

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 01-0113.02 Julie Pelegrin

SENATE BILL 01-176

SENATE SPONSORSHIP

Anderson,

HOUSE SPONSORSHIP

King,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF MILLENNIUM INSTITUTIONS.**

Bill Summary

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

Creates the millennium institutions program under which designated institutions of higher education operate pursuant to performance agreements between the institutions and the Colorado commission on higher education ("commission"). Allows an institution of higher education to be designated as a millennium institution either by statute or by the commission. Authorizes the commission, beginning July 1, 2004, to designate up to 3 institutions per year. Instructs the commission to adopt guidelines establishing procedures and criteria for designating millennium institutions.

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.*

Specifies that a millennium institution shall be governed by its original governing board, plus any members that may be added by the original governing board. Requires a millennium institution to continue to operate pursuant to its role and mission. Allows a millennium institution to create, modify, or eliminate academic programs without approval of the commission. Requires a millennium institution to accept all Colorado resident applicants who meet the admissions criteria, and specifies that the classified status of employees of the millennium institution is not affected by the millennium institution designation.

Instructs a millennium institution and the commission to negotiate a performance agreement that specifies the statutes and regulations from which the millennium institution will be exempt and the goals the millennium institution will achieve. Specifies certain statutes from which the millennium institution may not be exempted.

Directs that each millennium institution shall receive general fund appropriations as a block grant, subject to annual adjustments to reflect cost factors. Grants a millennium institution sole authority to establish resident and nonresident tuition rates for the institution, subject to a negotiated cap on the annual percentage increase in resident tuition. Provides that the millennium institution shall remain eligible for state-funded capital construction projects and controlled maintenance.

Instructs the commission and a millennium institution annually to review the institution's performance in complying with the terms of the performance agreement. Allows the commission to revoke the millennium institution designation for any institution that fails to substantially comply with the terms of the agreement.

Directs the commission, on or before January 15, 2004, to submit to the education committees of the general assembly a report on the operations and success of the millennium institutions program.

Recognizes the Colorado school of mines as an exemplary institution, and designates the Colorado school of mines as a millennium institution beginning July 1, 2001, and continuing through June 30, 2011.

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

2 **SECTION 1.** Title 23, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 14**

5 **Millennium Institutions**

6 **23-14-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "MILLENNIUM INSTITUTIONS ACT".

1 **23-14-102. Legislative declaration.** THE GENERAL ASSEMBLY
2 HEREBY FINDS THAT THE STATEWIDE SYSTEM OF HIGHER EDUCATION IN
3 COLORADO PLAYS A CRITICAL ROLE IN THE CIVIC AND ECONOMIC VIABILITY
4 OF THE STATE BY ENSURING THAT THE PEOPLE OF COLORADO HAVE THE
5 KNOWLEDGE, TRAINING, AND SKILLS TO SUPPORT THE STATE'S BUSINESS
6 COMMUNITY AND TO SERVE AS RESPONSIBLE CITIZENS. THE GENERAL
7 ASSEMBLY FURTHER FINDS THAT THE STATEWIDE SYSTEM OF HIGHER
8 EDUCATION IS SUPPORTED BY THE PEOPLE'S MONEY, THROUGH BOTH TAX
9 AND TUITION DOLLARS, AND THAT THIS LEVEL OF SUPPORT AND
10 INVESTMENT DEMANDS AND DESERVES A HIGH DEGREE OF
11 ACCOUNTABILITY. WHILE THE STATE HAS MADE PROGRESS IN INCREASING
12 THE ACCOUNTABILITY OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION,
13 THE REQUIREMENTS IMPOSED TO ENSURE ACCOUNTABILITY HAVE
14 OCCASIONALLY HAD THE UNFORTUNATE RESULT OF LIMITING THE
15 INSTITUTIONS' ABILITY TO FREELY OPERATE IN THE MOST EFFECTIVE AND
16 EFFICIENT MANNER. THE GENERAL ASSEMBLY THEREFORE FINDS THAT
17 ADOPTING A SYSTEM UNDER WHICH SELECT, EXEMPLARY INSTITUTIONS
18 MAY NEGOTIATE FOR GREATER FREEDOM FROM STATUTORY AND
19 REGULATORY REQUIREMENTS IN EXCHANGE FOR GUARANTEED, HIGH
20 QUALITY PERFORMANCE WILL SATISFY BOTH THE STATE'S NEED FOR
21 ACCOUNTABILITY AND THE INSTITUTIONS' NEED FOR FLEXIBILITY.

22 **23-14-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER
25 EDUCATION ESTABLISHED IN SECTION 23-1-102.

26 (2) "DENVER METROPOLITAN AREA" MEANS THE AREA CONSISTING
27 OF THE CITY AND COUNTY OF DENVER, JEFFERSON COUNTY, BOULDER

1 COUNTY, ARAPAHOE COUNTY, THE CITY AND COUNTY OF BROOMFIELD,
2 DOUGLAS COUNTY, AND ADAMS COUNTY.

3 (3) "MILLENNIUM INSTITUTION" MEANS AN INSTITUTION OF HIGHER
4 EDUCATION THAT IS DESIGNATED PURSUANT TO SECTION 23-14-104 (2) TO
5 OPERATE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

6 (4) "PERFORMANCE AGREEMENT" MEANS AN AGREEMENT ENTERED
7 INTO PURSUANT TO SECTION 23-14-106 BETWEEN A MILLENNIUM
8 INSTITUTION AND THE COMMISSION.

9 **23-14-104. Millennium institutions program - creation -**
10 **designation of institutions.** (1) THERE IS HEREBY CREATED THE
11 MILLENNIUM INSTITUTIONS PROGRAM TO RECOGNIZE EXEMPLARY
12 STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION AND GRANT THEM
13 THE OPPORTUNITY TO INCREASE THEIR LEVELS OF ACHIEVEMENT BY
14 EXEMPTING THEM FROM CERTAIN STATUTORY AND ADMINISTRATIVE
15 REQUIREMENTS AND PROVIDING FOR THEM A STABLE FUNDING BASE.
16 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE TO THE
17 CONTRARY, ANY INSTITUTION OF HIGHER EDUCATION THAT IS DESIGNATED
18 A MILLENNIUM INSTITUTION PURSUANT TO THE PROVISIONS OF SUBSECTION
19 (2) OF THIS SECTION SHALL OPERATE PURSUANT TO THE PROVISIONS OF THIS
20 ARTICLE AND THE PERFORMANCE AGREEMENT ENTERED INTO PURSUANT TO
21 SECTION 23-14-106.

22 (2) (a) A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
23 MAY BE DESIGNATED A MILLENNIUM INSTITUTION BY STATUTE OR,
24 BEGINNING JULY 1, 2004, BY THE COMMISSION UPON APPLICATION. THE
25 COMMISSION SHALL ADOPT GUIDELINES AND PROCEDURES BY WHICH A
26 STATE-SUPPORTED INSTITUTION MAY APPLY FOR DESIGNATION AS A
27 MILLENNIUM INSTITUTION AND THE CRITERIA THE COMMISSION SHALL

1 APPLY IN IDENTIFYING THOSE INSTITUTIONS THAT ARE APPROPRIATE FOR
2 DESIGNATION AS A MILLENNIUM INSTITUTION. IN SELECTING APPROPRIATE
3 INSTITUTIONS, THE COMMISSION SHALL SELECT ONLY THOSE INSTITUTIONS
4 THAT HAVE DEMONSTRATED A HIGH DEGREE OF RESPONSIBILITY AND
5 CAPABILITY WITH REGARD TO THEIR ACADEMIC AND ADMINISTRATIVE
6 FUNCTIONS.

7 (b) BEGINNING JULY 1, 2004, THE COMMISSION MAY DESIGNATE UP
8 TO THREE INSTITUTIONS PER YEAR AS MILLENNIUM INSTITUTIONS.

9 **23-14-105. Millennium institutions - governance - role and**
10 **mission - admissions - classified employees.** (1) EACH MILLENNIUM
11 INSTITUTION SHALL CONTINUE TO OPERATE PURSUANT TO THE STATUTORY
12 ROLE AND MISSION UNDER WHICH IT OPERATED AT THE TIME OF
13 DESIGNATION; EXCEPT THAT, IN NEGOTIATING THE TERMS OF THE
14 PERFORMANCE AGREEMENT, THE MILLENNIUM INSTITUTION AND THE
15 COMMISSION MAY NEGOTIATE CHANGES IN THE INSTITUTION'S ROLE AND
16 MISSION. THE COMMISSION SHALL, AS SOON AS POSSIBLE, NOTIFY THE
17 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
18 REPRESENTATIVES OF SUCH CHANGES AND RECOMMEND ANY NECESSARY
19 STATUTORY CHANGES. IF THE NEGOTIATED CHANGES TO A MILLENNIUM
20 INSTITUTION'S ROLE AND MISSION REQUIRE A STATUTORY CHANGE, THE
21 CHANGE TO ROLE AND MISSION SHALL NOT TAKE EFFECT PRIOR TO THE
22 EFFECTIVE DATE OF THE REQUIRED STATUTORY CHANGE.

23 (2) A MILLENNIUM INSTITUTION SHALL ACCEPT ALL COLORADO
24 RESIDENT APPLICANTS WHO MEET THE ADMISSIONS CRITERIA OF THE
25 INSTITUTION AND SHALL PROVIDE EQUAL EDUCATIONAL OPPORTUNITIES TO
26 ALL STUDENTS, WITHOUT REGARD TO RACE, ETHNICITY, GENDER, NATIONAL
27 ORIGIN, RELIGION, DISABILITY, AGE, OCCUPATION, ECONOMIC

1 BACKGROUND, OR VETERAN STATUS.

2 **23-14-106. Millennium institutions - performance agreements**
3 **- statutory and regulatory exemptions - performance expectations.**

4 (1) THE GOVERNING BOARD FOR EACH MILLENNIUM INSTITUTION SHALL
5 NEGOTIATE A PERFORMANCE AGREEMENT WITH THE COMMISSION THAT
6 SHALL SPECIFY THE STATUTORY AND REGULATORY PROVISIONS FROM
7 WHICH THE MILLENNIUM INSTITUTION SHALL BE EXEMPT, SUBJECT TO THE
8 RESTRICTIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, AND THE
9 PERFORMANCE GOALS THAT THE MILLENNIUM INSTITUTION SHALL ACHIEVE,
10 INCLUDING, AT A MINIMUM, THE GOALS DESCRIBED IN SUBSECTION (4) OF
11 THIS SECTION. THE GOVERNING BOARD FOR THE MILLENNIUM INSTITUTION
12 AND THE COMMISSION SHALL ALSO NEGOTIATE ALL OTHER TERMS OF THE
13 PERFORMANCE AGREEMENT AS PROVIDED IN THIS ARTICLE. THE FINAL
14 TERMS OF THE PERFORMANCE AGREEMENT SHALL BE SUBJECT TO APPROVAL
15 BY THE GENERAL ASSEMBLY AS PROVIDED IN SUBSECTION (5) OF THIS
16 SECTION.

17 (2) THE MILLENNIUM INSTITUTION GOVERNING BOARD AND THE
18 COMMISSION MAY NEGOTIATE FOR A WAIVER OF ANY STATUTORY
19 REQUIREMENTS SPECIFIED IN THIS TITLE, EXCEPT THE FOLLOWING:

20 (a) THE STATE-FUNDED CAPITAL CONSTRUCTION PROJECT
21 REQUIREMENTS DESCRIBED IN SECTION 23-1-106;

22 (b) THE REQUIREMENTS PERTAINING TO ADVANCED TECHNOLOGY
23 AND TECHNOLOGY TRANSFERS IMPOSED PURSUANT TO SECTIONS
24 23-1-106.5 AND 23-1-106.7;

25 (c) THE REQUIREMENTS PERTAINING TO RECIPROCAL AGREEMENTS
26 FOR THE WAIVER OF NONRESIDENTIAL TUITION DIFFERENTIALS IMPOSED
27 PURSUANT TO SECTION 23-1-112;

1 (d) THE BASIC SKILLS COURSE REQUIREMENTS IMPOSED PURSUANT
2 TO SECTION 23-1-113.3; AND

3 (e) THE PROGRAMS OF EXCELLENCE PROVISIONS SPECIFIED IN
4 SECTION 23-1-118.

5 (3) IN ADDITION TO EXEMPTIONS FROM THE REQUIREMENTS
6 SPECIFIED IN THIS TITLE, THE MILLENNIUM INSTITUTION GOVERNING BOARD
7 AND THE COMMISSION MAY NEGOTIATE EXEMPTIONS OR QUALIFIED
8 EXEMPTIONS FROM THE FOLLOWING REQUIREMENTS:

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10 (a) COMPLIANCE, IN WHOLE OR IN PART, WITH THE STATE
11 "PROCUREMENT CODE" CREATED IN ARTICLE 101 OF TITLE 24, C.R.S.;

12 (b) COMPLIANCE WITH AND PARTICIPATION IN THE STATE FLEET
13 MANAGEMENT SYSTEM AND THE STATE CENTRAL SERVICES SYSTEM
14 PURSUANT TO PART 11 OF ARTICLE 30 OF TITLE 24, C.R.S.;

15 (c) COMPLIANCE, IN WHOLE OR IN PART, WITH AND PARTICIPATION
16 IN THE STATE RISK MANAGEMENT SYSTEM PURSUANT TO PART 15 OF
17 ARTICLE 30 OF TITLE 24, C.R.S.;

18 (d) PAYMENT OF THE STATEWIDE INDIRECT COST CHARGES IMPOSED
19 BY STATE AGENCIES FOR COSTS INCURRED IN PROVIDING STATE SERVICES.

20 (4) (a) THE GOVERNING BOARD OF THE MILLENNIUM INSTITUTION
21 AND THE COMMISSION, IN ESTABLISHING THE PERFORMANCE AGREEMENT,
22 SHALL NEGOTIATE INSTITUTIONAL AND STUDENT PERFORMANCE GOALS
23 THAT ARE MEASURABLE AND SPECIFIC TO THE INSTITUTION'S ROLE AND
24 MISSION, WHICH SHALL INCLUDE GOALS ADDRESSING THE FOLLOWING
25 ISSUES:

26 (I) APPROPRIATE LEVELS OF STUDENT ENROLLMENT, TRANSFER,
27 RETENTION AND GRADUATION RATES, AND INSTITUTIONAL PROGRAMS

1 SPECIFICALLY DESIGNED TO ASSIST STUDENTS IN ACHIEVING THEIR
2 ACADEMIC GOALS;

3 (II) STUDENT SATISFACTION AND STUDENT PERFORMANCE AFTER
4 GRADUATION, INCLUDING EMPLOYMENT AND ENROLLMENT IN GRADUATE
5 PROGRAMS;

6 (III) ASSESSMENT OF THE QUALITY OF THE INSTITUTION'S ACADEMIC
7 PROGRAMS, INCLUDING ASSESSMENT BY EXTERNAL REVIEWERS SUCH AS
8 ACCREDITATION BOARDS AND EMPLOYERS AND CONSIDERATION OF
9 STUDENT PERFORMANCE ON NATIONAL EXAMINATIONS;

10 (IV) INCREASING FINANCIAL SUPPORT TO SUSTAIN AND ENHANCE
11 ESSENTIAL FUNCTIONS THAT ARE PARTIALLY STATE FUNDED, INCLUDING:

12 (A) EDUCATION, INDUSTRIAL, AND FEDERAL RESEARCH
13 CAPABILITIES AND COMPETITIVENESS;

14 (B) STUDENT FINANCIAL AID;

15 (C) CAPITAL CONSTRUCTION; AND

16 (D) TECHNOLOGICAL ADVANCEMENTS.

17 (b) IN ADDITION TO THE ISSUE-SPECIFIC GOALS SPECIFIED IN
18 PARAGRAPH (a) OF THIS SUBSECTION (4), EACH MILLENNIUM INSTITUTION,
19 AS PART OF ITS PERFORMANCE AGREEMENT, SHALL MAKE PROGRESS
20 TOWARD ACHIEVING A RANKING IN THE TOP TWENTY-FIVE PERCENT OF ITS
21 PEER INSTITUTIONS IN THE COUNTRY.

22 (5) THE PERFORMANCE AGREEMENT FOR A MILLENNIUM
23 INSTITUTION SHALL NOT TAKE EFFECT UNTIL THE PERFORMANCE
24 AGREEMENT IS APPROVED BY A JOINT RESOLUTION ADOPTED BY THE
25 GENERAL ASSEMBLY. AS SOON AS POSSIBLE UPON COMPLETION OF THE
26 PERFORMANCE AGREEMENT, THE COMMISSION SHALL PRESENT THE
27 PERFORMANCE AGREEMENT AT A JOINT SESSION OF THE EDUCATION

1 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE
2 MEMBERS OF THE EDUCATION COMMITTEE MAY RECOMMEND CHANGES TO
3 THE TERMS OF THE PERFORMANCE AGREEMENT AND RENEGOTIATION OF
4 THE PERFORMANCE AGREEMENT. IF A MAJORITY OF THE MEMBERS OF THE
5 EDUCATION COMMITTEES APPROVE THE TERMS OF THE PERFORMANCE
6 AGREEMENT, THE CHAIRMEN OF THE EDUCATION COMMITTEES SHALL
7 SPONSOR A JOINT RESOLUTION TO RECOGNIZE AND APPROVE THE
8 PERFORMANCE AGREEMENT.

9 **23-14-107. Millennium institutions - funding - capital**
10 **construction.** (1) THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
11 APPROPRIATIONS OF GENERAL FUND MONEYS AS A SINGLE BLOCK GRANT TO
12 THE GOVERNING BOARD OF EACH MILLENNIUM INSTITUTION FOR
13 DISTRIBUTION TO THE MILLENNIUM INSTITUTION. THE AMOUNT
14 APPROPRIATED SHALL BE BASED ON THE NUMBER OF RESIDENT STUDENTS
15 ENROLLED AT THE MILLENNIUM INSTITUTION AT THE TIME OF DESIGNATION.
16 THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING BOARD OF
17 EACH MILLENNIUM INSTITUTION, SHALL ESTABLISH A METHODOLOGY FOR
18 DETERMINING ADJUSTMENTS IN THE AMOUNT OF GENERAL FUND MONEYS
19 INCLUDED IN THE BLOCK GRANT APPROPRIATIONS. THE METHODOLOGY
20 SHALL TAKE INTO ACCOUNT THE VARIETY OF FACTORS AFFECTING THE
21 LEVEL OF COSTS INCURRED AND THE LEVEL OF FUNDING RECEIVED BY THE
22 MILLENNIUM INSTITUTION AND MAY INCLUDE AN INCREASE OR DECREASE
23 IN THE AMOUNT OF GENERAL FUNDS RECEIVED BY THE MILLENNIUM
24 INSTITUTION FOR ANY YEAR IN WHICH THE STUDENT ENROLLMENT AT THE
25 MILLENNIUM INSTITUTION INCREASES OR DECREASES BY A PERCENTAGE
26 SPECIFIED IN THE PERFORMANCE AGREEMENT.

27 (2) THE GOVERNING BOARD OF EACH MILLENNIUM INSTITUTION

1 SHALL HAVE SOLE AUTHORITY TO ESTABLISH RESIDENT AND NONRESIDENT
2 TUITION RATES; EXCEPT THAT THE ANNUAL INCREASE IN RESIDENT TUITION
3 RATES SHALL NOT EXCEED A PERCENTAGE SPECIFIED IN THE PERFORMANCE
4 AGREEMENT THAT IS EQUAL TO OR LESS THAN TWO TIMES THE RATE OF THE
5 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER
6 METROPOLITAN AREA.

7 (3) THE NONEXEMPT CASH SPENDING AUTHORITY THAT WAS
8 APPROPRIATED TO THE MILLENNIUM INSTITUTION FOR THE 2000-01 FISCAL
9 YEAR SHALL REMAIN THE MINIMUM AMOUNT OF NONEXEMPT CASH
10 SPENDING AUTHORITY FOR THE INSTITUTION REGARDLESS OF ACCOUNTING
11 CHANGES IMPOSED BY NATIONAL GOVERNMENTAL ACCOUNTING
12 REQUIREMENTS.

13 (4) EACH MILLENNIUM INSTITUTION SHALL REMAIN ELIGIBLE FOR
14 STATE-FUNDED CAPITAL CONSTRUCTION PROJECTS AND CONTROLLED
15 MAINTENANCE PROJECTS AS PROVIDED IN SECTION 23-1-106. EACH
16 MILLENNIUM INSTITUTION SHALL HAVE SOLE AUTHORITY OVER ANY
17 CAPITAL CONSTRUCTION PROJECTS THAT ARE NOT FUNDED WITH MONEYS
18 APPROPRIATED TO THE MILLENNIUM INSTITUTION BY THE GENERAL
19 ASSEMBLY.

20 **23-14-108. Millennium institutions - performance review -**
21 **revocation.** (1) THE COMMISSION AND THE MILLENNIUM INSTITUTION
22 SHALL ANNUALLY CONDUCT A JOINT REVIEW OF THE MILLENNIUM
23 INSTITUTION'S PROGRESS IN COMPLYING WITH THE PERFORMANCE
24 AGREEMENT. THE COMMISSION MAY SUGGEST IMPROVEMENTS TO BE
25 ACHIEVED BY THE MILLENNIUM INSTITUTION FOR THE NEXT REVIEW PERIOD
26 AND THE COMMISSION AND THE MILLENNIUM INSTITUTION MAY AGREE TO
27 ADJUST THE GOALS ESTABLISHED IN THE PERFORMANCE AGREEMENT.

1 (2) (a) IF A MILLENNIUM INSTITUTION FAILS TO SUBSTANTIALLY
2 COMPLY WITH THE TERMS OF THE PERFORMANCE AGREEMENT, AS SUCH
3 COMPLIANCE IS DESCRIBED IN THE TERMS OF THE PERFORMANCE
4 AGREEMENT, THE COMMISSION MAY PLACE THE MILLENNIUM INSTITUTION
5 ON PROBATION. IF THE INSTITUTION WAS DESIGNATED A MILLENNIUM
6 INSTITUTION BY THE COMMISSION, THE COMMISSION, FOLLOWING
7 COMPLETION OF THE PROBATIONARY PERIOD, MAY EITHER RESTORE THE
8 INSTITUTION TO FULL MILLENNIUM STATUS OR REVOKE THE INSTITUTION'S
9 STATUS AS A MILLENNIUM INSTITUTION. IF THE INSTITUTION WAS
10 DESIGNATED A MILLENNIUM INSTITUTION BY STATUTE, THE COMMISSION,
11 FOLLOWING COMPLETION OF THE PROBATIONARY PERIOD, MAY EITHER
12 RESTORE THE INSTITUTION TO FULL MILLENNIUM STATUS OR RECOMMEND
13 TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
14 REPRESENTATIVES THAT THE GENERAL ASSEMBLY ADOPT LEGISLATION
15 REPEALING THE INSTITUTION'S DESIGNATION AS A MILLENNIUM
16 INSTITUTION. IF THE GENERAL ASSEMBLY DOES NOT ADOPT SUCH
17 LEGISLATION, THE INSTITUTION MAY REMAIN ON PROBATION UNTIL SUCH
18 TIME AS THE COMMISSION DETERMINES THE INSTITUTION IS IN SUBSTANTIAL
19 COMPLIANCE WITH THE TERMS OF THE PERFORMANCE AGREEMENT.

20 (b) UPON REVOCATION OR REPEAL OF AN INSTITUTION'S
21 DESIGNATION AS A MILLENNIUM INSTITUTION, THE INSTITUTION SHALL NO
22 LONGER OPERATE UNDER THE PROVISIONS OF THIS ARTICLE AND THE
23 PERFORMANCE AGREEMENT, BUT SHALL BE SUBJECT TO THE REQUIREMENTS
24 SPECIFIED IN THE REMAINDER OF THIS TITLE. IF NECESSARY, THE FUNDING
25 ALLOCATED TO THE INSTITUTION WHILE OPERATING AS A MILLENNIUM
26 INSTITUTION SHALL BE ADJUSTED TO COMPLY WITH THE PROVISIONS OF
27 SECTION 23-1-104. _____

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23-14-109. Report. (1) ON OR BEFORE JANUARY 15, 2004, THE COMMISSION SHALL SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES A REPORT REVIEWING THE OPERATIONS AND SUCCESS OF THE MILLENNIUM INSTITUTIONS PROGRAM.

AT A MINIMUM, THE REPORT SHALL INCLUDE:

(a) THE NUMBER AND NAMES OF THE INSTITUTIONS PARTICIPATING IN THE PROGRAM;

(b) THE NUMBER OF YEARS EACH MILLENNIUM INSTITUTION HAS BEEN PARTICIPATING IN THE PROGRAM;

(c) A SUMMARY OF EACH MILLENNIUM INSTITUTION'S PERFORMANCE AGREEMENT AND THE PROGRESS MADE BY EACH MILLENNIUM INSTITUTION IN ACHIEVING THE GOALS SPECIFIED IN THE AGREEMENT;

(d) A QUANTIFIED MEASUREMENT OF THE OVERALL SUCCESS OF THE MILLENNIUM INSTITUTIONS PROGRAM TOWARD IMPROVING THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO STUDENTS AND IN RAISING STUDENT PERFORMANCE AND ACHIEVEMENT;

(e) RECOMMENDATIONS FOR CONTINUING AND EXPANDING THE MILLENNIUM INSTITUTIONS PROGRAM.

SECTION 2. Article 41 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-41-104.6. Designation as millennium institution. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE COLORADO SCHOOL OF MINES IS AN EXEMPLARY INSTITUTION OF HIGHER EDUCATION THAT HAS DEMONSTRATED A HIGH DEGREE OF RESPONSIBILITY AND CAPABILITY WITH

1 REGARD TO ITS ACADEMIC AND ADMINISTRATIVE FUNCTIONS AS EVIDENCED
2 BY THE FOLLOWING:

3 (a) THE COLORADO SCHOOL OF MINES RETAINS AND GRADUATES
4 OVER SIXTY PERCENT OF THE STUDENTS WHO ENROLL IN THE INSTITUTION;

5 (b) THE COLORADO SCHOOL OF MINES CONSISTENTLY
6 DEMONSTRATES THAT AT LEAST NINETY PERCENT OF ITS GRADUATES ARE
7 EMPLOYED IN A FIELD THAT IS RELEVANT TO THE EDUCATION THEY
8 RECEIVED AT THE INSTITUTION AND THAT THE AVERAGE STARTING SALARY
9 OF THOSE GRADUATES IS IN EXCESS OF THE NATIONAL AVERAGE FOR
10 ENGINEERING SCHOOL GRADUATES;

11 (c) THE COLORADO SCHOOL OF MINES CONTINUES TO RECEIVE
12 ACCREDITATION REVIEWS FROM NATIONAL ACCREDITING ORGANIZATIONS
13 WHICH RAISE NO ISSUES WITH THE QUALITY OF THE ENGINEERING
14 PROGRAMS OFFERED AT THE INSTITUTION;

15 (d) SENIOR STUDENTS AT THE COLORADO SCHOOL OF MINES
16 CONSISTENTLY SCORE ABOVE THE NATIONAL AVERAGE IN A STANDARDIZED
17 EXAM FOR ENGINEERING SCHOOL STUDENTS;

18 (e) OVER SEVENTY-FIVE PERCENT OF THE UNDERGRADUATE
19 STUDENTS AT THE COLORADO SCHOOL OF MINES RECEIVE SOME FORM OF
20 FINANCIAL AID;

21 (f) THE COLORADO SCHOOL OF MINES HAS AN ENDOWMENT THAT
22 PLACES IT AMONG THE TOP FIFTEEN PUBLIC INSTITUTIONS OF HIGHER
23 EDUCATION IN THE AMOUNT OF ENDOWMENT PER STUDENT.

24 (2) FOR THE REASONS SPECIFIED IN SUBSECTION (1) OF THIS
25 SECTION, BEGINNING JULY 1, 2001, AND CONTINUING THROUGH JUNE 30,
26 2011, THE GENERAL ASSEMBLY HEREBY DESIGNATES THE COLORADO
27 SCHOOL OF MINES A MILLENNIUM INSTITUTION, AS DEFINED IN SECTION

1 23-14-103. DURING SAID PERIOD, UNLESS THE DESIGNATION IS REVOKED
2 AS PROVIDED IN SECTION 23-14-108 (2), THE COLORADO SCHOOL OF MINES
3 SHALL OPERATE PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND
4 ARTICLE 14 OF THIS TITLE. THE PERFORMANCE AGREEMENT NEGOTIATED
5 BY THE BOARD OF TRUSTEES AND THE COLORADO COMMISSION ON HIGHER
6 EDUCATION PURSUANT TO SECTION 23-14-106 SHALL BE SUBJECT TO
7 APPROVAL BY THE GENERAL ASSEMBLY AS PROVIDED IN SECTION 23-14-106
8 (5) DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL
9 ASSEMBLY.

10 (3) WHILE THE COLORADO SCHOOL OF MINES IS OPERATING AS A
11 MILLENNIUM INSTITUTION, THE BOARD OF TRUSTEES SHALL CONTINUE TO
12 OPERATE AS THE GOVERNING BOARD FOR THE INSTITUTION. IN ADDITION,
13 THE BOARD OF TRUSTEES SHALL ESTABLISH PROCEDURES AND CRITERIA FOR
14 THE APPOINTMENT OF ADDITIONAL ADVISORY MEMBERS TO THE BOARD TO
15 SUSTAIN AND ENHANCE THE ROLE AND MISSION OF THE COLORADO SCHOOL
16 OF MINES. ANY ADDITIONAL MEMBERS OF THE BOARD OF TRUSTEES SHALL
17 SERVE AS NONVOTING MEMBERS OF THE BOARD AND BE REPRESENTATIVE
18 OF NATIONAL AND INTERNATIONAL INDUSTRIES AND RESEARCH AND
19 ACADEMIC INSTITUTIONS. THE ROLE OF ANY SUCH ADVISORY MEMBERS
20 SHALL BE TO IMPROVE THE TRUSTEE'S OPPORTUNITIES TO DEVELOP AND
21 ENRICH THE ACADEMIC AND RESEARCH PROGRAMS AT THE INSTITUTION.

22 (4) WHILE OPERATING AS A MILLENNIUM INSTITUTION, THE BOARD
23 OF TRUSTEES NEED NOT CONSULT THE COLORADO COMMISSION ON HIGHER
24 EDUCATION NOR OBTAIN APPROVAL FROM SAID COMMISSION TO CREATE,
25 MODIFY, OR ELIMINATE ACADEMIC AND VOCATIONAL PROGRAMS OFFERED
26 BY THE COLORADO SCHOOL OF MINES, SO LONG AS SUCH CREATIONS,
27 MODIFICATIONS, AND ELIMINATIONS ARE CONSISTENT WITH THE

1 INSTITUTION'S STATUTORY ROLE AND MISSION.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.