

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

PREAMENDED

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

LLS NO. 12-0314.01 Julie Pelegrin x2700

HOUSE BILL 12-1144

HOUSE SPONSORSHIP

Fischer, Duran, Hamner, Hullinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING INSTITUTIONS OF HIGHER EDUCATION TO**
102 **ENTER INTO EMPLOYMENT CONTRACTS FOR**
103 **NON-TENURE-TRACK CLASSROOM TEACHERS.**

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>.)

The bill authorizes each system of higher education and each campus of each state institution of higher education to employ an unlimited number of non-tenure-track classroom teachers under renewable 5-year employment contracts. The employment contract must

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.*

include a provision that allows the employing system or campus to terminate the contract without penalty if the system or campus can demonstrate financial exigencies and a provision that renders the contract unenforceable if the employing system or campus ceases to be an enterprise and does not have sufficient financial reserves to satisfy the contract.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-19-104, **add**
3 (1.5) (d) as follows:

4 **24-19-104. Terms of employment contracts - public inspection.**

5 (1.5) (d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
6 SUBSECTION (1) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION
7 (1.5), EACH SYSTEM OF HIGHER EDUCATION AND EACH CAMPUS OF EACH
8 STATE INSTITUTION OF HIGHER EDUCATION **MAY, SUBJECT TO THE**
9 **APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE SYSTEM OR**
10 **INSTITUTION AND ANY RULES OR LIMITATIONS ESTABLISHED BY THE CHIEF**
11 **EXECUTIVE OFFICER,** HAVE IN EFFECT AN UNLIMITED NUMBER OF TERM
12 EMPLOYMENT CONTRACTS OR TERM EMPLOYMENT CONTRACT EXTENSIONS
13 HAVING A DURATION OF NOT MORE THAN FIVE YEARS WITH AN UNLIMITED
14 NUMBER OF GOVERNMENT-SUPPORTED OFFICIALS OR EMPLOYEES IF THE
15 TERM EMPLOYMENT CONTRACTS OR TERM EMPLOYMENT CONTRACT
16 EXTENSIONS ARE FOR **HALF-TIME OR LONGER,** NON-TENURE-TRACK
17 CLASSROOM TEACHING APPOINTMENTS. A PERSON EMPLOYED PURSUANT
18 TO A TERM EMPLOYMENT CONTRACT OR TERM EMPLOYMENT CONTRACT
19 EXTENSION DESCRIBED IN THIS PARAGRAPH (d) MAY HAVE DUTIES IN
20 ADDITION TO CLASSROOM TEACHING, AS DESCRIBED IN THE CONTRACT OR
21 CONTRACT EXTENSION. A TERM EMPLOYMENT CONTRACT OR TERM
22 EMPLOYMENT CONTRACT EXTENSION EXECUTED PURSUANT TO THIS

1 PARAGRAPH (d) AT A MINIMUM SHALL INCLUDE A PROVISION STATING THE
2 CONTRACT OR CONTRACT EXTENSION IS UNENFORCEABLE IF, DURING
3 THE TERM OF THE CONTRACT OR CONTRACT EXTENSION, THE SYSTEM OF
4 HIGHER EDUCATION OR CAMPUS OF A STATE INSTITUTION OF HIGHER
5 EDUCATION THAT IS A PARTY TO THE CONTRACT:

6 (I) CEASES TO BE AN ENTERPRISE, AS DEFINED IN SECTION 20 (2)
7 (d) OF ARTICLE X OF THE STATE CONSTITUTION; AND

8 (II) LACKS PRESENT CASH RESERVES SUFFICIENT TO PLEDGE
9 IRREVOCABLY TO SATISFY THE TERMS OF THE CONTRACT.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2012 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.