Section 1. The bill directs the council for a common course number system (council), in conjunction with the state institutions of higher education (institutions) and the guaranteed transfer program, to develop articulation agreements

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

for 5 degree programs before January 1, 2011. After completion of the first 5 articulation agreements, the council will develop additional articulation agreements.

Section 2. Under current law, each institution must ensure that no less than two-thirds of the students enrolled at each campus of the institution are in-state students. The bill applies the two-thirds in-state student requirement to the institution as a whole rather than each campus. Under current law, foreign students are included as out-of-state students for purposes of calculating the ratio between in-state and out-of-state students. The bill exempts institutions that meet certain criteria from the requirement that they include foreign students in the calculations for in-state and out-of-state students.

Sections 3 and 4. Where, under current law, the department of higher education sets financial aid eligibility requirements, the bill gives institutions that authority. The bill removes the requirement that an institution that is an enterprise dedicate a percentage of its revenues to need-based financial aid if the institution increases tuition.

Sections 5-7. Where institutions are currently subject to the state fiscal rules, the bill allows the institutions to adopt their own rules.

Section 8. Where institutions are currently subject to information technology rules promulgated by the state chief information security officer, the bill allows the institutions to adopt their own rules.

Section 9. Where institutions are required to provide various state entities with financial data, the bill permits an institution to provide only audited financial statements in those cases.

Sections 10-14. Under current law, institutions must submit capital construction projects to the Colorado commission on higher education (CCHE) for approval and comply with other statutory provisions regarding capital construction projects. The bill allows the institutions to notify CCHE and the capital development committee of its projects.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

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

7 (b) A vibrant, effective, high-quality state higher education system

1 that is both accessible and affordable is crucial to maintaining economic
2 development within the state and to ensuring that the citizens of the state
3 have the educational opportunities they need to succeed in a highly
4 competitive global economy;

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

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

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

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

27 (e) In rewriting the master plan, the Colorado commission on

1 higher education should also take into account the final report of the
2 higher education strategic planning steering committee appointed by the
3 governor to address state higher education needs, governance, and
4 funding and improving student access and success. The steering
5 committee anticipates completing the final report by November 4, 2010.

6 (f) The master plan must address:

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

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

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

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

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

25 (2) The general assembly finds, therefore, that, due to the
26 immediate and daunting economic challenges facing the state institutions
27 of higher education, it is in the best interests of the state to immediately

1 grant to the institutions greater flexibility in setting tuition rates and with
2 regard to institutional operations. Further, the implementation of a new
3 master plan for the statewide system of higher education will preserve the
4 vitality and quality of the public higher education system in Colorado into
5 the future to ensure that Colorado's citizens, through their access to a
6 world-class higher education system, can develop the knowledge and
7 skills necessary to ensure their personal success and the success of the
8 state as a whole.

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

11 **23-1-108. Duties and powers of the commission with regard to**
12 **systemwide planning.** (1.5) (a) ON OR BEFORE DECEMBER 15, 2010, THE
13 COMMISSION SHALL DEVELOP AND SUBMIT TO THE GOVERNOR AND THE
14 GENERAL ASSEMBLY A NEW MASTER PLAN FOR COLORADO
15 POSTSECONDARY EDUCATION. THE COMMISSION SHALL COLLABORATE
16 WITH THE GOVERNING BOARDS AND CHIEF EXECUTIVE OFFICERS OF THE
17 STATE INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING THE MASTER
18 PLAN. IN ADDITION, THE COMMISSION SHALL TAKE INTO ACCOUNT THE
19 FINAL REPORT OF THE HIGHER EDUCATION STRATEGIC PLANNING STEERING
20 COMMITTEE APPOINTED BY THE GOVERNOR. AT A MINIMUM, THE
21 COMMISSION SHALL ADDRESS THE FOLLOWING ISSUES IN DEVELOPING THE
22 MASTER PLAN:

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

26 (II) ALIGNMENT OF THE STATE SYSTEM OF HIGHER EDUCATION
27 WITH THE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION AND

1 INCREASING THE RATE AT WHICH STUDENTS WHO GRADUATE FROM
2 COLORADO HIGH SCHOOLS ENROLL IN AND COMPLETE POSTSECONDARY
3 AND CAREER AND TECHNICAL EDUCATION;

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

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

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

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

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

20 (II) ENSURING THE LONG TERM FISCAL STABILITY AND
21 AFFORDABILITY OF THE STATE SYSTEM OF HIGHER EDUCATION AND
22 ENSURING THE EFFICIENT ALLOCATION OF AVAILABLE STATE RESOURCES
23 TO SUPPORT INSTITUTIONS OF HIGHER EDUCATION WHILE PROTECTING THE
24 UNIQUE MISSION OF EACH INSTITUTION. THE ALLOCATION SHALL TAKE
25 INTO CONSIDERATION, BUT NEED NOT BE LIMITED TO, TUITION CAPACITY,
26 TUITION RATES RELATIVE TO COMPETITIVE INSTITUTIONS, THE STATE
27 RESOURCES AVAILABLE TO INSTITUTIONS, FUNDING FOR HIGH-COST

1 PROGRAMS, THE STUDENT AND FAMILY INCOMES OF STUDENTS ENROLLED
2 AT INSTITUTIONS, ENROLLMENT LEVELS, GEOGRAPHIC ACCESS TO
3 EDUCATIONAL OPPORTUNITIES THROUGHOUT THE STATE, AND OTHER
4 ISSUES DEEMED RELEVANT BY THE COMMISSION.

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

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

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

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

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

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

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

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

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

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

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

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

12 (C) PROVIDING ASSISTANCE IN OBTAINING ACCESS TO
13 TECHNOLOGY.

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

16 **23-5-130.5. Governing boards - tuition-setting - repeal.**

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

24 (2) IN SETTING THE AMOUNT OF TUITION PURSUANT TO THIS
25 SECTION, A GOVERNING BOARD SHALL NOT INCREASE THE TUITION RATE
26 FOR UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION BY MORE
27 THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR

1 OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT
2 A GOVERNING BOARD MAY INCREASE SAID TUITION RATE BY MORE THAN
3 NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE
4 TUITION RATE FOR THE PRECEDING FISCAL YEAR IF THE GOVERNING BOARD
5 COMPLIES WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS
6 SECTION AND THE COLORADO COMMISSION ON HIGHER EDUCATION,
7 REFERRED TO IN THIS SECTION AS THE "COMMISSION", APPROVES THE
8 INCREASE.

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

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

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

1 BOARD WILL ALLOCATE TO NEED-BASED FINANCIAL ASSISTANCE;
2 (c) THE MANNER IN WHICH THE GOVERNING BOARD SHALL
3 SPECIFICALLY ADDRESS THE NEEDS OF STUDENTS WHO GRADUATE FROM
4 COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN
5 STUDENTS AND MEET ON OR MORE OF THE FOLLOWING CRITERIA:
6 (I) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS
7 LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN
8 INSTITUTION OF HIGHER EDUCATION;
9 (II) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY
10 EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;
11 (III) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED
12 POPULATION; OR
13 (IV) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO
14 SUPPORT LEARNING.
15 (d) THE MANNER IN WHICH THE GOVERNING BOARD IS
16 IMPLEMENTING THE FLEXIBILITY PROVIDED WITH REGARD TO PURCHASING,
17 CENTRAL SERVICES, AND OTHER OPERATIONS TO ENSURE GREATER
18 INSTITUTIONAL EFFICIENCIES;
19 (e) MEASURES THE GOVERNING BOARD SHALL IMPLEMENT TO
20 ENSURE THAT ANY OPERATIONAL CHANGES DESCRIBED IN PARAGRAPH (d)
21 OF THIS SUBSECTION (3) DO NOT REDUCE THE LEVEL OF SERVICE AND THE
22 QUALITY OF ACADEMIC PROGRAMS PROVIDED TO STUDENTS ENROLLED IN
23 THE STATE INSTITUTION OF HIGHER EDUCATION; AND
24 (f) ANY ADDITIONAL INFORMATION REQUESTED BY THE
25 COMMISSION.
26 (4) (a) THE COMMISSION SHALL REVIEW EACH FINANCIAL AND
27 ACCOUNTABILITY PLAN RECEIVED PURSUANT TO SUBSECTION (3) OF THIS

1 SECTION AND, WITHIN NINETY DAYS AFTER RECEIVING THE PLAN, EITHER
2 APPROVE OR DISAPPROVE THE GOVERNING BOARD'S REQUEST FOR AN
3 INCREASE IN UNDERGRADUATE, RESIDENT TUITION IN EXCESS OF NINE
4 PERCENT. IN APPROVING A TUITION INCREASE, THE COMMISSION MAY
5 APPROVE THE REQUEST FOR TWO YEARS AND MAKE APPROVAL FOR THE
6 SUBSEQUENT TWO YEARS CONDITIONAL UPON THE GOVERNING BOARD'S
7 SUCCESS IN IMPLEMENTING THE MEASURES SPECIFIED IN THE FINANCIAL
8 AND ACCOUNTABILITY PLAN. IF THE REQUEST IS DENIED, THE GOVERNING
9 BOARD MAY SUBMIT AN ALTERNATIVE FINANCIAL AND ACCOUNTABILITY
10 PLAN TO THE COMMISSION IN ACCORDANCE WITH TIMELINES ADOPTED BY
11 THE COMMISSION.

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

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

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

27 SECTION 4. 23-1-104, Colorado Revised Statutes, is

1 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2 **23-1-104. Financing the system of postsecondary education -**
3 **report - repeal.** (1) (a) (I) THE GENERAL ASSEMBLY SHALL MAKE
4 ANNUAL APPROPRIATIONS OF MONEYS THAT ARE ESTIMATED TO BE
5 RECEIVED BY AN INSTITUTION, UNDER THE DIRECTION AND CONTROL OF
6 THE GOVERNING BOARD, AS STIPENDS, AS DEFINED IN SECTION 23-18-102,
7 AND THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN
8 SECTIONS 23-1-109.7 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH
9 GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES; EXCEPT THAT,
10 IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN
11 PARAGRAPH (c) OF THIS SUBSECTION (1), TO THE COLORADO STATE
12 FOREST SERVICE, THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT
13 OF THE COLORADO STATE UNIVERSITY, OR THE COLORADO STATE
14 UNIVERSITY COOPERATIVE EXTENSION SERVICE, SUCH MONEYS SHALL NOT
15 BE INCLUDED WITHIN THE SINGLE LINE ITEM APPROPRIATIONS DESCRIBED
16 IN THIS PARAGRAPH (a).

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

18 (b) (I) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016,
19 THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OF
20 GENERAL FUND MONEYS, OF CASH FUNDS RECEIVED FROM TUITION
21 INCOME, AND OF MONEYS THAT ARE ESTIMATED TO BE RECEIVED BY AN
22 INSTITUTION, UNDER THE DIRECTION AND CONTROL OF THE GOVERNING
23 BOARD, AS STIPENDS, AS DEFINED IN SECTION 23-18-102, AND THROUGH
24 FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7
25 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH GOVERNING BOARD FOR
26 THE OPERATION OF ITS CAMPUSES; EXCEPT THAT, IF THE GENERAL
27 ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN PARAGRAPH (c) OF

1 THIS SUBSECTION (1), TO THE COLORADO STATE FOREST SERVICE, THE
2 AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF THE COLORADO
3 STATE UNIVERSITY, OR THE COLORADO STATE UNIVERSITY COOPERATIVE
4 EXTENSION SERVICE, SUCH MONEYS SHALL NOT BE INCLUDED WITHIN THE
5 SINGLE LINE ITEM APPROPRIATIONS DESCRIBED IN THIS PARAGRAPH (b).

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

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

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

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

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

27 (d) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 OF

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

6 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, BEGINNING IN THE 2011-12 FISCAL YEAR AND FOR EACH
8 FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, THE
9 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE GOVERNING
10 BOARD OF THE COLORADO SCHOOL OF MINES IN ACCORDANCE WITH
11 SECTION 23-41-104.7, AND AS STIPENDS, AS DEFINED IN SECTION
12 23-18-102, AS A SINGLE LINE ITEM TO SAID GOVERNING BOARD. THE
13 AMOUNT APPROPRIATED PURSUANT TO SECTION 23-41-104.7 SHALL BE IN
14 LIEU OF ANY AMOUNT AUTHORIZED THROUGH FEE-FOR-SERVICE
15 CONTRACTS NEGOTIATED PURSUANT TO SECTION 23-1-109.7 AND
16 23-5-130.

17 (3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION
18 24-75-102, C.R.S., THE GOVERNING BOARDS ARE AUTHORIZED TO RETAIN
19 ALL MONEYS APPROPRIATED PURSUANT TO THIS SECTION AND SECTION
20 23-1-118, OR OTHERWISE GENERATED, FROM FISCAL YEAR TO FISCAL
21 YEAR.

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

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

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

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

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

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

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

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

25 **23-1-108. Duties and powers of the commission with regard to**
26 **systemwide planning.** (12) (a) The commission shall establish tuition
27 and fee policies based on institutional role and mission, and the governing

1 boards shall set tuition and fees consistent with such policies. The
2 commission shall follow the requirements of section 23-1-123 in
3 establishing fee policies pursuant to this subsection (12).

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

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

10 **23-18-202. College opportunity fund - appropriations -**
11 **payment of stipends - reimbursement - repeal.** (3) (b) (I) The tuition
12 increases from which the general assembly derived the total cash
13 spending authority for each governing board shall be noted in a footnote
14 in the annual general appropriations act.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH (b), FOR FISCAL YEARS 2011-12 THROUGH 2015-16,
17 TUITION INCREASES SHALL NOT BE NOTED IN A FOOTNOTE IN THE ANNUAL
18 GENERAL APPROPRIATION ACT. EACH GOVERNING BOARD SHALL
19 ESTABLISH TUITION IN EACH OF SAID FISCAL YEARS AS PROVIDED IN
20 SECTION 23-5-130.5. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE
21 JULY 1, 2016.

22 (c) (I) If an institution of higher education is designated as an
23 enterprise pursuant to section 23-5-101.7, the institution shall annually
24 allocate at least twenty percent of any increase in undergraduate resident
25 tuition revenues above inflation to need-based financial assistance. FOR
26 FISCAL YEARS 2011-12 THROUGH 2015-16, IF A GOVERNING BOARD
27 SUBMITS A PLAN FOR AUTHORIZATION TO INCREASE UNDERGRADUATE,

1 RESIDENT TUITION BY MORE THAN NINE PERCENT PURSUANT TO SECTION
2 23-5-130.5, THE GOVERNING BOARD SHALL SPECIFY THE AMOUNT OF
3 INSTITUTIONAL FUNDS THE GOVERNING BOARD WILL ALLOCATE TO
4 NEED-BASED FINANCIAL ASSISTANCE.

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

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

8 **23-20-112. General powers of the board - repeal.** (1) The board
9 of regents shall enact laws for the government of the university; appoint
10 the requisite number of professors, tutors, and all other officers; and
11 determine the salaries of such officers and the amount to be paid for
12 tuition in accordance with the level of cash fund appropriations set by the
13 general assembly for the university pursuant to section 23-1-104 (1) (a)
14 (I). It shall remove any officer connected with the university when in its
15 judgment the good of the institution requires it.

16 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
17 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
18 2015-16, THE BOARD OF REGENTS, IN ACCORDANCE WITH SECTION
19 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY
20 STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
21 STUDENTS WHO ENROLL IN AND ATTEND THE UNIVERSITY.

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

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

25 **23-30-112. Tuition - repeal.** (1) The board of governors of the
26 Colorado state university system, shall fix tuition in accordance with the
27 level of cash fund appropriations set by the general assembly for the

1 entities it governs pursuant to section 23-1-104 (1) (a) (I). The board may
2 discriminate in regard to tuition between students from this state and
3 students from other states.

4 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
5 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
6 2015-16, THE BOARD OF GOVERNORS OF THE COLORADO STATE
7 UNIVERSITY SYSTEM, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
8 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
9 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
10 IN AND ATTEND THE INSTITUTIONS IT GOVERNS.

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

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

14 **23-40-104.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
15 THROUGH 2015-16, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF
16 NORTHERN COLORADO, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
17 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
18 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
19 IN AND ATTEND THE UNIVERSITY OF NORTHERN COLORADO.

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

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

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

27 (c) (I) (A) Shall have sole authority to establish resident and

1 nonresident tuition rates for the Colorado school of mines; except that the
2 annual percentage increase in resident tuition rates shall not exceed a
3 percentage equal to two times the rate of the percentage change in the
4 consumer price index for the Denver metropolitan area.

5 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
6 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
7 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES SHALL HAVE SOLE
8 AUTHORITY TO ESTABLISH RESIDENT AND NONRESIDENT TUITION RATES
9 FOR THE COLORADO SCHOOL OF MINES SO LONG AS THE SCHOOL
10 CONTINUES TO MEET THE GOALS SPECIFIED IN THE PERFORMANCE
11 CONTRACT AND TO COMPLY WITH THE PROVISIONS OF SECTION 23-1-104.7.
12 THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016.

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

15 **23-41-107. Tuition - school open to all - repeal.** (1) The
16 Colorado school of mines is open for instruction to all bona fide residents
17 of this state, without regard to sex or color, upon the payment of such
18 reasonable tuition fees as may be prescribed by the board of trustees.
19 With the consent of such board, students from other states, territories, or
20 countries may receive education thereat upon such terms and at such rates
21 of tuition as such board may determine. The board, shall fix tuition in
22 accordance with the level of cash fund appropriations set by the general
23 assembly for such institution pursuant to section 23-1-104 (1) (a) (I).

24 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
25 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
26 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION
27 23-41-104.6(c) (I) (B), SHALL ANNUALLY SET THE AMOUNT OF TUITION TO

1 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
2 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COLORADO
3 SCHOOL OF MINES.

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

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

7 23-51-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12
8 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
9 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
10 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
11 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND ADAMS STATE
12 COLLEGE.

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

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

16 23-52-105. Tuition fees - Indians - repeal. (1) (b) (I) On and
17 after September 1, 2002, the board of trustees, shall fix tuition in
18 accordance with the level of cash fund appropriations set by the general
19 assembly for Fort Lewis college pursuant to section 23-1-104 (1) (a) (I),
20 subject to the restriction that all qualified Indian pupils shall at all times
21 be admitted to such college free of charge for tuition and on terms of
22 equality with other pupils. The general assembly shall appropriate from
23 the state general fund one hundred percent of the moneys required for
24 tuition for such qualified Indian pupils.

25 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
26 THIS PARAGRAPH (b) TO THE CONTRARY, FOR FISCAL YEARS 2011-12
27 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH

1 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
2 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
3 STUDENTS WHO ENROLL IN AND ATTEND FORT LEWIS COLLEGE, SUBJECT TO
4 THE RESTRICTION FOR ALL QUALIFIED INDIAN PUPILS AS PROVIDED IN
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THIS SUBPARAGRAPH (II) IS
6 REPEALED, EFFECTIVE JULY 1, 2016.

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

9 **23-53-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
10 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
11 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
12 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
13 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND MESA STATE
14 COLLEGE.

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

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

18 **23-54-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
19 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
20 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
21 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
22 STUDENTS WHO ENROLL IN AND ATTEND METROPOLITAN STATE COLLEGE
23 OF DENVER.

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

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

27 **23-56-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12

1 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
2 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
3 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
4 STUDENTS WHO ENROLL IN AND ATTEND WESTERN STATE COLLEGE OF
5 COLORADO.

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

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

9 **23-60-202. Duties of board with respect to state**
10 **system - repeal.** (1) With respect to the community and technical
11 colleges within the state system, the board has the authority, responsibility,
12 rights, privileges, powers, and duties customarily exercised by the
13 governing boards of institutions of higher education, including the
14 following:

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

19 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
20 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
21 2011-12 THROUGH 2015-16 FISCAL YEARS, THE BOARD, IN ACCORDANCE
22 WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION
23 TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
24 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COMMUNITY
25 AND TECHNICAL COLLEGES. THIS SUB-SUBPARAGRAPH (B) IS REPEALED,
26 EFFECTIVE JULY 1, 2016.

27 SECTION 18. 23-3.3-102 (2) and (3), the introductory portion to

1 23-3.3-102 (3.5), and 23-3.3-102 (4) and (8), Colorado Revised Statutes,
2 are amended to read:

3 **23-3.3-102. Assistance program authorized - procedure -**
4 **audits.** (2) The commission shall determine, by guideline, the institutions
5 eligible for participation in the program AND SHALL ANNUALLY
6 DETERMINE THE AMOUNT ALLOCATED TO EACH INSTITUTION.

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

16 (3.5) Notwithstanding any provision of this article to the contrary,
17 ~~the commission~~ EACH PARTICIPATING INSTITUTION shall adopt policies and
18 procedures to allow a person who meets the following criteria to qualify
19 for financial assistance through the financial assistance programs
20 established pursuant to this article:

21 (4) Program disbursements shall be handled by the institution
22 subject to audit and review. ~~except that each nonpublic institution of~~
23 ~~higher education which receives additional financial assistance pursuant~~
24 ~~to this section, due to the change in the determination of need pursuant to~~
25 ~~subsection (6) of this section, shall allocate such financial assistance on~~
26 ~~the basis of need. The change in the determination of need pursuant to~~
27 ~~said subsection (6) shall in no way reduce the allocation by the Colorado~~

1 commission on higher education of moneys for merit-based programs to
2 nonpublic institutions of higher education.

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

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

16 **23-1-113.5. Commission directive - resident admissions.**

17 (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION REGARDING
18 THE PERCENTAGE AND FRACTION OF STUDENTS WHO ARE IN-STATE
19 STUDENTS, AS DEFINED IN SECTION 23-7-102 (5), SHALL NOT APPLY TO THE
20 UNIVERSITY OF COLORADO SYSTEM IF THE FOLLOWING REQUIREMENTS ARE
21 MET:

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

26 (II) THE FRACTION OF STUDENTS ENROLLED AT EACH CAMPUS WHO
27 ARE IN-STATE STUDENTS IS NOT LESS THAN TWO-THIRDS OF THE TOTAL

1 STUDENT ENROLLMENT AT THE CAMPUS, INCLUDING UNDERGRADUATE AND
2 GRADUATE STUDENTS, CALCULATED ON A THREE-YEAR ROLLING AVERAGE
3 AND EXCLUDING FOREIGN STUDENTS;

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

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

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

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

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

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

3 **23-5-129. Governing boards - performance contract -**
4 **authorization - operations.** (4) Notwithstanding any requirements of
5 article 101 of title 24, C.R.S., and part 11 of article 30 of title 24, C.R.S.,
6 to the contrary, a governing board of a state institution of higher education
7 that operates pursuant to a performance contract negotiated pursuant to
8 this section may negotiate with the department of higher education, after
9 approval from the Colorado commission on higher education, a provision
10 in the performance contract to allow an exemption from the procurement
11 code, article 101 of title 24, C.R.S., and the central state motor vehicle
12 fleet system, part 11 of article 30 of title 24, C.R.S. The executive
13 director of the department of higher education shall communicate in
14 writing with the executive director of the department of personnel
15 regarding any exemptions granted pursuant to this subsection (4):

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

18 **23-1-106.3. Duties and powers of the commission - capital**
19 **construction projects - federal mineral lease revenues fund - higher**
20 **education institutions lease-purchase cash fund.** (3) (c) The provisions
21 of section 24-30-202 (5) (b), C.R.S., shall not apply to a lease-purchase
22 agreement authorized pursuant to paragraph (a) of this subsection (3) or
23 any ancillary agreement or instrument entered into pursuant to paragraph
24 (b) of this subsection (3). THE STATE CONTROLLER OR HIS OR HER
25 DESIGNEE SHALL WAIVE any provision of the fiscal rules promulgated
26 pursuant to section 24-30-202 (1) and (13), C.R.S., that the state controller
27 deems to be incompatible or inapplicable with respect to said

1 lease-purchase agreements or any such ancillary agreement or instrument.
2 may be waived by the controller or his or her designee.

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

5 **23-20-111. Supervisory powers of board.** The board of regents
6 has general supervision of the university and control and direction of all
7 funds of and appropriations to the university. ~~except that the controller~~
8 ~~shall have the authority to promulgate fiscal rules pursuant to section~~
9 ~~24-30-202, C.R.S., which shall be applicable to the university and its~~
10 ~~officers and employees.~~

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

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

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

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

27 **24-30-202. Procedures - vouchers and warrants - rules -**

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

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

27 (c) Repealed.

1 (d) AN INSTITUTION OF HIGHER EDUCATION, INCLUDING THE
2 AURARIA HIGHER EDUCATION CENTER, THAT IS EXEMPT FROM THE STATE
3 FISCAL RULES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13)
4 SHALL CONTINUE TO PROVIDE TO THE CONTROLLER SUCH INFORMATION AS
5 IS NECESSARY TO ENABLE THE CONTROLLER TO MEET THE OBLIGATIONS SET
6 FORTH IN SUBSECTION (11) OF THIS SECTION AND SECTIONS 24-17-102 AND
7 24-30-204; EXCEPT THAT AN INSTITUTION OF HIGHER EDUCATION SHALL BE
8 REQUIRED TO PROVIDE ONLY SUCH DATA AND REPORTS AS ARE READILY
9 ACCESSIBLE TO THE INSTITUTION OR PRESENTLY GENERATED BY THE
10 INSTITUTION.

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

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

26 **24-30-202. Procedures - vouchers and warrants - rules -**
27 **penalties.** (9) (d) NOTWITHSTANDING ANY PROVISION OF THIS

1 SUBSECTION (9) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION
2 (9) SHALL NOT APPLY TO ANY WARRANT DRAWN BY AN INSTITUTION OF
3 HIGHER EDUCATION OR BY THE AURARIA HIGHER EDUCATION CENTER THAT
4 IS EXEMPT FROM THE STATE FISCAL RULES PURSUANT TO PARAGRAPH (b)
5 OF SUBSECTION (13) OF THIS SECTION.

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

8 **23-5-113. Collection of loans and outstanding obligations -**
9 **state educational institutions.** (1) Notwithstanding the provisions of
10 section 24-30-202.4, C.R.S., the governing board of any state educational
11 institution ~~with the approval of the state controller,~~ may promulgate rules
12 and regulations relating to procedures for collecting any loans or other
13 outstanding obligations owed to such institution. The institution may
14 employ private counsel or a collection agency to handle the collection of
15 any such loan or obligation. Employment of private counsel or a
16 collection agency shall be in accordance with the rules and regulations,
17 but in no event shall the fees paid to the private counsel or collection
18 agency exceed forty percent of the amount recovered.

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

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

25 **24-30-202.4. Collection of debts due the state - controller's**
26 **duties - creation of debt collection fund - definitions.** (2) EXCEPT AS
27 OTHERWISE PROVIDED FOR INSTITUTIONS OF HIGHER EDUCATION PURSUANT

1 TO SECTION 23-5-113, C.R.S., AND except for those debts under the
2 jurisdiction of the department of revenue referred to in section 24-35-108
3 (1) (a), under the jurisdiction of the judicial department referred to in
4 section 16-11-101.6, C.R.S., and under the jurisdiction of the department
5 of labor and employment related to overpayment of unemployment
6 insurance benefits and delinquent taxes referred to in section 8-79-102,
7 C.R.S., all state agencies shall refer to the state controller debts due the
8 state that the agency has been unable to collect within thirty days after
9 such debts have become past due, together with the data and information
10 necessary for the controller to institute collection procedures. Debts are
11 not subject to referral pursuant to this subsection (2) if payment
12 arrangements have been made and payments due in accordance with the
13 terms of the arrangements are not delinquent. The controller may grant a
14 waiver to the requirement that a state agency refer debts within such
15 thirty-day period based upon a documented request and justification
16 provided by a state agency, pursuant to rules promulgated by the
17 department of personnel under article 4 of this title. A waiver may include
18 but shall not be limited to extended periods to collect delinquent debts.
19 For accounts where no waiver to assignment has been granted, the
20 controller shall use all state collection capabilities to collect that debt,
21 including, but not limited to, the certification of that debt to the
22 department of revenue for offset of that debt against any tax refund due
23 the debtor under the provisions of subparagraph (II) of paragraph (a) of
24 subsection (3) of this section. No later than one hundred twenty days after
25 receipt by the controller, the controller or the controller's designee shall
26 legally assign all debts that are not claims in process of collection to
27 private counsel or private collection agencies that appear on the list of

1 private counsel or private collection agencies. For the purposes of this
2 section, "claims in process of collection" means any debts on which
3 payments are being made, on which payments have been promised, on
4 which suit has been brought, or any other debts as defined in rules
5 promulgated by the department of personnel pursuant to article 4 of this
6 title. The private counsel or private collection agencies included in the list
7 of private counsel or private collection agencies shall be selected through
8 competition pursuant to the provisions of the "Procurement Code", articles
9 101 to 112 of this title. Criteria for selection of the private counsel or
10 private collection agencies shall be developed by the executive director of
11 the department of personnel in consultation with the controller, affected
12 state agencies, and the private collection community. In addition, a
13 state-supported institution of higher education may utilize the provisions
14 of section 23-5-113, C.R.S., for the collection of any loan or other
15 outstanding obligation owed to such institution.

16 (3) (a) (II) Upon verification by the appropriate state agency of the
17 amount of the debt due the state, the controller may certify to the
18 department of revenue any unpaid debt due the state to be offset against
19 a tax refund due the debtor, pursuant to section 39-21-108 (3), C.R.S.
20 Before any unpaid debt is certified to the department of revenue, the
21 controller shall give written notice to the debtor that the debt shall be
22 offset against a tax refund due the debtor and shall notify the debtor that
23 the debtor may, within thirty days of the postmark of the written notice
24 from the controller, request a hearing to dispute the tax refund offset.
25 Such hearing shall be held within thirty calendar days from receipt of the
26 request from the debtor. If the agency that referred the debt to the
27 controller certifies that the debt was the subject of a final agency

1 determination or judicial decision or that the debt has been reduced to
2 judgment, the debtor may not dispute the validity of the debt at the
3 hearing. No money shall be refunded or offset against a tax refund due
4 the debtor if such a hearing is requested until such time as the hearing is
5 completed and a decision is rendered. If at the hearing the dispute is
6 resolved in favor of the debtor, the debtor shall be entitled to a refund of
7 any moneys due plus interest, pursuant to section 39-21-110.5, C.R.S.
8 Provisions for adequate notice and opportunity for hearing shall be made
9 by rules and regulations promulgated by the executive director of the
10 department of personnel. Any debts may be written off, released, or
11 compromised pursuant to paragraph (c) of this subsection (3). As used in
12 this section, unless the context otherwise requires, "agency" includes
13 state-supported institutions of higher education.

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

16 **24-30-1102. Definitions.** As used in this part 11, unless the
17 context otherwise requires:

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

24 (6) (a) "State-owned motor vehicle" means all motor vehicles
25 owned by the state or any agency of the state that shall include all two-
26 and four-wheel drive trucks, all passenger vehicles including cars, vans,
27 station wagons and other similar passenger vehicles, and any other vehicle

1 not described herein that may be designated as a state-owned motor
2 vehicle if a state agency requests such designation; except that
3 "state-owned motor vehicle" shall not include any vehicle rated at one ton
4 or more that is:

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

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

10 **24-19-103. Prohibition against postemployment compensation**
11 **- exception.** (2) (a) At the option of the appointing authority for any
12 government-supported official or employee, such official or employee
13 may be provided postemployment compensation that consists of the
14 payment of up to a maximum of three months of salary for such official
15 or employee and the provision of up to a maximum of three months of
16 employee benefits for such official or employee. No postemployment
17 compensation shall be provided other than cash payments and the
18 provision of employee benefits. Postemployment compensation may be
19 approved and provided only if the government-supported official or
20 employee who is to receive such compensation was employed by the
21 governmental unit or government-financed entity for less than five years;
22 EXCEPT THAT POSTEMPLOYMENT COMPENSATION MAY BE APPROVED AND
23 PROVIDED FOR AN OFFICIAL OR EMPLOYEE OF A STATE INSTITUTION OF
24 HIGHER EDUCATION OR OF THE AURARIA HIGHER EDUCATION CENTER,
25 REGARDLESS OF THE LENGTH OF EMPLOYMENT.

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

1 24-102-205. Centralized contract management system -
2 personal services contracts - legislative declaration - definitions.

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

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

13 (2) This section shall apply to any personal services contract to
14 which the state is a party the value of which exceeds one hundred
15 thousand dollars with the exception of any contract to which the state is
16 a party under medicare, the "Colorado Medical Assistance Act", articles
17 4 to 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article
18 8 of title 25.5, C.R.S., OR the "Colorado Indigent Care Program", part 1
19 of article 3 of title 25.5, C.R.S. or to any grant, award, or contract funded
20 by any federal or private entity for any research or sponsored project
21 activity of an institution of higher education or an affiliate of an institution
22 of higher education that is funded from moneys that are restricted by the
23 entity under the grant, award, or contract. For purposes of this section,
24 "sponsored project" means an agreement between an institution of higher
25 education and another party that provides restricted funding and requires
26 oversight responsibilities for research and development or other specified
27 programmatic activities that are sponsored by federal or private agencies

1 and organizations.

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

4 24-103.5-101. Monitoring of vendor performance - definitions.

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

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

15 (7) Notwithstanding any other provision of this section:

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

1 research and development or other specified programmatic activities that
2 are sponsored by federal or private agencies and organizations.

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

5 **24-105-102. Performance evaluation reports - definitions.**

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

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

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

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

19 **23-1-106. Duties and powers of the commission with respect to**
20 **capital construction and long-range planning.** (8) Any acquisition of
21 real property by a state-supported institution of higher education that is
22 conditional upon or requires expenditures of state-controlled funds or
23 federal funds shall be subject to the approval of the commission, whether
24 acquisition is by lease-purchase, purchase, gift, or otherwise.

25 **SECTION 34.** 23-1-106 (3), (5) (a), (6), (7) (a), (7) (c) (I), (9),
26 (10), (10.5) (a), and (11) (a) (IV), Colorado Revised Statutes, are amended
27 to read:

1 **23-1-106. Duties and powers of the commission with respect to**
2 **capital construction and long-range planning.** (3) The commission
3 shall review and approve facility master plans for all state institutions of
4 higher education on land owned or controlled by the state or an institution
5 and capital construction program plans for projects other than those
6 projects constructed pursuant to DESCRIBED IN subsection (9) or (10) of
7 this section. Except for those projects constructed pursuant to DESCRIBED
8 IN subsection (9) or (10) of this section, no capital construction shall
9 commence except in accordance with an approved facility master plan and
10 program plan.

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

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

27 (b) The commission shall request annually from the governing

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

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

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

27 (9) (a) Except as provided in paragraph (d) of this subsection (9),

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

11 (b) Except as provided in paragraph (d) of this subsection (9), a
12 capital construction project for an academic building initiated by the
13 governing board of a state-supported institution of higher education that
14 is contained in the most recent unified, two-year capital improvements
15 project projection approved pursuant to subparagraph (II) of paragraph (c)
16 of subsection (7) of this section, as the projection may be amended from
17 time to time, and that is to be ACQUIRED OR constructed solely from cash
18 funds held by the institution and operated and maintained from such funds
19 or from state moneys appropriated for such purpose, or both, shall not be
20 subject to additional review or approval by the commission, the office of
21 state planning and budgeting, the capital development committee, or the
22 joint budget committee. Any capital construction project subject to this
23 paragraph (b) shall comply with the high performance standard
24 certification program established pursuant to section 24-30-1305, C.R.S.

25 (c) Each governing board shall ensure, consistent with its
26 responsibilities as set forth in section 5 (2) of article VIII of the state
27 constitution, that a capital construction OR ACQUISITION project initiated

1 pursuant to this subsection (9) shall be in accordance with its institution's
2 mission, be of a size and scope to provide for the defined program needs,
3 and be designed in accordance with all applicable building codes and
4 accessibility standards.

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

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

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

20 (II) The commission shall review and approve any plan for a
21 capital construction OR ACQUISITION project for an academic building that
22 is estimated to require total expenditures exceeding two million dollars,
23 that is to be ACQUIRED OR constructed solely from cash funds held by the
24 institution that, in whole or in part, are subject to the higher education
25 revenue bond intercept program established pursuant to section 23-5-139,
26 and that is operated and maintained from such cash funds or from state
27 moneys appropriated for such purpose, or both. Any capital construction

1 OR ACQUISITION project subject to this subparagraph (II) shall comply with
2 the high performance standard certification program established pursuant
3 to section 24-30-1305, C.R.S.

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

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

16 (10.5) (a) For any project commenced pursuant to subsection (9)
17 or (10) of this section, if, after commencement of ACQUISITION OR
18 construction, the governing board of the institution receives an additional
19 gift, grant, or donation for the project, the governing board may amend the
20 project without the approval of the commission, the office of state
21 planning and budgeting, the capital development committee, or the joint
22 budget committee so long as the governing board notifies the commission,
23 the office of state planning and budgeting, the capital development
24 committee, and the joint budget committee in writing, explaining how the
25 project has been amended and verifying the receipt of the additional gift,
26 grant, or donation.

27 (11) (a) Each state institution of higher education shall submit to

1 the commission on or before September 1 of each year a list and
2 description of each project for which an expenditure was made during the
3 immediately preceding fiscal year that:

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

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

8 **24-51-1101. Employment after service retirement.**

9 (1.8) (e) (I) For purposes of this subsection (1.8), "state college or
10 university" means any A postsecondary educational institution including
11 community and junior colleges, established and existing pursuant to
12 SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION and title 23,
13 C.R.S., as an agency of the state of Colorado and supported wholly or in
14 part by tax revenues AND, FOR A POSTSECONDARY EDUCATIONAL
15 INSTITUTION WITH MORE THAN ONE PRINCIPAL CAMPUS AS SPECIFIED IN
16 SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), THE SYSTEM ADMINISTRATION
17 OF THE POSTSECONDARY EDUCATIONAL INSTITUTION AND EACH PRINCIPAL
18 CAMPUS OF THE POSTSECONDARY EDUCATIONAL INSTITUTION.

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

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

22 (B) EACH INSTITUTION OF THE COLORADO STATE UNIVERSITY
23 SYSTEM ESTABLISHED IN SECTIONS 23-31-101 AND 23-31.5-101, C.R.S.,
24 BUT NOT INCLUDING THE ONLINE UNIVERSITY ESTABLISHED IN SECTION
25 23-30-124, C.R.S.; AND

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

1 C.R.S.

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

4 23-41-104.6. Performance contract - authorization -
5 operations. (3) Beginning July 1, 2001, FOR THE CONTRACT IN EFFECT
6 THROUGH JUNE 30, 2011, AND BEGINNING JULY 1, 2010, FOR THE
7 CONTRACT IN EFFECT THROUGH JUNE 30, 2021, the board of trustees of the
8 Colorado school of mines shall negotiate a performance contract with the
9 Colorado commission on higher education that shall specify the
10 performance goals that the institution shall achieve during the period that
11 it operates under the performance contract. Compliance with the goals
12 specified in the performance contract shall be in lieu of compliance with
13 the requirements of the "Higher Education Quality Assurance Act", article
14 13 of this title, and the Colorado school of mines shall therefore be
15 exempt from the requirements of said act while operating pursuant to the
16 performance contract. The specified goals shall be measurable and
17 specific to the Colorado school of mines' role and mission and shall
18 include, at a minimum, the following issues:

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

25 (b) As early as possible during the 2002 regular session AND AS
26 EARLY AS POSSIBLE DURING THE 2011 REGULAR SESSION, the Colorado
27 commission on higher education shall present the finalized performance

1 contract FOR THE APPLICABLE CONTRACT PERIOD at a joint session of the
2 education committees of the senate and the house of representatives, OR
3 ANY SUCCESSOR COMMITTEES, and the joint budget committee of the
4 general assembly. The members of the education committees and the
5 members of the joint budget committee shall review the financial effect
6 of the provisions of the contract with regard to funding for the Colorado
7 school of mines or funding for the statewide system of higher education
8 and may recommend changes to the terms of the performance contract or
9 renegotiation of the performance contract. If a majority of the members
10 of the education committees and the members of the joint budget
11 committee approve the terms of the performance contract, the chairmen
12 of the education committees, in cooperation with the joint budget
13 committee, shall sponsor a joint resolution to recognize and approve the
14 performance contract. The performance contract shall be deemed
15 approved upon final passage of said joint resolution.

16 (c) The school of mines shall operate pursuant to the performance
17 contract THAT IS APPROVED BY JOINT RESOLUTION PASSED DURING THE
18 2002 REGULAR SESSION beginning on the date the performance contract is
19 approved and continuing through June 30, 2011. THE SCHOOL OF MINES
20 SHALL OPERATE PURSUANT TO THE PERFORMANCE CONTRACT THAT IS
21 APPROVED BY JOINT RESOLUTION PASSED DURING THE 2011 REGULAR
22 SESSION BEGINNING ON THE DATE THE PERFORMANCE CONTRACT IS
23 APPROVED AND CONTINUING THROUGH JUNE 30, 2021.

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

26 **23-41-104.7. Funding.** (1) BEGINNING IN THE 2011-12 FISCAL
27 YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21

1 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO
2 THE COLORADO SCHOOL OF MINES AN AMOUNT OF FUNDING IN LIEU OF ANY
3 FUNDING THE INSTITUTION MAY HAVE OTHERWISE RECEIVED THROUGH
4 FEE-FOR-SERVICE CONTRACTS NEGOTIATED BY THE INSTITUTION WITH THE
5 COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION
6 23-5-130. THE AMOUNT OF THE APPROPRIATION SHALL BE DETERMINED
7 ANNUALLY THROUGH THE BUDGET PROCESS.

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

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

27 (3) IN ANY FISCAL YEAR IN WHICH THE COLORADO SCHOOL OF

1 MINES RECEIVES AN APPROPRIATION PURSUANT TO THIS SECTION, THE
2 INSTITUTION SHALL NOT BE ELIGIBLE TO RECEIVE FUNDING PURSUANT TO
3 A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION
4 23-5-130.

5 **SECTION 38.** 23-41-102, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **23-41-102. Board of trustees - term.** (3) IN APPOINTING PERSONS
8 TO THE COLORADO SCHOOL OF MINES BOARD OF TRUSTEES ON OR AFTER
9 JULY 1, 2010, THE GOVERNOR SHALL ENSURE THAT NO MORE THAN TWO OF
10 THE MEMBERS SERVING ON THE BOARD OF TRUSTEES AT ANY ONE TIME
11 RESIDE OUTSIDE THE STATE OF COLORADO. IN ADDITION, THE GOVERNOR
12 SHALL BASE HIS OR HER APPOINTMENTS ON CONSIDERATIONS OF:

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

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

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

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

24 **24-6-402. Meetings - open to public - definitions.**

25 (3) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OR (b) OF
26 THIS SUBSECTION (3) TO THE CONTRARY, UPON THE AFFIRMATIVE VOTE OF
27 TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BOARD OF AN

1 INSTITUTION OF HIGHER EDUCATION WHO ARE AUTHORIZED TO VOTE, THE
2 GOVERNING BOARD MAY HOLD AN EXECUTIVE COMMITTEE SESSION IN
3 ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (3).

4 **SECTION 40. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.