

# An Act

HOUSE BILL 12-1144

BY REPRESENTATIVE(S) Fischer, Duran, Hamner, Hullinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young, Casso, Fields, Singer, Todd, Vigil, Wilson;  
also SENATOR(S) Bacon, Guzman, Heath, Hodge, Hudak, Morse, Steadman.

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

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

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

**24-19-104. Terms of employment contracts - public inspection.**  
(1.5) (d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION (1.5), EACH SYSTEM OF HIGHER EDUCATION AND EACH CAMPUS OF EACH STATE INSTITUTION OF HIGHER EDUCATION MAY, SUBJECT TO THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE SYSTEM OR INSTITUTION AND ANY RULES OR LIMITATIONS ESTABLISHED BY THE CHIEF EXECUTIVE OFFICER, HAVE IN EFFECT AN UNLIMITED NUMBER OF TERM EMPLOYMENT CONTRACTS

OR TERM EMPLOYMENT CONTRACT EXTENSIONS HAVING A DURATION OF NOT MORE THAN THREE YEARS WITH AN UNLIMITED NUMBER OF GOVERNMENT-SUPPORTED OFFICIALS OR EMPLOYEES IF THE TERM EMPLOYMENT CONTRACTS OR TERM EMPLOYMENT CONTRACT EXTENSIONS ARE FOR HALF-TIME OR LONGER, NON-TENURE-TRACK CLASSROOM TEACHING APPOINTMENTS. A PERSON EMPLOYED PURSUANT TO A TERM EMPLOYMENT CONTRACT OR TERM EMPLOYMENT CONTRACT EXTENSION DESCRIBED IN THIS PARAGRAPH (d) MAY HAVE DUTIES IN ADDITION TO CLASSROOM TEACHING, AS DESCRIBED IN THE CONTRACT OR CONTRACT EXTENSION. A TERM EMPLOYMENT CONTRACT OR TERM EMPLOYMENT CONTRACT EXTENSION EXECUTED PURSUANT TO THIS PARAGRAPH (d) AT A MINIMUM SHALL INCLUDE A PROVISION STATING THE CONTRACT OR CONTRACT EXTENSION IS UNENFORCEABLE IF, DURING THE TERM OF THE CONTRACT OR CONTRACT EXTENSION, THE SYSTEM OF HIGHER EDUCATION OR CAMPUS OF A STATE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE CONTRACT:

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

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

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO