

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 29, 2010
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB10-003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

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

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

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

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

18 (I) Direction from the general assembly in the "Preschool to
19 Postsecondary Education Alignment Act", part 10 of article 7 of title 22,
20 Colorado Revised Statutes, to fully align public education from

1 elementary and secondary education through undergraduate and graduate
2 higher education; and

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

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

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

21 (f) The master plan must address:

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

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

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

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

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

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

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

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

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

35 (II) ALIGNMENT OF THE STATE SYSTEM OF HIGHER EDUCATION
36 WITH THE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION AND
37 INCREASING THE RATE AT WHICH STUDENTS WHO GRADUATE FROM

1 COLORADO HIGH SCHOOLS ENROLL IN AND COMPLETE POSTSECONDARY
2 AND CAREER AND TECHNICAL EDUCATION;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) PROVIDING ASSISTANCE IN OBTAINING ACCESS TO
2 TECHNOLOGY.

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

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

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

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

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

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

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

10 (c) THE MANNER IN WHICH THE GOVERNING BOARD SHALL
11 SPECIFICALLY ADDRESS THE NEEDS OF STUDENTS WHO GRADUATE FROM
12 COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN
13 STUDENTS AND MEET ON OR 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 (d) THE MANNER IN WHICH THE GOVERNING BOARD IS
24 IMPLEMENTING THE FLEXIBILITY PROVIDED WITH REGARD TO PURCHASING,
25 CENTRAL SERVICES, AND OTHER OPERATIONS TO ENSURE GREATER
26 INSTITUTIONAL EFFICIENCIES;

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

32 (f) ANY ADDITIONAL INFORMATION REQUESTED BY THE
33 COMMISSION.

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

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

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

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

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

31 **23-1-104. Financing the system of postsecondary education -**
32 **report - repeal.** (1) (a) (I) THE GENERAL ASSEMBLY SHALL MAKE
33 ANNUAL APPROPRIATIONS OF MONEYS THAT ARE ESTIMATED TO BE
34 RECEIVED BY AN INSTITUTION, UNDER THE DIRECTION AND CONTROL OF
35 THE GOVERNING BOARD, AS STIPENDS, AS DEFINED IN SECTION 23-18-102,
36 AND THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN
37 SECTIONS 23-1-109.7 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH

1 GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES; EXCEPT THAT,
2 IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN
3 PARAGRAPH (c) OF THIS SUBSECTION (1), TO THE COLORADO STATE
4 FOREST SERVICE, THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT
5 OF THE COLORADO STATE UNIVERSITY, OR THE COLORADO STATE
6 UNIVERSITY COOPERATIVE EXTENSION SERVICE, SUCH MONEYS SHALL NOT
7 BE INCLUDED WITHIN THE SINGLE LINE ITEM APPROPRIATIONS DESCRIBED
8 IN THIS PARAGRAPH (a).

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

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

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

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

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

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

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

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

14 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, BEGINNING IN THE 2011-12 FISCAL YEAR AND FOR EACH
16 FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, THE
17 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE GOVERNING
18 BOARD OF THE COLORADO SCHOOL OF MINES IN ACCORDANCE WITH
19 SECTION 23-41-104.7, AND AS STIPENDS, AS DEFINED IN SECTION
20 23-18-102, AS A SINGLE LINE ITEM TO SAID GOVERNING BOARD. THE
21 AMOUNT APPROPRIATED PURSUANT TO SECTION 23-41-104.7 SHALL BE IN
22 LIEU OF ANY AMOUNT AUTHORIZED THROUGH FEE-FOR-SERVICE
23 CONTRACTS NEGOTIATED PURSUANT TO SECTION 23-1-109.7 AND
24 23-5-130.

25 (3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION
26 24-75-102, C.R.S., THE GOVERNING BOARDS ARE AUTHORIZED TO RETAIN
27 ALL MONEYS APPROPRIATED PURSUANT TO THIS SECTION AND SECTION
28 23-1-118, OR OTHERWISE GENERATED, FROM FISCAL YEAR TO FISCAL
29 YEAR.

30 (b) ALL MONEYS RAISED BY A GOVERNING BOARD SHALL BE
31 AVAILABLE FOR EXPENDITURE BY SUCH GOVERNING BOARD AND SHALL
32 NOT BE TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR EXPENDITURE
33 BY ANY OTHER GOVERNING BOARD OR BY A STATE ENTITY OR STATE
34 AGENCY OTHER THAN THE DEPARTMENT OF HIGHER EDUCATION OR THE
35 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
28 boards shall set ~~tuition and~~ fees consistent with such policies. The
29 commission shall follow the requirements of section 23-1-123 in
30 establishing fee policies pursuant to this subsection (12).

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

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

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

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

15 (c) (I) ~~If an institution of higher education is designated as an~~
16 ~~enterprise pursuant to section 23-5-101.7, the institution shall annually~~
17 ~~allocate at least twenty percent of any increase in undergraduate resident~~
18 ~~tuition revenues above inflation to need-based financial assistance.~~ FOR
19 FISCAL YEARS 2011-12 THROUGH 2015-16, IF A GOVERNING BOARD
20 SUBMITS A PLAN FOR AUTHORIZATION TO INCREASE UNDERGRADUATE,
21 RESIDENT TUITION BY MORE THAN NINE PERCENT PURSUANT TO SECTION
22 23-5-130.5, THE GOVERNING BOARD SHALL SPECIFY THE AMOUNT OF
23 INSTITUTIONAL FUNDS THE GOVERNING BOARD WILL ALLOCATE TO
24 NEED-BASED FINANCIAL ASSISTANCE.

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

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

28 **23-20-112. General powers of the board - repeal.** (1) The board
29 of regents shall enact laws for the government of the university; appoint
30 the requisite number of professors, tutors, and all other officers; and
31 determine the salaries of such officers and the amount to be paid for
32 tuition in accordance with the level of cash fund appropriations set by the
33 general assembly for the university pursuant to section 23-1-104 (1) (a)
34 (I). It shall remove any officer connected with the university when in its
35 judgment the good of the institution requires it.

1 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
2 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
3 2015-16, THE BOARD OF REGENTS, IN ACCORDANCE WITH SECTION
4 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY
5 STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
6 STUDENTS WHO ENROLL IN AND ATTEND THE UNIVERSITY.

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

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

10 **23-30-112. Tuition - repeal.** (1) The board of governors of the
11 Colorado state university system, shall fix tuition in accordance with the
12 level of cash fund appropriations set by the general assembly for the
13 entities it governs pursuant to section 23-1-104 (1) (a) (I). The board may
14 discriminate in regard to tuition between students from this state and
15 students from other states.

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 GOVERNORS OF THE COLORADO STATE
19 UNIVERSITY SYSTEM, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
20 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
21 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
22 IN AND ATTEND THE INSTITUTIONS IT GOVERNS.

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

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

26 **23-40-104.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
27 THROUGH 2015-16, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF
28 NORTHERN COLORADO, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
29 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
30 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
31 IN AND ATTEND THE UNIVERSITY OF NORTHERN COLORADO.

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

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

3 **23-41-104.6. Performance contract - authorization -**
4 **operations - repeal.** (5) While operating pursuant to the performance
5 contract negotiated pursuant to this section, the board of trustees of the
6 Colorado school of mines:

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

12 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
13 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
14 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES SHALL HAVE SOLE
15 AUTHORITY TO ESTABLISH RESIDENT AND NONRESIDENT TUITION RATES
16 FOR THE COLORADO SCHOOL OF MINES SO LONG AS THE SCHOOL
17 CONTINUES TO MEET THE GOALS SPECIFIED IN THE PERFORMANCE
18 CONTRACT AND TO COMPLY WITH THE PROVISIONS OF SECTION 23-1-104.7.
19 THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016.

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

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

31 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
32 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
33 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION
34 23-41-104.6(c)(I)(B), SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
35 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY

1 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COLORADO
2 SCHOOL OF MINES.

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

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

6 **23-51-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
7 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
8 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
9 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
10 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND ADAMS STATE
11 COLLEGE.

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

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

15 **23-52-105. Tuition fees - Indians - repeal.** (1) (b) (I) On and
16 after September 1, 2002, the board of trustees, shall fix tuition in
17 accordance with the level of cash fund appropriations set by the general
18 assembly for Fort Lewis college pursuant to section 23-1-104 (1) (a) (I),
19 subject to the restriction that all qualified Indian pupils shall at all times
20 be admitted to such college free of charge for tuition and on terms of
21 equality with other pupils. The general assembly shall appropriate from
22 the state general fund one hundred percent of the moneys required for
23 tuition for such qualified Indian pupils.

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

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

3 **23-53-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
4 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
5 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
6 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
7 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND MESA STATE
8 COLLEGE.

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

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

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

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

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

21 **23-56-102.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
22 THROUGH 2014-15, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
23 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
24 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
25 STUDENTS WHO ENROLL IN AND ATTEND WESTERN STATE COLLEGE OF
26 COLORADO.

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

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

30 **23-60-202. Duties of board with respect to state**
31 **system - repeal.** (1) With respect to the community and technical

1 colleges within the state system, the board has the authority, responsibility,
2 rights, privileges, powers, and duties customarily exercised by the
3 governing boards of institutions of higher education, including the
4 following:

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

9 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
10 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
11 2011-12 THROUGH 2015-16 FISCAL YEARS, THE BOARD, IN ACCORDANCE
12 WITH SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION
13 TO BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
14 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND THE COMMUNITY
15 AND TECHNICAL COLLEGES. THIS SUB-SUBPARAGRAPH (B) IS REPEALED,
16 EFFECTIVE JULY 1, 2016.

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

20 **23-3.3-102. Assistance program authorized - procedure -**
21 **audits.** (2) The commission shall determine, by guideline, the institutions
22 eligible for participation in the program AND SHALL ANNUALLY
23 DETERMINE THE AMOUNT ALLOCATED TO EACH INSTITUTION.

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

33 (3.5) Notwithstanding any provision of this article to the contrary,
34 ~~the commission~~ EACH PARTICIPATING INSTITUTION shall adopt policies and
35 procedures to allow a person who meets the following criteria to qualify

1 for financial assistance through the financial assistance programs
2 established pursuant to this article:

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

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

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

25 **23-1-113.5. Commission directive - resident admissions.**
26 (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION REGARDING
27 THE PERCENTAGE AND FRACTION OF STUDENTS WHO ARE IN-STATE
28 STUDENTS, AS DEFINED IN SECTION 23-7-102 (5), SHALL NOT APPLY TO THE
29 UNIVERSITY OF COLORADO SYSTEM IF THE FOLLOWING REQUIREMENTS ARE
30 MET:

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

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

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

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

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

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

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

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

32 **23-5-129. Governing boards - performance contract -**
33 **authorization - operations.** (4) ~~Notwithstanding any requirements of~~
34 ~~article 101 of title 24, C.R.S., and part 11 of article 30 of title 24, C.R.S.,~~

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

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

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

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

27 **23-20-111. Supervisory powers of board.** The board of regents
28 has general supervision of the university and control and direction of all
29 funds of and appropriations to the university. ~~except that the controller~~
30 ~~shall have the authority to promulgate fiscal rules pursuant to section~~
31 ~~24-30-202, C.R.S., which shall be applicable to the university and its~~
32 ~~officers and employees.~~

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

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

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

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

15 **24-30-202. Procedures - vouchers and warrants - rules -**
16 **penalties.** (13) (a) The controller shall promulgate fiscal rules to carry
17 out the functions assigned and the procedures prescribed by this section.
18 Such rules relating to the forms, records, and procedures involved in
19 financial administration shall be binding upon the several departments,
20 institutions, including institutions of higher education EXCEPT AS
21 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13), and
22 other agencies of the state and upon their several officers and employees.

23 (b) It is the intent of the general assembly that fiscal rules
24 promulgated by the controller shall be applicable to any institution of
25 higher education; ~~notwithstanding any specific grant of authority to the~~
26 ~~governing board of such institution of higher education~~ EXCEPT THAT THE
27 GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION THAT HAS
28 ADOPTED FISCAL PROCEDURES AND HAS DETERMINED THAT THE FISCAL
29 PROCEDURES PROVIDE ADEQUATE SAFEGUARDS FOR THE PROPER
30 EXPENDITURE OF THE MONEYS OF THE INSTITUTION MAY ELECT TO EXEMPT
31 THE INSTITUTION FROM THE FISCAL RULES PROMULGATED BY THE
32 CONTROLLER PURSUANT TO THIS SUBSECTION (13), INCLUDING ANY
33 PROCEDURES OR FORMS REQUIRED BY LAW TO BE PROMULGATED BY THE
34 CONTROLLER AND ANY REVIEW OR APPROVAL REQUIRED TO BE PERFORMED
35 BY THE CONTROLLER, AND SHALL NOT BE REQUIRED TO COMPLY WITH
36 RULES PROMULGATED PURSUANT TO THIS SUBSECTION (13) OR WITH THE
37 PROVISIONS OF SUBSECTION (1), (5) (b), (20.1), (22), OR (26) OF THIS

1 SECTION. THE PROVISIONS OF THIS PARAGRAPH (b) SHALL ALSO APPLY TO
2 THE BOARD OF DIRECTORS OF THE AURARIA HIGHER EDUCATION CENTER
3 WITH REGARD TO THE EXPENDITURE OF MONEYS OF THE AURARIA HIGHER
4 EDUCATION CENTER.

5 (c) Repealed.

6 (d) AN INSTITUTION OF HIGHER EDUCATION, INCLUDING THE
7 AURARIA HIGHER EDUCATION CENTER, THAT IS EXEMPT FROM THE STATE
8 FISCAL RULES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13)
9 SHALL CONTINUE TO PROVIDE TO THE CONTROLLER SUCH INFORMATION AS
10 IS NECESSARY TO ENABLE THE CONTROLLER TO MEET THE OBLIGATIONS SET
11 FORTH IN SUBSECTION (11) OF THIS SECTION AND SECTIONS 24-17-102 AND
12 24-30-204; EXCEPT THAT AN INSTITUTION OF HIGHER EDUCATION SHALL BE
13 REQUIRED TO PROVIDE ONLY SUCH DATA AND REPORTS AS ARE READILY
14 ACCESSIBLE TO THE INSTITUTION OR PRESENTLY GENERATED BY THE
15 INSTITUTION.

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

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

31 **24-30-202. Procedures - vouchers and warrants - rules -**
32 **penalties.** (9) (d) NOTWITHSTANDING ANY PROVISION OF THIS
33 SUBSECTION (9) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION
34 (9) SHALL NOT APPLY TO ANY WARRANT DRAWN BY AN INSTITUTION OF
35 HIGHER EDUCATION OR BY THE AURARIA HIGHER EDUCATION CENTER THAT

1 IS EXEMPT FROM THE STATE FISCAL RULES PURSUANT TO PARAGRAPH (b)
2 OF SUBSECTION (13) OF THIS SECTION.

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

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

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

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

22 **24-30-202.4. Collection of debts due the state - controller's**
23 **duties - creation of debt collection fund - definitions.** (2) EXCEPT AS
24 OTHERWISE PROVIDED FOR INSTITUTIONS OF HIGHER EDUCATION PURSUANT
25 TO SECTION 23-5-113, C.R.S., AND except for those debts under the
26 jurisdiction of the department of revenue referred to in section 24-35-108
27 (1) (a), under the jurisdiction of the judicial department referred to in
28 section 16-11-101.6, C.R.S., and under the jurisdiction of the department
29 of labor and employment related to overpayment of unemployment
30 insurance benefits and delinquent taxes referred to in section 8-79-102,
31 C.R.S., all state agencies shall refer to the state controller debts due the
32 state that the agency has been unable to collect within thirty days after
33 such debts have become past due, together with the data and information
34 necessary for the controller to institute collection procedures. Debts are
35 not subject to referral pursuant to this subsection (2) if payment

1 arrangements have been made and payments due in accordance with the
2 terms of the arrangements are not delinquent. The controller may grant a
3 waiver to the requirement that a state agency refer debts within such
4 thirty-day period based upon a documented request and justification
5 provided by a state agency, pursuant to rules promulgated by the
6 department of personnel under article 4 of this title. A waiver may include
7 but shall not be limited to extended periods to collect delinquent debts.
8 For accounts where no waiver to assignment has been granted, the
9 controller shall use all state collection capabilities to collect that debt,
10 including, but not limited to, the certification of that debt to the
11 department of revenue for offset of that debt against any tax refund due
12 the debtor under the provisions of subparagraph (II) of paragraph (a) of
13 subsection (3) of this section. No later than one hundred twenty days after
14 receipt by the controller, the controller or the controller's designee shall
15 legally assign all debts that are not claims in process of collection to
16 private counsel or private collection agencies that appear on the list of
17 private counsel or private collection agencies. For the purposes of this
18 section, "claims in process of collection" means any debts on which
19 payments are being made, on which payments have been promised, on
20 which suit has been brought, or any other debts as defined in rules
21 promulgated by the department of personnel pursuant to article 4 of this
22 title. The private counsel or private collection agencies included in the list
23 of private counsel or private collection agencies shall be selected through
24 competition pursuant to the provisions of the "Procurement Code", articles
25 101 to 112 of this title. Criteria for selection of the private counsel or
26 private collection agencies shall be developed by the executive director of
27 the department of personnel in consultation with the controller, affected
28 state agencies, and the private collection community. ~~In addition, a
29 state-supported institution of higher education may utilize the provisions
30 of section 23-5-113, C.R.S., for the collection of any loan or other
31 outstanding obligation owed to such institution.~~

32 (3) (a) (II) Upon verification by the appropriate state agency of the
33 amount of the debt due the state, the controller may certify to the
34 department of revenue any unpaid debt due the state to be offset against
35 a tax refund due the debtor, pursuant to section 39-21-108 (3), C.R.S.
36 Before any unpaid debt is certified to the department of revenue, the
37 controller shall give written notice to the debtor that the debt shall be
38 offset against a tax refund due the debtor and shall notify the debtor that
39 the debtor may, within thirty days of the postmark of the written notice

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

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

20 **24-30-1102. Definitions.** As used in this part 11, unless the
21 context otherwise requires:

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

28 (6) (a) "State-owned motor vehicle" means all motor vehicles
29 owned by the state or any agency of the state that shall include all two-
30 and four-wheel drive trucks, all passenger vehicles including cars, vans,
31 station wagons and other similar passenger vehicles, and any other vehicle
32 not described herein that may be designated as a state-owned motor
33 vehicle if a state agency requests such designation; except that
34 "state-owned motor vehicle" shall not include any vehicle rated at one ton
35 or more that is:

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

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

6 **24-19-103. Prohibition against postemployment compensation**
7 **- exception.** (2) (a) At the option of the appointing authority for any
8 government-supported official or employee, such official or employee
9 may be provided postemployment compensation that consists of the
10 payment of up to a maximum of three months of salary for such official
11 or employee and the provision of up to a maximum of three months of
12 employee benefits for such official or employee. No postemployment
13 compensation shall be provided other than cash payments and the
14 provision of employee benefits. Postemployment compensation may be
15 approved and provided only if the government-supported official or
16 employee who is to receive such compensation was employed by the
17 governmental unit or government-financed entity for less than five years;
18 EXCEPT THAT POSTEMPLOYMENT COMPENSATION MAY BE APPROVED AND
19 PROVIDED FOR AN OFFICIAL OR EMPLOYEE OF A STATE INSTITUTION OF
20 HIGHER EDUCATION OR OF THE AURARIA HIGHER EDUCATION CENTER,
21 REGARDLESS OF THE LENGTH OF EMPLOYMENT.

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

24 **24-102-205. Centralized contract management system -**
25 **personal services contracts - legislative declaration - definitions.**
26 (1) (b) For purposes of this section, "governmental body" shall have the
27 same meaning as set forth in section 24-101-301 (10); except that, for
28 purposes of this section, "governmental body" shall also include elected
29 officials. ~~the governing board of each institution of higher education, and~~
30 ~~the Colorado commission on higher education.~~

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

1 (2) This section shall apply to any personal services contract to
2 which the state is a party the value of which exceeds one hundred
3 thousand dollars with the exception of any contract to which the state is
4 a party under medicare, the "Colorado Medical Assistance Act", articles
5 4 to 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article
6 8 of title 25.5, C.R.S., OR the "Colorado Indigent Care Program", part 1
7 of article 3 of title 25.5, C.R.S. ~~or to any grant, award, or contract funded
8 by any federal or private entity for any research or sponsored project
9 activity of an institution of higher education or an affiliate of an institution
10 of higher education that is funded from moneys that are restricted by the
11 entity under the grant, award, or contract. For purposes of this section,
12 "sponsored project" means an agreement between an institution of higher
13 education and another party that provides restricted funding and requires
14 oversight responsibilities for research and development or other specified
15 programmatic activities that are sponsored by federal or private agencies
16 and organizations.~~

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

19 **24-103.5-101. Monitoring of vendor performance - definitions.**

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

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

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

31 (a) Nothing in this section shall be construed to apply to any
32 contract to which the state is a party under medicare, the "Colorado
33 Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., the
34 "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., OR the
35 "Colorado Indigent Care Program", part 1 of article 3 of title 25.5, C.R.S.

1 or to any grant, award, or contract funded by any federal or private entity
2 for any research or sponsored project activity of an institution of higher
3 education or an affiliate of an institution of higher education that is funded
4 from moneys that are restricted by the entity under the grant, award, or
5 contract. For purposes of this article, "sponsored project" means an
6 agreement between an institution of higher education and another party
7 that provides restricted funding and requires oversight responsibilities for
8 research and development or other specified programmatic activities that
9 are sponsored by federal or private agencies and organizations.

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

12 **24-105-102. Performance evaluation reports - definitions.**

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

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

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

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

26 **23-1-106. Duties and powers of the commission with respect to**
27 **capital construction and long-range planning.** (8) ~~Any acquisition of~~
28 ~~real property by a state-supported institution of higher education that is~~
29 ~~conditional upon or requires expenditures of state-controlled funds or~~
30 ~~federal funds shall be subject to the approval of the commission, whether~~
31 ~~acquisition is by lease-purchase, purchase, gift, or otherwise.~~

32 **SECTION 34.** 23-1-106 (3), (5) (a), (6), (7) (a), (7) (c) (I), (9),
33 (10), (10.5) (a), and (11) (a) (IV), Colorado Revised Statutes, are amended
34 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
28 board of each state institution of higher education a two-year projection
29 of capital construction OR ACQUISITION projects to be ~~constructed~~
30 UNDERTAKEN pursuant to subsection (9) or (10) of this section and
31 estimated to require total project expenditures exceeding two million
32 dollars. The projection shall include the estimated cost, the method of
33 funding, and a schedule for project completion for each project. An
34 institution shall amend the projection prior to commencing a project that
35 is not included in the institution's most recent projection.

36 (7) (a) The commission annually shall prepare a unified, five-year
37 capital improvements report of projects to be constructed, but not

1 including those projects constructed OR ACQUIRED pursuant to subsection
2 (9) or (10) of this section, coordinated with education plans. The
3 commission shall transmit the report to the office of state planning and
4 budgeting, the governor, and the general assembly, consistent with the
5 executive budget timetable, together with a recommended priority of
6 funding of capital construction projects for the system of public higher
7 education. The commission shall annually transmit the recommended
8 priority of funding of capital construction projects to the capital
9 development committee no later than November 1 of each year.

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

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

28 (b) Except as provided in paragraph (d) of this subsection (9), a
29 capital construction project for an academic building initiated by the
30 governing board of a state-supported institution of higher education that
31 is contained in the most recent unified, two-year capital improvements
32 project projection approved pursuant to subparagraph (II) of paragraph (c)
33 of subsection (7) of this section, as the projection may be amended from
34 time to time, and that is to be ACQUIRED OR constructed solely from cash
35 funds held by the institution and operated and maintained from such funds
36 or from state moneys appropriated for such purpose, or both, shall not be
37 subject to additional review or approval by the commission, the office of
38 state planning and budgeting, the capital development committee, or the

1 joint budget committee. Any capital construction project subject to this
2 paragraph (b) shall comply with the high performance standard
3 certification program established pursuant to section 24-30-1305, C.R.S.

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

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

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

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

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

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

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

13 (10.5) (a) For any project commenced pursuant to subsection (9)
14 or (10) of this section, if, after commencement of ACQUISITION OR
15 construction, the governing board of the institution receives an additional
16 gift, grant, or donation for the project, the governing board may amend the
17 project without the approval of the commission, the office of state
18 planning and budgeting, the capital development committee, or the joint
19 budget committee so long as the governing board notifies the commission,
20 the office of state planning and budgeting, the capital development
21 committee, and the joint budget committee in writing, explaining how the
22 project has been amended and verifying the receipt of the additional gift,
23 grant, or donation.

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

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

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

32 **24-51-1101. Employment after service retirement.**
33 (1.8) (e) (I) For purposes of this subsection (1.8), "state college or
34 university" means ~~any~~ A postsecondary educational institution ~~including~~
35 ~~community and junior colleges~~, established and existing pursuant to

1 SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION and title 23,
2 C.R.S., ~~as an agency of the state of Colorado and supported wholly or in~~
3 ~~part by tax revenues~~ AND, FOR A POSTSECONDARY EDUCATIONAL
4 INSTITUTION WITH MORE THAN ONE PRINCIPAL CAMPUS AS SPECIFIED IN
5 SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), THE SYSTEM ADMINISTRATION
6 OF THE POSTSECONDARY EDUCATIONAL INSTITUTION AND EACH PRINCIPAL
7 CAMPUS OF THE POSTSECONDARY EDUCATIONAL INSTITUTION.

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

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

11 (B) EACH INSTITUTION OF THE COLORADO STATE UNIVERSITY
12 SYSTEM ESTABLISHED IN SECTIONS 23-31-101 AND 23-31.5-101, C.R.S.,
13 BUT NOT INCLUDING THE ONLINE UNIVERSITY ESTABLISHED IN SECTION
14 23-30-124, C.R.S.; AND

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

18 **SECTION 36.** The introductory portion to 23-41-104.6 (3) and
19 23-41-104.6 (4), Colorado Revised Statutes, are amended to read:

20 **23-41-104.6. Performance contract - authorization -**
21 **operations.** (3) Beginning July 1, 2001, FOR THE CONTRACT IN EFFECT
22 THROUGH JUNE 30, 2011, AND BEGINNING JULY 1, 2010, FOR THE
23 CONTRACT IN EFFECT THROUGH JUNE 30, 2021, the board of trustees of the
24 Colorado school of mines shall negotiate a performance contract with the
25 Colorado commission on higher education that shall specify the
26 performance goals that the institution shall achieve during the period that
27 it operates under the performance contract. Compliance with the goals
28 specified in the performance contract shall be in lieu of compliance with
29 the requirements of the "Higher Education Quality Assurance Act", article
30 13 of this title, and the Colorado school of mines shall therefore be
31 exempt from the requirements of said act while operating pursuant to the
32 performance contract. The specified goals shall be measurable and
33 specific to the Colorado school of mines' role and mission and shall
34 include, at a minimum, the following issues:

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

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

25 (c) The school of mines shall operate pursuant to the performance
26 contract THAT IS APPROVED BY JOINT RESOLUTION PASSED DURING THE
27 2002 REGULAR SESSION beginning on the date the performance contract is
28 approved and continuing through June 30, 2011. THE SCHOOL OF MINES
29 SHALL OPERATE PURSUANT TO THE PERFORMANCE CONTRACT THAT IS
30 APPROVED BY JOINT RESOLUTION PASSED DURING THE 2011 REGULAR
31 SESSION BEGINNING ON THE DATE THE PERFORMANCE CONTRACT IS
32 APPROVED AND CONTINUING THROUGH JUNE 30, 2021.

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

35 **23-41-104.7. Funding.** (1) BEGINNING IN THE 2011-12 FISCAL
36 YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21
37 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO

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

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

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

26 (3) IN ANY FISCAL YEAR IN WHICH THE COLORADO SCHOOL OF
27 MINES RECEIVES AN APPROPRIATION PURSUANT TO THIS SECTION, THE
28 INSTITUTION SHALL NOT BE ELIGIBLE TO RECEIVE FUNDING PURSUANT TO
29 A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION
30 23-5-130.

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

33 **23-41-102. Board of trustees - term.** (3) IN APPOINTING PERSONS
34 TO THE COLORADO SCHOOL OF MINES BOARD OF TRUSTEES ON OR AFTER
35 JULY 1, 2010, THE GOVERNOR SHALL ENSURE THAT NO MORE THAN TWO OF
36 THE MEMBERS SERVING ON THE BOARD OF TRUSTEES AT ANY ONE TIME

1 RESIDE OUTSIDE THE STATE OF COLORADO. IN ADDITION, THE GOVERNOR
2 SHALL BASE HIS OR HER APPOINTMENTS ON CONSIDERATIONS OF:

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

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

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

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

14 **24-6-402. Meetings - open to public - definitions.**

15 (3) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OR (b) OF
16 THIS SUBSECTION (3) TO THE CONTRARY, UPON THE AFFIRMATIVE VOTE OF
17 TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BOARD OF AN
18 INSTITUTION OF HIGHER EDUCATION WHO ARE AUTHORIZED TO VOTE, THE
19 GOVERNING BOARD MAY HOLD AN EXECUTIVE COMMITTEE SESSION IN
20 ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (3).

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

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

** ** ** ** **