

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 05-0614.01 Michele Hanigsberg

SENATE BILL 05-132

SENATE SPONSORSHIP

Windels,

HOUSE SPONSORSHIP

Paccione,

Senate Committees

House Committees

Education

A BILL FOR AN ACT

101 CONCERNING HIGHER EDUCATION, AND, IN CONNECTION THEREWITH,
102 MAKING MODIFICATIONS TO THE "COLLEGE OPPORTUNITY
103 FUND ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Specifies that a student who is eligible to receive a stipend ("student") may receive a stipend for graduate level courses that apply toward the student's undergraduate degree. Requires the Colorado student loan program to reduce the amount of the stipend per credit hour for all students, if moneys in the college opportunity fund in any fiscal year are not sufficient to pay the rate per credit hour established by the general assembly.

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.

Changes for which courses that a student may receive a stipend payment, the courses that count toward the student's 145 lifetime-credit-hour limitation, and provisions relating to waivers of the credit-hour limitation.

Allows the Colorado student loan program to authorize an advance from the college opportunity fund to a governing board and, upon such authorization, requires the state treasurer to make the advance without interest to the governing board to assist the governing board in managing its cash flow. Requires an advance to be repaid within the same state fiscal year in which the advance is made.

Authorizes a governing board to approve and commence, without prior approval of the Colorado commission on higher education, capital construction projects that are funded without state capital construction or general fund moneys if: The capital construction project costs less than 5 million dollars; and the institution for which the capital project is being constructed has been designated as an enterprise.

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

2 **SECTION 1.** 23-18-102 (5) (b) and (11), Colorado Revised
3 Statutes, are amended to read:

4 **23-18-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (5) (b) ~~"Eligible undergraduate student" shall not mean a student~~
7 ~~enrolled in an off-campus, extended campus, or continuing education~~
8 ~~class, that is not supported by state general fund moneys, except as~~
9 ~~approved by the commission.~~

10 (11) "Stipend" means the amount of money per credit hour
11 specified pursuant to section 23-18-202 (2) (b) held in trust for and paid
12 on behalf of an eligible undergraduate student pursuant to section
13 23-18-202 (5). "STIPEND" SHALL ALSO INCLUDE PAYMENT ON BEHALF OF
14 AN ELIGIBLE UNDERGRADUATE STUDENT FOR A PART OF A CREDIT HOUR.

15 **SECTION 2.** 23-18-201 (1), Colorado Revised Statutes, is
16 amended to read:

1 **23-18-201. College opportunity fund program - creation -**
2 **eligibility - guidelines.** (1) There is hereby created in the department of
3 higher education the college opportunity fund program, which shall be
4 administered by the Colorado student loan program. The college
5 opportunity fund, created in section 23-18-202, shall be a trust fund for
6 the benefit of eligible undergraduate students. It shall consist of a stipend
7 for each undergraduate student in Colorado who applies for the stipend
8 and who is admitted and registers to attend a state or participating private
9 institution of higher education and is determined to be eligible by the
10 Colorado student loan program to receive a stipend. An eligible
11 undergraduate student may use the stipend for undergraduate courses OR
12 GRADUATE-LEVEL COURSES THAT APPLY TOWARD THE STUDENT'S
13 UNDERGRADUATE DEGREE, AND THAT ARE taken at a state or participating
14 private institution of higher education at a fixed rate per credit hour, set
15 annually by the general assembly.

16 **SECTION 3.** 23-18-202 (2) (a), (4), (5) (c) (I), (5) (d), and (5)
17 (f), Colorado Revised Statutes, are amended to read:

18 **23-18-202. College opportunity fund - appropriations -**
19 **payment of stipends - reimbursement.** (2) (a) For the state fiscal year
20 commencing July 1, 2005, and for each state fiscal year thereafter, the
21 commission, in consultation with the governing boards and participating
22 private institutions, shall annually estimate the number of undergraduate
23 full-time equivalent students who are eligible for stipends under this part
24 2 at each state institution of higher education and each participating
25 private institution of higher education. The commission shall report the
26 numbers ~~during the annual budget cycle~~ BY FEBRUARY 15 to the governor
27 and to the joint budget committee of the general assembly for inclusion

1 in the annual general appropriations act.

2 (4) (a) Regardless of when an institution receives moneys in the
3 form of a stipend on behalf of a student, or if the stipend amount is
4 reduced by the general assembly, a state institution of higher education
5 shall not increase the student's share of in-state tuition AT ANY TIME to
6 make up for an actual or effective reduction during the same fiscal year
7 in the stipend amount from which the total in-state tuition amount was
8 calculated or for issues relating to the timing of stipend payments.

9 (b) IF MONEYS IN THE COLLEGE OPPORTUNITY FUND IN ANY FISCAL
10 YEAR ARE NOT SUFFICIENT TO PAY THE RATE PER CREDIT HOUR
11 ESTABLISHED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS
12 SECTION, THEN THE COLORADO STUDENT LOAN PROGRAM SHALL REDUCE
13 THE AMOUNT OF THE STIPEND PER CREDIT HOUR FOR ALL STUDENTS TO
14 MATCH THE AVAILABLE FUNDS. THIS PARAGRAPH (b) SHALL NOT BE
15 CONSTRUED TO LIMIT THE DEPARTMENT'S ABILITY TO REQUEST AN
16 ADJUSTMENT TO, OR THE GENERAL ASSEMBLY'S ABILITY TO ADJUST, THE
17 AMOUNT OF THE STIPEND DURING THE BUDGET PROCESS.

18 (5) (c) (I) An eligible undergraduate student shall not receive a
19 stipend from the college opportunity fund for more than one hundred
20 forty-five credit hours during the eligible undergraduate student's lifetime;
21 except that:

22 (A) If an eligible undergraduate student has received ~~payment for~~
23 a stipend PAYMENT for one hundred forty-five credit hours and the
24 student has received a bachelor's degree, the eligible undergraduate
25 student is eligible to receive stipend payments for an additional thirty
26 undergraduate credit hours; AND

27 (B) AN ELIGIBLE UNDERGRADUATE STUDENT MAY RECEIVE A

1 STIPEND PAYMENT FOR BASIC SKILLS COURSES, AS DEFINED IN SECTION
2 23-1-113 (1) (b) (II) (A.7); COURSES TAKEN PURSUANT TO THE
3 "POSTSECONDARY ENROLLMENT OPTIONS ACT", ARTICLE 35 OF TITLE 22,
4 C.R.S.; AND HIGH SCHOOL FAST-TRACK COURSES TAKEN PURSUANT TO
5 SECTION 22-34-101, C.R.S. STIPEND PAYMENTS RECEIVED FOR THE BASIC
6 SKILLS COURSES SPECIFIED IN THIS SUB-SUBPARAGRAPH (B) SHALL NOT
7 APPLY TO THE LIFETIME LIMITATION OF ONE HUNDRED FORTY-FIVE CREDIT
8 HOURS.

9 (d) (I) AN ELIGIBLE UNDERGRADUATE STUDENT AND AN INSTITUTION
10 OF HIGHER EDUCATION SHALL NOT RECEIVE THE PAYMENT OF A STIPEND ON BEHALF
11 OF AN ELIGIBLE UNDERGRADUATE STUDENT FOR:

12 (A) ~~Basic skills courses, as defined in section 23-1-113(1)(b)(II)~~
13 ~~(A.7);~~

14 (B) ~~Courses taken pursuant to the "Postsecondary Enrollment~~
15 ~~Options Act", article 35 of title 22, C.R.S.;~~

16 (C) ~~High school fast-track courses taken pursuant to section~~
17 ~~22-34-101, C.R.S.;~~

18 (D) International baccalaureate courses; ~~or~~

19 (E) Advanced placement courses; OR

20 (F) OFF-CAMPUS, EXTENDED CAMPUS, OR CONTINUING EDUCATION
21 CLASSES, THAT ARE NOT SUPPORTED BY STATE GENERAL FUND MONEYS,
22 EXCEPT AS APPROVED BY THE COMMISSION.

23 (II) ~~The institution of higher education in which an eligible~~
24 ~~undergraduate student enrolls may contract with the department pursuant~~
25 ~~to section 23-5-130 to provide the courses specified in sub-subparagraphs~~
26 ~~(A) to (C) of subparagraph (I) of this paragraph (d) for a fee.~~

27 (f) Notwithstanding the lifetime-credit-hour limitation established

1 pursuant to paragraph (c) of this subsection (5) and in addition to the
2 provisions of paragraph (e) of this subsection (5), a state institution of
3 higher education may annually grant a one-year waiver of the
4 lifetime-credit-hour limitation for up to five percent of the eligible
5 undergraduate students enrolled in the state institution of higher
6 education; EXCEPT THAT A STATE INSTITUTION OF HIGHER EDUCATION
7 GOVERNED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND
8 OCCUPATIONAL EDUCATION MAY ANNUALLY GRANT A ONE-YEAR WAIVER
9 OF THE LIFETIME-CREDIT-HOUR LIMITATION FOR UP TO FIVE PERCENT OF
10 THE ACTUAL NUMBER OF ELIGIBLE UNDERGRADUATE STUDENTS ENROLLED
11 IN THE INSTITUTION. In granting the waivers under this paragraph (f), the
12 state institution of higher education shall give priority to students who are
13 seeking job retraining.

14 **SECTION 4.** Part 2 of article 18 of title 23, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
16 read:

17 **23-18-208. Advance - cash flow management.**
18 NOTWITHSTANDING ANY PROVISION OF SECTION 24-75-203 (1), C.R.S., TO
19 THE CONTRARY, THE COLORADO STUDENT LOAN PROGRAM MAY
20 AUTHORIZE AND, UPON SUCH AUTHORIZATION, THE STATE TREASURER
21 SHALL MAKE AN ADVANCE WITHOUT INTEREST FROM THE COLLEGE
22 OPPORTUNITY FUND TO A GOVERNING BOARD TO ASSIST THE GOVERNING
23 BOARD IN MANAGING ITS CASH FLOW. AN ADVANCE MADE PURSUANT TO
24 THIS SECTION SHALL BE REPAID WITHIN THE SAME STATE FISCAL YEAR IN
25 WHICH THE ADVANCE IS MADE.

26 **SECTION 5.** 23-1-113.3 (2) (a), Colorado Revised Statutes, as
27 it will become effective July 1, 2005, is amended to read:

1 **23-1-113.3. Commission directive - basic skills courses.**

2 (2) (a) Adams state college, Mesa state college, any local community
3 college, and any community college governed by the state board for
4 community colleges and occupational education may offer BASIC SKILLS
5 COURSES, AS DEFINED IN SECTION 23-1-113 (1) (b) (II) (A.7), and receive
6 ~~fee-for-service contract payments~~ STIPEND PAYMENTS from the state for
7 ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS, AS DEFINED IN
8 SECTION 23-18-102 (5), ENROLLED IN basic skills courses. ~~as defined in~~
9 ~~section 23-1-113 (1) (b) (II) (A.7).~~

10 **SECTION 6.** 23-1-109.7 (1) (b), (1) (c), (1) (d), and (1) (h),
11 Colorado Revised Statutes, are amended to read:

12 **23-1-109.7. Duties and powers of the commission with regard**
13 **to the provision of educational services.** (1) Beginning July 1, 2005,
14 the commission shall be responsible for ensuring the provision of specific
15 postsecondary educational services in the state. These educational
16 services shall include but need not be limited to:

17 (b) ~~Basic skills courses, as defined in section 23-1-113 (1) (b) (II)~~
18 ~~(A.7);~~

19 (c) ~~Educational services associated with the "Postsecondary~~
20 ~~Enrollment Options Act", article 35 of title 22, C.R.S.;~~

21 (d) ~~Educational services associated with the high school fast track~~
22 ~~program pursuant to section 22-34-101, C.R.S.;~~

23 (h) Specialized educational services and professional degrees,
24 including but not limited to the areas of dentistry, medicine, veterinary
25 medicine, nursing, law, forestry, and engineering AND PROGRAMS THAT
26 ADDRESS IDENTIFIED STATE OR NATIONAL PRIORITIES.

27 **SECTION 7.** 23-5-130 (2) (b), (2) (c), (2) (d), and (2) (h),

1 Colorado Revised Statutes, are amended to read:

2 **23-5-130. Governing boards - fee-for-service contracts -**
3 **authorization.** (2) Beginning July 1, 2005, the governing board of a
4 state institution of higher education may annually negotiate a
5 fee-for-service contract with the department for the delivery of higher
6 education services by the institution to the residents of the state of
7 Colorado. These services may include, but need not be limited to:

8 (b) ~~Basic skills courses, as defined in section 23-1-113 (1) (b) (II)~~
9 ~~(A.7);~~

10 (c) ~~Educational services associated with the "Postsecondary~~
11 ~~Enrollment Options Act", article 35 of title 22, C.R.S.;~~

12 (d) ~~Educational services associated with the high school fast track~~
13 ~~program pursuant to section 22-34-101, C.R.S.;~~

14 (h) Specialized educational services and professional degrees,
15 including but not limited to the areas of dentistry, medicine, veterinary
16 medicine, nursing, law, forestry, and engineering AND PROGRAMS THAT
17 ADDRESS IDENTIFIED STATE OR NATIONAL PRIORITIES.

18 **SECTION 8.** 23-5-129 (2) (e), Colorado Revised Statutes, is
19 amended to read:

20 **23-5-129. Governing boards - performance contract -**
21 **authorization - operations.** (2) (e) Notwithstanding any other provision
22 of this section to the contrary, increasing enrollment of underserved
23 students, including low-income individuals, ~~males~~, and minority groups,
24 shall be addressed in each performance contract.

25 **SECTION 9.** 23-1-106 (5), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **23-1-106. Duties and powers of the commission with respect to**

1 **capital construction and long-range planning.**

2 (5) (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
3 THE CONTRARY, A GOVERNING BOARD MAY APPROVE AND COMMENCE,
4 WITHOUT PRIOR APPROVAL OF THE COMMISSION, CAPITAL CONSTRUCTION
5 PROJECTS THAT ARE FUNDED WITHOUT STATE CAPITAL CONSTRUCTION OR
6 GENERAL FUND MONEYS IF:

7 (I) THE CAPITAL CONSTRUCTION PROJECT COSTS LESS THAN FIVE
8 MILLION DOLLARS; AND

9 (II) THE INSTITUTION FOR WHICH THE CAPITAL PROJECT IS BEING
10 CONSTRUCTED HAS BEEN DESIGNATED AS AN ENTERPRISE PURSUANT TO
11 SECTION 23-5-101.7.

12 **SECTION 10. Safety clause.** The general assembly hereby
13 finds, determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.