

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

**INTRODUCED**

LLS NO. 14-0943.01 Brita Darling x2241

**HOUSE BILL 14-1319**

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Education

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF AN OUTCOMES-BASED FUNDING**  
102 **MODEL FOR HIGHER EDUCATION.**

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**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 repeals the current provision in statute for fee-for-service contracts and recreates it with significant changes in a new section of the statutes. The bill creates a method for determining the amounts of fee-for-service contracts entered into by the department of higher education (department) and the governing boards of state institutions of

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.*

higher education (institutions), excluding the local district junior colleges and area vocational schools. Each fee-for-service contract, at a minimum, must include the following components, as they apply to particular institutions:

- ! An institutional base amount (institutional base), which the general assembly sets annually in the long bill, that is the same for each governing board and that is allocated among the governing board's campuses;
- ! Low-enrollment funding for small and medium-sized, 4-year institutions and small community colleges, determined as a percentage of the institutional base;
- ! Research funding for specific institutions, determined as a percentage of the institutional base;
- ! Graduate services funding, which the general assembly sets annually in the long bill, that the institution receives for graduate students enrolled in the institution;
- ! Retention funding, which the general assembly sets annually in the long bill, that the institution receives for each junior and senior resident student enrolled in the institution; and
- ! Degree funding, specified as a percentage of the amount for a baccalaureate degree, for each degree the institution awards each year.

The amounts of the fee-for-service contracts for specialized educational services for the governing boards of the health sciences center of the university of Colorado, the Colorado cooperative extension service, and the veterinary medicine program at Colorado state university are increased or decreased annually by the percentage that reflects the yearly increase or decrease in total state appropriations for institutions.

The annual amount of direct grants to local district junior colleges and area vocational schools is determined in the same manner as fee-for-service contracts for specialized educational services.

The bill increases the amount of the college opportunity fund stipend for eligible undergraduate students enrolled in institutions who are eligible for the federal Pell grant. The general assembly, by bill, annually sets the amount of the percentage increase in the stipend amount, which must be at least 10%.

The bill requires adjustments to the total governing board appropriation for each governing board as necessary to ensure that the change in a governing board's total governing board appropriation over the preceding year appropriation is not 5% more or 5% less than the percentage that reflects the percentage change in total state appropriations for institutions.

Additionally, the bill requires the general assembly's annual appropriation to the college opportunity fund on behalf of eligible

undergraduate students to be at least 57.5% of the sum of the total state appropriation for the budget year, specialized education fee-for-service contracts, and direct grants to local district junior colleges and area vocational schools; except that the percentage may be less as a result of adjustments for actual enrollment.

The Colorado commission on higher education (commission) shall adopt policies or procedures as necessary for uniform application of the fee-for-service contracts statutes, and the department shall comply with the statutory requirements when making annual budget requests. Finally the commission may convene a meeting of interested parties to review the new statutory provisions and make recommendations to the general assembly in its 2014 departmental presentation.

The bill allows the department to transfer a limited amount of moneys between an institution's fee-for-service contracts appropriation and the institution's college opportunity fund spending authority for increases and decreases based upon actual enrollment.

The bill makes conforming amendments to reflect the new section relating to fee-for-service contracts.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 23-5-130.

3 **SECTION 2.** In Colorado Revised Statutes, **add** part 3 to article  
4 18 of title 23 as follows:

5 **PART 3**

6 **HIGHER EDUCATION FUNDING**

7 **23-18-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
8 FINDS AND DECLARES THAT:

9 (a) THE INCREASING NUMBER OF JOBS THAT REQUIRE SOME LEVEL  
10 OF POSTSECONDARY CREDENTIAL MAKES HIGHER EDUCATION A  
11 SIGNIFICANT FACTOR IN BUILDING COLORADO'S ECONOMY;

12 (b) AN EDUCATED WORKFORCE IS ASSOCIATED WITH HIGHER  
13 WAGES, LOWER UNEMPLOYMENT, AND A DECREASED DEPENDENCE ON  
14 PUBLIC RESOURCES. FURTHER, AN EDUCATED POPULACE IS OFTEN  
15 HEALTHIER, SAFER, AND BETTER ABLE TO CONTRIBUTE TO THE BEST

1 INTERESTS OF THE STATE AND ITS CITIZENS.

2 (c) FOR THESE REASONS, ENSURING THE DELIVERY OF  
3 EDUCATIONAL SERVICES FOR COLORADO'S CITIZENS IS AN IMPORTANT  
4 FUNCTION OF GOVERNMENT. ACCORDINGLY, THE DEPARTMENT SHOULD  
5 ENTER INTO FEE-FOR-SERVICE CONTRACTS WITH INSTITUTIONS OF HIGHER  
6 EDUCATION TO PURCHASE EDUCATIONAL SERVICES THAT PREPARE  
7 COLORADANS FOR TWENTY-FIRST CENTURY CAREERS. THESE SERVICES  
8 SHOULD INCLUDE GRADUATE AND RESEARCH PROGRAMS AS WELL AS  
9 EDUCATIONAL PROGRAMS THAT ARE ACCESSIBLE STATEWIDE. THE  
10 FEE-FOR-SERVICE CONTRACTS THAT THE DEPARTMENT NEGOTIATES WITH  
11 THE GOVERNING BOARDS SHOULD PROMOTE STUDENT RETENTION AND  
12 DEGREE COMPLETION, THEREBY ENSURING THAT THE STATE BENEFITS  
13 FROM THE USE OF PUBLIC RESOURCES TO PURCHASE THE EDUCATIONAL  
14 SERVICES.

15 (2) [Similar to 23-5-130 (2) (a) to (2) (h)] THE GENERAL  
16 ASSEMBLY FURTHER FINDS THAT IMPORTANT EDUCATIONAL SERVICES  
17 INCLUDE, BUT ARE NOT LIMITED TO:

18 (a) EDUCATIONAL SERVICES IN RURAL AND UNDERSERVED  
19 COMMUNITIES IN WHICH THE COST OF DELIVERING THE EDUCATIONAL  
20 PROGRAMS IS NOT SUSTAINED BY THE AMOUNT RECEIVED IN STUDENT  
21 TUITION;

22 (b) EDUCATIONAL SERVICES REQUIRED OF THE COMMISSION TO  
23 MEET ITS OBLIGATIONS UNDER RECIPROCAL AGREEMENTS PURSUANT TO  
24 SECTION 23-1-112;

25 (c) GRADUATE SCHOOL SERVICES;

26 (d) EDUCATIONAL SERVICES THAT MAY INCREASE ECONOMIC  
27 DEVELOPMENT OPPORTUNITIES IN THE STATE, INCLUDING COURSES TO

1 ASSIST STUDENTS IN CAREER DEVELOPMENT AND RETRAINING; AND  
2 (e) EDUCATIONAL SERVICES AND PROFESSIONAL DEGREES IN  
3 AREAS THAT INCLUDE BUT NEED NOT BE LIMITED TO DENTISTRY,  
4 MEDICINE, VETERINARY MEDICINE, NURSING, LAW, FORESTRY, TEACHING,  
5 AND ENGINEERING AND PROGRAMS THAT ADDRESS IDENTIFIED STATE OR  
6 NATIONAL PRIORITIES.

7 (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO ENSURE  
8 ACCESS TO POSTSECONDARY EDUCATION FOR COLORADANS AND REDUCE  
9 GAPS IN DEGREE ATTAINMENT BY STUDENTS LIVING IN UNDERSERVED  
10 COMMUNITIES, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
11 STATE'S DIRECT INVESTMENT IN STUDENTS THROUGH THE COLLEGE  
12 OPPORTUNITY FUND STIPEND REMAINS THE MOST SIGNIFICANT  
13 INVESTMENT OF STATE DOLLARS IN POSTSECONDARY EDUCATION.

14 **23-18-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "AREA VOCATIONAL SCHOOL" HAS THE SAME MEANING AS  
17 PROVIDED IN SECTION 23-60-103 (1).

18 (2) "COMMISSION" MEANS THE COLORADO COMMISSION ON  
19 HIGHER EDUCATION ESTABLISHED PURSUANT TO SECTION 23-1-102.

20 (3) "COMMUNITY COLLEGE" MEANS A COMMUNITY AND  
21 TECHNICAL COLLEGE DESCRIBED IN SECTION 23-60-205 THAT IS GOVERNED  
22 BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL  
23 EDUCATION.

24 (4) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF  
25 HIGHER EDUCATION ESTABLISHED PURSUANT TO SECTION 24-1-114, C.R.S.

26 (5) "LOCAL DISTRICT JUNIOR COLLEGE" MEANS A JUNIOR COLLEGE  
27 OPERATING PURSUANT TO ARTICLE 71 OF THIS TITLE.

1 (6) "STATE INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"  
2 HAS THE SAME MEANING AS DEFINED IN SECTION 23-18-102 (10).

3 (7) "TOTAL GOVERNING BOARD APPROPRIATION" MEANS, FOR A  
4 FISCAL YEAR, THE SUM OF THE AMOUNT APPROPRIATED TO THE  
5 GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION FOR  
6 A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION  
7 23-18-303 (1), AND THE AMOUNT STATED AS REAPPROPRIATED SPENDING  
8 AUTHORITY IN THE GENERAL APPROPRIATIONS ACT FOR THE GOVERNING  
9 BOARD TO EXPEND STIPENDS RECEIVED PURSUANT TO SECTION 23-18-202  
10 ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS.

11 (8) "TOTAL STATE APPROPRIATION" MEANS, FOR A FISCAL YEAR,  
12 THE SUM OF THE TOTAL AMOUNT APPROPRIATED TO THE GOVERNING  
13 BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION FOR  
14 FEE-FOR-SERVICE CONTRACTS NEGOTIATED PURSUANT TO SECTION  
15 23-18-303 (1) AND THE AMOUNT OF THE APPROPRIATION TO THE COLLEGE  
16 OPPORTUNITY FUND ESTABLISHED IN SECTION 23-18-201, INCLUDING ANY  
17 INCREASE TO THE AMOUNT OF THE STIPEND PURSUANT TO SECTION  
18 23-18-305.

19 **23-18-303. Fee-for-service contracts - authorization.** (1) FOR  
20 THE 2015-16 STATE FISCAL YEAR, AND FOR EACH FISCAL YEAR  
21 THEREAFTER, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
22 CONCERNING FEE-FOR-SERVICE CONTRACTS FOR SPECIALTY EDUCATION  
23 PROGRAMS, THE GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER  
24 EDUCATION MAY ANNUALLY NEGOTIATE A FEE-FOR-SERVICE CONTRACT  
25 WITH THE DEPARTMENT FOR THE DELIVERY OF HIGHER EDUCATION  
26 SERVICES BY THE INSTITUTION FOR THE BENEFIT OF THE STATE AND ITS  
27 RESIDENTS. EACH FEE-FOR-SERVICE CONTRACT, AT A MINIMUM, MUST

1 INCLUDE THE FOLLOWING COMPONENTS AS THEY MAY APPLY TO THE  
2 INSTITUTIONS UNDER THE DIRECTION OF EACH GOVERNING BOARD:

3 (a) (I) AN AMOUNT ATTRIBUTABLE TO A STATE INSTITUTION OF  
4 HIGHER EDUCATION'S EXPENSES INCURRED IN DELIVERING EDUCATIONAL  
5 SERVICES PURSUANT TO THE FEE-FOR-SERVICE CONTRACT, REFERRED TO  
6 IN THIS SECTION AS THE "INSTITUTIONAL BASE AMOUNT" OR  
7 "INSTITUTIONAL BASE". THE GENERAL ASSEMBLY SHALL ANNUALLY SET  
8 THE INSTITUTIONAL BASE AMOUNT IN A FOOTNOTE IN THE ANNUAL  
9 GENERAL APPROPRIATIONS BILL, WHICH AMOUNT MUST BE THE SAME FOR  
10 EACH GOVERNING BOARD.

11 (II) THE GOVERNING BOARD OF A FOUR-YEAR INSTITUTION SHALL  
12 ALLOCATE THE INSTITUTIONAL BASE AMOUNT RECEIVED BY THE  
13 GOVERNING BOARD EQUALLY AMONG THE CAMPUSES OF THE INSTITUTION.  
14 THE PROVISIONS OF THIS SUBPARAGRAPH (II) DO NOT APPLY TO THE  
15 HEALTH SCIENCES CENTER CAMPUS OF THE UNIVERSITY OF COLORADO.

16 (b) (I) LOW-ENROLLMENT FUNDING FOR QUALIFYING FOUR-YEAR  
17 INSTITUTIONS AND COMMUNITY COLLEGES, DETERMINED AS FOLLOWS:

18 (A) THE GOVERNING BOARD OF A FOUR-YEAR INSTITUTION  
19 QUALIFIES FOR LOW-ENROLLMENT FUNDING FOR EACH CAMPUS THAT HAS  
20 A TOTAL ENROLLMENT OF FEWER THAN THREE THOUSAND FULL-TIME  
21 EQUIVALENT STUDENTS BASED ON THE LOWER OF THE ENROLLMENT FOR  
22 THE MOST RECENT ACADEMIC YEAR FOR WHICH ACTUAL ENROLLMENT  
23 DATA IS AVAILABLE OR THE ANNUAL STUDENT ENROLLMENT OF THE  
24 CAMPUS AVERAGED OVER THE MOST RECENT FIVE CONSECUTIVE  
25 ACADEMIC YEARS FOR WHICH ACTUAL ENROLLMENT DATA IS AVAILABLE.  
26 LOW-ENROLLMENT FUNDING FOR A FOUR-YEAR INSTITUTION DESCRIBED  
27 IN THIS SUBPARAGRAPH (I) IS AN AMOUNT EQUAL TO THE INSTITUTIONAL

1 BASE AMOUNT FOR THE APPLICABLE FISCAL YEAR MULTIPLIED BY 0.70.

2 (B) THE GOVERNING BOARD OF A FOUR-YEAR INSTITUTION  
3 QUALIFIES FOR LOW-ENROLLMENT FUNDING FOR EACH CAMPUS THAT HAS  
4 A TOTAL ENROLLMENT OF THREE THOUSAND OR MORE FULL-TIME  
5 EQUIVALENT STUDENTS BUT FEWER THAN FIVE THOUSAND FULL-TIME  
6 EQUIVALENT STUDENTS BASED ON THE LOWER OF THE ENROLLMENT FOR  
7 THE MOST RECENT ACADEMIC YEAR FOR WHICH ACTUAL ENROLLMENT  
8 DATA IS AVAILABLE OR THE ANNUAL STUDENT ENROLLMENT OF THE  
9 CAMPUS AVERAGED OVER THE MOST RECENT FIVE CONSECUTIVE  
10 ACADEMIC YEARS FOR WHICH ACTUAL ENROLLMENT DATA IS AVAILABLE.  
11 LOW-ENROLLMENT FUNDING FOR A FOUR-YEAR INSTITUTION DESCRIBED  
12 IN THIS SUBPARAGRAPH (II) IS AN AMOUNT EQUAL TO THE INSTITUTIONAL  
13 BASE AMOUNT FOR THE APPLICABLE FISCAL YEAR MULTIPLIED BY 0.07.

14 (C) THE STATE BOARD FOR COMMUNITY COLLEGES AND  
15 OCCUPATIONAL EDUCATION QUALIFIES FOR LOW-ENROLLMENT FUNDING  
16 FOR EACH COMMUNITY COLLEGE THAT HAS A TOTAL ENROLLMENT OF  
17 FEWER THAN TWO THOUSAND FULL-TIME EQUIVALENT STUDENTS BASED  
18 ON THE LOWER OF THE ENROLLMENT FOR THE MOST RECENT ACADEMIC  
19 YEAR FOR WHICH ACTUAL ENROLLMENT DATA IS AVAILABLE OR THE  
20 ANNUAL STUDENT ENROLLMENT AVERAGED OVER THE MOST RECENT FIVE  
21 CONSECUTIVE ACADEMIC YEARS FOR WHICH ACTUAL ENROLLMENT DATA  
22 IS AVAILABLE. LOW-ENROLLMENT FUNDING FOR A COMMUNITY COLLEGE  
23 IS AN AMOUNT EQUAL TO THE INSTITUTIONAL BASE AMOUNT FOR THE  
24 APPLICABLE FISCAL YEAR MULTIPLIED BY 0.07.

25 (II) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (b)  
26 TO THE CONTRARY:

27 (A) IF THE GOVERNING BOARD OF A FOUR-YEAR INSTITUTION



1 RECEIVED LOW-ENROLLMENT FUNDING FOR THE PRECEDING FISCAL YEAR  
2 BUT IS INELIGIBLE TO RECEIVE LOW-ENROLLMENT FUNDING FOR THE  
3 THEN-CURRENT FISCAL YEAR, SUBJECT TO GENERAL ASSEMBLY  
4 APPROPRIATIONS FOR THIS PURPOSE, THE DEPARTMENT MAY CONTINUE TO  
5 INCLUDE LOW-ENROLLMENT FUNDING IN THE INSTITUTION'S  
6 FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO THIS SUBSECTION  
7 (1) FOR NO MORE THAN FIVE FISCAL YEARS.

8 (B) IF THE GOVERNING BOARD OF A FOUR-YEAR INSTITUTION  
9 RECEIVED LOW-ENROLLMENT FUNDING PURSUANT TO SUB-SUBPARAGRAPH  
10 (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR THE PRECEDING  
11 FISCAL YEAR BUT IS ELIGIBLE FOR A LOWER AMOUNT OF LOW-ENROLLMENT  
12 FUNDING PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF  
13 THIS PARAGRAPH (b) FOR THE THEN-CURRENT FISCAL YEAR, SUBJECT TO  
14 GENERAL ASSEMBLY APPROPRIATIONS FOR THIS PURPOSE, THE  
15 DEPARTMENT MAY INCLUDE A GREATER AMOUNT OF LOW-ENROLLMENT  
16 FUNDING IN THE INSTITUTION'S FEE-FOR-SERVICE CONTRACT UP TO THE  
17 AMOUNT CALCULATED PURSUANT TO SUB-SUBPARAGRAPH (A) OF  
18 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR NO MORE THAN FIVE  
19 FISCAL YEARS.

20 (c) RESEARCH FUNDING. THE BOARD OF GOVERNORS OF THE  
21 COLORADO STATE UNIVERSITY SYSTEM, THE REGENTS OF THE UNIVERSITY  
22 OF COLORADO, THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF  
23 MINES, AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN  
24 COLORADO RECEIVE AN AMOUNT EQUAL TO THE INSTITUTIONAL BASE  
25 AMOUNT FOR THE APPLICABLE FISCAL YEAR MULTIPLIED BY 1.20.

26 (d) GRADUATE SERVICES FUNDING. THE GENERAL ASSEMBLY  
27 SHALL ANNUALLY SET IN A FOOTNOTE IN THE ANNUAL GENERAL

1 APPROPRIATIONS BILL, THE AMOUNT A GOVERNING BOARD RECEIVES FOR  
2 EACH FULL-TIME EQUIVALENT RESIDENT OR NONRESIDENT STUDENT  
3 ENROLLED DURING THE MOST RECENT ACADEMIC YEAR FOR WHICH  
4 ACTUAL ENROLLMENT DATA IS AVAILABLE IN A GRADUATE SCHOOL  
5 PROGRAM AT AN INSTITUTION GOVERNED BY THE BOARD.

6 (e) RETENTION FUNDING. THE GENERAL ASSEMBLY SHALL  
7 ANNUALLY SET IN A FOOTNOTE IN THE ANNUAL GENERAL APPROPRIATIONS  
8 BILL, THE AMOUNT A GOVERNING BOARD RECEIVES FOR EACH JUNIOR AND  
9 SENIOR FULL-TIME EQUIVALENT RESIDENT STUDENT ENROLLED DURING  
10 THE MOST RECENT ACADEMIC YEAR FOR WHICH ACTUAL ENROLLMENT  
11 DATA IS AVAILABLE IN AN UNDERGRADUATE DEGREE PROGRAM AT AN  
12 INSTITUTION GOVERNED BY THE BOARD.

13 (f) (I) DEGREE FUNDING. THE GENERAL ASSEMBLY SHALL  
14 ANNUALLY SET IN A FOOTNOTE IN THE ANNUAL GENERAL APPROPRIATIONS  
15 BILL, THE AMOUNT EACH GOVERNING BOARD RECEIVES FOR EACH  
16 BACCALAUREATE DEGREE AWARDED TO A RESIDENT STUDENT DURING THE  
17 MOST RECENT ACADEMIC YEAR FOR WHICH ACTUAL DEGREE DATA IS  
18 AVAILABLE BY AN INSTITUTION GOVERNED BY THE BOARD. THE AMOUNT  
19 A GOVERNING BOARD RECEIVES FOR AN ASSOCIATE'S DEGREE OR A  
20 CERTIFICATE AWARDED TO A RESIDENT STUDENT DURING SAID ACADEMIC  
21 YEAR IS EQUAL TO THE AMOUNT RECEIVED FOR A BACCALAUREATE  
22 DEGREE MULTIPLIED BY:

23 (A) FOR AN ASSOCIATE'S DEGREE, 0.6; AND

24 (B) FOR A CERTIFICATE, 0.3.

25 (II) THE AMOUNT A GOVERNING BOARD RECEIVES FOR A MASTER'S  
26 DEGREE OR A DOCTORAL DEGREE AWARDED TO A RESIDENT OR  
27 NONRESIDENT STUDENT DURING SAID ACADEMIC YEAR, EXCLUDING A

1 MASTER'S DEGREE OR DOCTORAL DEGREE AWARDED BY THE BOARD OF  
2 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR  
3 VETERINARY MEDICINE OR THE REGENTS OF THE UNIVERSITY OF  
4 COLORADO FOR GRADUATE PROGRAMS AT THE HEALTH SCIENCES CENTER  
5 CAMPUS, IS EQUAL TO THE AMOUNT RECEIVED FOR A BACCALAUREATE  
6 DEGREE, MULTIPLIED BY:

7 (A) FOR A MASTER'S DEGREE, 1.25; AND

8 (B) FOR A DOCTORAL DEGREE, 1.25.

9 (2) **[Similar to 23-5-130 (3)]** IT IS THE INTENT OF THE GENERAL  
10 ASSEMBLY THAT A STATE INSTITUTION OF HIGHER EDUCATION THAT  
11 ENTERS INTO A FEE-FOR-SERVICE CONTRACT THAT INCLUDES BASIC SKILLS  
12 COURSES SHALL NOT CHARGE A STUDENT MORE PER CREDIT HOUR FOR A  
13 BASIC SKILLS COURSE THAN THE STUDENT WOULD PAY PER CREDIT HOUR  
14 FOR A GENERAL EDUCATION COURSE.

15 (3) FOR THE 2015-16 STATE FISCAL YEAR, AND FOR EACH FISCAL  
16 YEAR THEREAFTER, THE BOARD OF REGENTS OF THE UNIVERSITY OF  
17 COLORADO MAY ANNUALLY NEGOTIATE A FEE-FOR-SERVICE CONTRACT  
18 WITH THE DEPARTMENT FOR THE DELIVERY OF SPECIALIZED EDUCATIONAL  
19 SERVICES PROVIDED BY THE HEALTH SCIENCES CENTER CAMPUS OF THE  
20 UNIVERSITY OF COLORADO, ESTABLISHED PURSUANT TO SECTION  
21 23-20-101. FOR THE 2015-16 STATE FISCAL YEAR, AND FOR EACH FISCAL  
22 YEAR THEREAFTER, THE BOARD OF GOVERNORS OF THE COLORADO STATE  
23 UNIVERSITY SYSTEM MAY ANNUALLY NEGOTIATE FEE-FOR-SERVICE  
24 CONTRACTS WITH THE DEPARTMENT FOR THE DELIVERY OF SPECIALIZED  
25 EDUCATIONAL SERVICES PURSUANT TO PARTS 3 AND 5 TO 8 OF ARTICLE 31  
26 OF THIS TITLE, AND THE VETERINARY MEDICINE PROGRAM AT COLORADO  
27 STATE UNIVERSITY, ESTABLISHED PURSUANT TO SECTION 23-31-101. THE

1 AMOUNT OF EACH FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO  
2 THIS SUBSECTION (3) IS EQUAL TO THE AMOUNT OF THE FEE-FOR-SERVICE  
3 CONTRACT FOR THE CAMPUS, SERVICE, OR PROGRAM FOR THE PRECEDING  
4 FISCAL YEAR, INCREASED OR DECREASED BY A PERCENTAGE EQUAL TO THE  
5 PERCENTAGE CHANGE IN THE TOTAL STATE APPROPRIATION FOR THE  
6 APPLICABLE FISCAL YEAR FROM THE TOTAL STATE APPROPRIATION FOR  
7 THE PRECEDING FISCAL YEAR.

8 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
9 CONTRARY, EACH FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO  
10 THIS SECTION IS SUBJECT TO THE PROVISIONS OF SECTION 23-18-306.

11 **23-18-304. Distribution of grants - junior college districts -**  
12 **area vocational schools.** FOR THE 2015-16 STATE FISCAL YEAR, AND FOR  
13 EACH FISCAL YEAR THEREAFTER, THE DIRECT GRANTS MADE TO ELIGIBLE  
14 JUNIOR COLLEGE DISTRICTS AND AREA VOCATIONAL SCHOOLS PURSUANT  
15 TO PART 3 OF ARTICLE 71 OF THIS TITLE FOR A FISCAL YEAR ARE EQUAL TO  
16 THE AMOUNT OF THE GRANTS MADE IN THE PRECEDING FISCAL YEAR,  
17 INCREASED OR DECREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE  
18 CHANGE IN THE TOTAL STATE APPROPRIATION FOR THE APPLICABLE FISCAL  
19 YEAR FROM THE TOTAL STATE APPROPRIATION FOR THE PRECEDING FISCAL  
20 YEAR.

21 **23-18-305. College opportunity fund stipend - Pell-eligible**  
22 **student adjustment.** FOR THE 2015-16 FISCAL YEAR, AND FOR EACH  
23 FISCAL YEAR THEREAFTER, THE AMOUNT OF THE COLLEGE OPPORTUNITY  
24 FUND STIPEND PER CREDIT HOUR, AS SET ANNUALLY BY THE GENERAL  
25 ASSEMBLY PURSUANT TO SECTION 23-18-202, FOR AN ELIGIBLE  
26 UNDERGRADUATE STUDENT, AS DEFINED IN SECTION 23-18-102 (5), AT A  
27 STATE INSTITUTION OF HIGHER EDUCATION, IS INCREASED BY AT LEAST

1 TEN PERCENT IF THE ELIGIBLE UNDERGRADUATE STUDENT QUALIFIES FOR  
2 A FEDERAL PELL GRANT OR FOR A GRANT THROUGH A SUCCESSOR  
3 PROGRAM. THE GENERAL ASSEMBLY SHALL ANNUALLY ESTABLISH IN A  
4 FOOTNOTE IN THE ANNUAL GENERAL APPROPRIATIONS BILL THE  
5 PERCENTAGE INCREASE IN THE STIPEND IN ACCORDANCE WITH THIS  
6 SECTION.

7 **23-18-306. Total appropriations - adjustments - exception -**  
8 **performance contracts.** (1) FOR THE 2015-16 STATE FISCAL YEAR, AND  
9 FOR EACH FISCAL YEAR THEREAFTER, THE TOTAL GOVERNING BOARD  
10 APPROPRIATION FOR A GOVERNING BOARD FOR A FISCAL YEAR SHALL NOT  
11 CHANGE FROM THE PRECEDING FISCAL YEAR BY A PERCENTAGE THAT IS  
12 MORE THAN FIVE PERCENTAGE POINTS LESS THAN OR FIVE PERCENTAGE  
13 POINTS GREATER THAN THE PERCENTAGE CHANGE IN THE TOTAL STATE  
14 APPROPRIATION FROM THE PRECEDING FISCAL YEAR. NOTWITHSTANDING  
15 ANY PROVISION OF THIS PART 3 TO THE CONTRARY, THE GENERAL  
16 ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS BILL SHALL ADJUST  
17 THE TOTAL GOVERNING BOARD APPROPRIATION FOR EACH GOVERNING  
18 BOARD AS NECESSARY TO COMPLY WITH THIS SECTION.

19 (2) FOR THE 2015-16 STATE FISCAL YEAR, AND FOR EACH FISCAL  
20 YEAR THEREAFTER, THE TOTAL ANNUAL APPROPRIATION IN TRUST FOR  
21 ELIGIBLE UNDERGRADUATE STUDENTS TO THE COLLEGE OPPORTUNITY  
22 FUND PURSUANT TO SECTION 23-18-202, MUST BE AN AMOUNT EQUAL TO  
23 AT LEAST FIFTY-SEVEN AND FIVE-TENTHS PERCENT OF THE TOTAL STATE  
24 APPROPRIATION FOR THE APPLICABLE FISCAL YEAR; EXCEPT THAT THE  
25 PERCENTAGE MAY BE LESS THAN FIFTY-SEVEN AND FIVE-TENTHS PERCENT  
26 AS A RESULT OF ADJUSTMENTS FOR ACTUAL ENROLLMENT MADE  
27 PURSUANT TO SECTION 23-18-202 (1) (c).

1           (3) NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE  
2 CONTRARY, IN A FISCAL YEAR IN WHICH THE PROVISIONS OF SECTION  
3 23-1-108 (1.9) APPLY, PERFORMANCE-BASED FUNDING THAT A GOVERNING  
4 BOARD RECEIVES IS IN ADDITION TO ANY AMOUNTS THE GOVERNING  
5 BOARD RECEIVES PURSUANT TO A FEE-FOR-SERVICE CONTRACT PURSUANT  
6 TO SECTION 23-18-303, A DIRECT GRANT THE GOVERNING BOARD RECEIVES  
7 PURSUANT TO SECTION 23-18-304 AND PART 3 OF ARTICLE 71 OF THIS  
8 TITLE, OR AMOUNTS THAT THE GOVERNING BOARD IS AUTHORIZED TO  
9 EXPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM  
10 CREATED IN PART 2 OF THIS ARTICLE.

11           (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE  
12 CONTRARY, IN A FISCAL YEAR IN WHICH THE SUM OF THE TOTAL STATE  
13 APPROPRIATION, THE FEE-FOR-SERVICE CONTRACT AMOUNTS FOR  
14 SPECIALIZED EDUCATIONAL SERVICES ENTERED INTO PURSUANT TO  
15 SECTION 23-18-303 (3), THE DIRECT GRANTS TO LOCAL DISTRICT JUNIOR  
16 COLLEGES AND AREA VOCATIONAL SCHOOLS PAID PURSUANT TO SECTION  
17 23-18-304, AND THE PERFORMANCE-BASED FUNDING RECEIVED  
18 APPROPRIATED PURSUANT TO SECTION 23-1-108 (1.9), DECREASES BY  
19 GREATER THAN FIFTEEN PERCENT FROM THE PREVIOUS FISCAL YEAR,  
20 WHICH DECREASE IS DETERMINED AFTER INCLUDING ANY FEDERAL  
21 MONEYS RECEIVED TO COMPENSATE FOR REDUCED STATE GENERAL FUND  
22 APPROPRIATIONS, THE PROVISIONS OF SUBSECTIONS (1) AND (2) OF THIS  
23 SECTION AND SECTION 23-18-304 DO NOT APPLY. EACH GOVERNING  
24 BOARD SHALL NEGOTIATE A FEE-FOR-SERVICE CONTRACT WITH THE  
25 DEPARTMENT FOR THE PROVISION OF EDUCATIONAL SERVICES, WHICH  
26 CONTRACT MAY COMPLY WITH THE PROVISIONS OF SECTION 23-18-303.

27           **23-18-307. Duties and powers - commission - department -**

1 **repeal.** (1) THE COMMISSION SHALL ADOPT ANY POLICIES OR PROCEDURES  
2 NECESSARY FOR THE UNIFORM APPLICATION AND IMPLEMENTATION OF  
3 THIS PART 3.

4 (2) THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF  
5 THIS PART 3 IN SUBMITTING ITS BUDGET REQUEST PURSUANT TO THE  
6 BUDGET PROCEDURES SPECIFIED IN PART 3 OF ARTICLE 37 OF TITLE 24,  
7 C.R.S.

8 (3) (a) THE COMMISSION MAY CONVENE A MEETING OF GOVERNING  
9 BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION AND OTHER  
10 INTERESTED PARTIES TO REVIEW THE PROVISIONS OF THIS PART 3,  
11 INCLUDING THE FEE-FOR-SERVICE CONTRACT PROVISIONS OF SECTION  
12 23-18-303 AND THE TOTAL APPROPRIATIONS PROVISIONS OF SECTION  
13 23-18-306, AND MAKE RECOMMENDATIONS CONCERNING AMENDMENTS TO  
14 THESE PROVISIONS. THE DEPARTMENT MAY PRESENT THE  
15 RECOMMENDATIONS TO THE JOINT BUDGET COMMITTEE AND AS PART OF  
16 THE DEPARTMENT'S 2014 PRESENTATION TO THE LEGISLATIVE  
17 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, C.R.S.,

18 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2015.

19 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-1-109.7  
20 as follows:

21 **23-1-109.7. Duties and powers of the commission with regard**  
22 **to the provision of educational services.** (1) ~~Beginning July 1, 2005, the~~  
23 ~~commission shall be responsible for ensuring the provision of specific~~  
24 ~~postsecondary educational services in the state. These educational~~  
25 ~~services shall include but need not be limited to:~~

26 (a) ~~Educational services in rural areas or communities in which~~  
27 ~~the cost of delivering such services is not sustained by the amount~~

1 received in student tuition;  
2 (b) to (d) Repealed.  
3 (e) Educational services required of the commission to meet its  
4 obligations under reciprocal agreements pursuant to section 23-1-112;  
5 (f) Graduate school services;  
6 (g) Educational services that may increase economic development  
7 opportunities in the state, including courses to assist students in career  
8 development and retraining; and  
9 (h) Specialized educational services and professional degrees,  
10 including but not limited to the areas of dentistry, medicine, veterinary  
11 medicine, nursing, law, forestry, and engineering and programs that  
12 address identified state or national priorities.

13 (2) BEGINNING JULY 1, 2005, THE COMMISSION IS RESPONSIBLE  
14 FOR ENSURING THE PROVISION OF POSTSECONDARY EDUCATIONAL  
15 SERVICES PURSUANT TO PART 3 OF ARTICLE 18 OF THIS TITLE. The  
16 department of higher education on behalf of the commission shall  
17 annually enter into fee-for-service contracts with one or more governing  
18 boards of institutions of higher education PURSUANT TO SECTION  
19 23-18-303 to provide the higher education services specified in ~~subsection~~  
20 ~~(1) of this section~~ SECTIONS 23-18-301 AND 23-18-303. The department  
21 of higher education may contract with a governing board of an institution  
22 of higher education only to the extent that the contract remains consistent  
23 with any contract entered into pursuant to section 23-5-129 with the  
24 governing board.

25 (3) The commission shall make annual funding recommendations  
26 to the general assembly and the governor regarding the funding necessary  
27 for the department of higher education to contract on the commission's



1 behalf for the provision of higher education services in the state,  
2 including but not limited to the services specified in ~~subsection (1) of this~~  
3 ~~section~~ SECTIONS 23-18-301 AND 23-18-303. The general assembly shall  
4 annually appropriate to the commission an amount of general fund  
5 moneys to carry out the purposes of this section.

6 **SECTION 4.** In Colorado Revised Statutes, 23-18-202, **amend**  
7 (1) (c), (2) (b), and (9) as follows:

8 **23-18-202. College opportunity fund - appropriations -**  
9 **payment of stipends - reimbursement - repeal.** (1) (c) (I) If there are  
10 moneys remaining in the college opportunity fund after the final census  
11 date of the last academic term of each state fiscal year, as determined in  
12 accordance with this section, up to ~~three~~ TEN percent of the amount  
13 annually authorized as cash spending authority in the general  
14 appropriations act for a governing board to expend stipends received on  
15 behalf of eligible undergraduate students may be expended by the same  
16 governing board for postsecondary educational services purchased by the  
17 department if authorized through a fee-for-service contract entered into  
18 pursuant to sections 23-1-109.7 and ~~23-5-130~~ 23-18-303. The department  
19 may transfer an equivalent amount in general fund spending authority  
20 from stipends to fee-for-service contracts to fulfill its fee-for-service  
21 contract obligations to a governing board pursuant to this paragraph (c)  
22 and section ~~23-5-130~~ 23-18-303.

23 (II) IF THERE ARE INSUFFICIENT MONEYS IN THE COLLEGE  
24 OPPORTUNITY FUND AFTER THE FINAL CENSUS DATE OF THE LAST  
25 ACADEMIC TERM OF EACH STATE FISCAL YEAR, AS DETERMINED IN  
26 ACCORDANCE WITH THIS SECTION, UP TO TEN PERCENT OF THE AMOUNT  
27 ANNUALLY AUTHORIZED THROUGH A FEE-FOR-SERVICE CONTRACT

1 ENTERED INTO PURSUANT TO SECTIONS 23-1-109.7 AND 23-18-303 MAY BE  
2 EXPENDED BY THE SAME GOVERNING BOARD FOR COLLEGE OPPORTUNITY  
3 FUND STIPENDS ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS. THE  
4 DEPARTMENT MAY TRANSFER AN EQUIVALENT AMOUNT IN ITS  
5 FEE-FOR-SERVICE CONTRACT OBLIGATIONS TO A GOVERNING BOARD  
6 PURSUANT TO THIS PARAGRAPH (c) AND SECTION 23-18-303, TO GENERAL  
7 FUND SPENDING AUTHORITY FOR COLLEGE OPPORTUNITY FUND STIPENDS.

8 (2) (b) For the state fiscal year commencing July 1, 2005, and for  
9 state fiscal years thereafter, for an eligible undergraduate student  
10 attending a state institution of higher education, the specified amount of  
11 the stipend per credit hour ~~shall be~~ IS an amount set annually by the  
12 general assembly, which in no case shall exceed the student's total in-state  
13 tuition. EXCEPT AS PROVIDED IN SECTION 23-18-305, the value of the per  
14 credit hour stipend ~~shall be~~ IS the same for each eligible undergraduate  
15 student AND IS THE SAME regardless of the state institution of higher  
16 education that the student attends. The student ~~shall be~~ IS responsible for  
17 paying the student's share of total in-state tuition, if any.

18 (9) It is the intent of the general assembly that the college  
19 opportunity fund and fee-for-service contracts authorized pursuant to  
20 section ~~23-5-130~~ 23-18-303 be fully funded for enrollment growth.

21 **SECTION 5.** In Colorado Revised Statutes, 23-71-301, **amend**  
22 (1) (a) as follows:

23 **23-71-301. Direct grants to junior college districts -**  
24 **occupational courses.** (1) (a) Any junior college district operating or  
25 organized and operating as such during the entire school year in which a  
26 grant is made shall be entitled to a direct grant, from funds appropriated  
27 for this purpose, in an amount specified annually by the general assembly

1 PURSUANT TO SECTION 23-18-304. Procedures for the certification by  
2 junior college districts to the state board for community colleges and  
3 occupational education, referred to in this part 3 as the "board", of the  
4 numbers of students and the quarter or semester hours for which students  
5 are registered shall be prescribed by regulation of the board. No moneys  
6 shall be distributed under this section for any students other than those  
7 enrolled in postsecondary courses for credit in degree and certificate  
8 programs.

9 **SECTION 6.** In Colorado Revised Statutes, 23-71-303, **amend**  
10 (1) as follows:

11 **23-71-303. Distributions to area vocational schools.** (1) Any  
12 area vocational school operating or organized and operating as such  
13 during the entire school year may be reimbursed by the state in an amount  
14 specified annually by the general assembly PURSUANT TO SECTION  
15 23-71-303. In no instance shall such reimbursement exceed the total  
16 direct cost of the vocational program per FTE.

17 **SECTION 7.** In Colorado Revised Statutes, 23-1-104, **amend** (1)  
18 (a) (I), (1) (b) (I), (1) (c) introductory portion, and (2) as follows:

19 **23-1-104. Financing the system of postsecondary education -**  
20 **report - repeal.** (1) (a) (I) For fiscal years 2011-12 through 2015-16, the  
21 general assembly shall make annual appropriations of moneys that are  
22 estimated to be received by an institution, under the direction and control  
23 of the governing board, as stipends, as defined in section 23-18-102, and  
24 through fee-for-service contracts, as authorized in sections 23-1-109.7  
25 and ~~23-5-130~~ 23-18-303, as a single line item to each governing board for  
26 the operation of its campuses; except that, if the general assembly  
27 appropriates moneys, as described in paragraph (c) of this subsection (1),

1 to the Colorado state forest service, the agricultural experiment station  
2 department of the Colorado state university, or the Colorado state  
3 university cooperative extension service, such moneys shall not be  
4 included within the single line item appropriations described in this  
5 paragraph (a).

6 (b) (I) For the 2010-11 fiscal year and for fiscal years beginning  
7 on or after July 1, 2016, the general assembly shall make annual  
8 appropriations of general fund moneys, of cash funds received from  
9 tuition income, and of moneys that are estimated to be received by an  
10 institution, under the direction and control of the governing board, as  
11 stipends, as defined in section 23-18-102, and through fee-for-service  
12 contracts, as authorized in sections 23-1-109.7 and ~~23-5-130~~ 23-18-303,  
13 as a single line item to each governing board for the operation of its  
14 campuses; except that, if the general assembly appropriates moneys, as  
15 described in paragraph (c) of this subsection (1), to the Colorado state  
16 forest service, the agricultural experiment station department of the  
17 Colorado state university, or the Colorado state university cooperative  
18 extension service, such moneys shall not be included within the single  
19 line item appropriations described in this paragraph (b).

20 (c) In addition to any appropriations made pursuant to paragraph  
21 (a) or (b) of this subsection (1), the general assembly may make annual  
22 appropriations of general fund moneys and of moneys received pursuant  
23 to a fee-for-service contract negotiated by the board of governors of the  
24 Colorado state university system and the department of higher education,  
25 as described in section ~~23-5-130~~ 23-18-303, as separate line items to:

26 (2) Notwithstanding any provision of this section to the contrary,  
27 beginning in the 2011-12 fiscal year and for each fiscal year thereafter

1 through the 2020-21 fiscal year, the general assembly shall appropriate  
2 moneys to the governing board of the Colorado school of mines in  
3 accordance with section 23-41-104.7, through fee-for-service contracts,  
4 as authorized in sections 23-1-109.7 and ~~23-5-130~~ 23-18-303, and as  
5 stipends, as defined in section 23-18-102, as a single line item to said  
6 governing board.

7 **SECTION 8.** In Colorado Revised Statutes, 23-1-108, **amend**  
8 (1.9) (a) (II) as follows:

9 **23-1-108. Duties and powers of the commission with regard to**  
10 **systemwide planning.** (1.9) (a) (II) The commission's  
11 performance-based funding plan shall specifically address the manner in  
12 which the appropriation of performance-based funding will affect the  
13 college opportunity fund stipends authorized in section 23-18-202 and the  
14 fee-for-service contracts authorized in sections 23-1-109.7 and ~~23-5-130~~  
15 23-18-303. In fulfilling the requirements of subparagraph (I) of this  
16 paragraph (a), the commission shall analyze the effect of modifying the  
17 college opportunity fund stipend amounts for purposes of improving  
18 student retention, facilitating the success of transfers between institutions  
19 and between degree programs, and providing incentives for the timely  
20 completion of academic degrees. The modifications may include, but  
21 need not be limited to, differentiating stipend amounts based on each  
22 student's status as a freshman, sophomore, junior, or senior. In addition,  
23 the commission shall analyze the effect of limiting the amount of funding  
24 for credit hours earned in excess of one hundred forty credits for a  
25 baccalaureate degree, or seventy hours for an associate degree.

26 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-18-101 as  
27 follows:

1           **23-18-101. Short title.** PARTS 1 AND 2 OF this article shall be  
2 known and may be cited as the "College Opportunity Fund Act".

3           **SECTION 10.** In Colorado Revised Statutes, 23-18-102, **amend**  
4 the introductory portion as follows:

5           **23-18-102. Definitions.** As used in PARTS 1 AND 2 OF this article,  
6 unless the context otherwise requires:

7           **SECTION 11.** In Colorado Revised Statutes, 23-20-138, **amend**  
8 (6) as follows:

9           **23-20-138. Health sciences center - definitions - accountable**  
10 **student program - creation.** (6) The fee-for-service contract negotiated  
11 between the board and the department of higher education pursuant to  
12 section ~~23-5-130~~ 23-18-303 shall specify the amount of funding for  
13 educational services provided to graduate students by the state of  
14 Colorado. A graduate student receiving educational services paid for by  
15 the state of Colorado is not eligible to be an accountable student.

16           **SECTION 12.** In Colorado Revised Statutes, 23-41-104.7,  
17 **amend** (1) as follows:

18           **23-41-104.7. Funding.** (1) Beginning in the 2011-12 fiscal year,  
19 Colorado school of mines shall use a portion of its fee-for-service funding  
20 negotiated pursuant to section ~~23-5-130~~ 23-18-303 to provide merit-based  
21 scholarships, need-based financial aid, and graduate student support to  
22 assist students with in-state classification to attend the institution, and  
23 shall increase said portion to ensure that, no later than the 2020-21 fiscal  
24 year and for each fiscal year thereafter, all said funding shall be used for  
25 said purposes, except as otherwise provided in paragraph (b) of  
26 subsection (2) of this section.

27           **SECTION 13.** In Colorado Revised Statutes, 24-1-114, **amend**

1 (5) (b) as follows:

2 **24-1-114. Department of higher education - creation.**

3 (5) (b) With respect to the Colorado commission on higher education and  
4 the universities, colleges, and boards specified in subsection (4) of this  
5 section, the executive director shall have only those powers, duties, and  
6 functions prescribed in article 1 of title 23, C.R.S.; except that the  
7 executive director of the Colorado commission on higher education is  
8 authorized to negotiate, implement, and monitor contracts, as described  
9 in sections 23-5-129 and ~~23-5-130~~ 23-18-303, C.R.S., with universities,  
10 colleges, and boards, in consultation with the Colorado commission on  
11 higher education.

12 **SECTION 14.** In Colorado Revised Statutes, 24-36-120, **amend**

13 (4) (g) as follows:

14 **24-36-120. Authority to assess transaction fees.** (4) The state  
15 treasurer shall not assess a fee for an eligible transaction involving any of  
16 the following funds:

17 (g) The college opportunity fund created in ~~article 18 of title 23~~  
18 SECTION 23-18-202, C.R.S.

19 **SECTION 15.** In Colorado Revised Statutes, 24-77-104.5,

20 **amend** (4) (a) (III) and (4) (a) (IV) as follows:

21 **24-77-104.5. General fund exempt account - appropriations to**  
22 **critical needs fund - specification of uses for health care and**  
23 **education - definitions.** (4) (a) Funding for the benefit of students  
24 attending community colleges and other institutions of higher education,  
25 as used in subparagraph (III) of paragraph (b) of subsection (1) of this  
26 section, shall be limited to funding for:

27 (III) The college opportunity fund program created in PARTS 1

1 AND 2 OF article 18 of title 23, C.R.S.;

2 (IV) Fee-for-service contracts authorized pursuant to section

3 ~~23-5-130~~ 23-18-303, C.R.S.; and

4 **SECTION 16. 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.