

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

INTRODUCED

LLS NO. 01-1091.01 Jeff Conway

SENATE BILL 01-243

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Grossman,

Senate Committees

Public Policy and Planning

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE FORMATION OF AN INDEPENDENT COMMISSION FOR**
102 **THE OVERSIGHT OF THE FITZSIMONS PROJECT.**

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 Fitzsimons development commission ("commission") as a body corporate and political subdivision of the state. Describes the membership, appointment, and terms of office of the commission.

Identifies the role of the commission as advisory. Sets forth the duties and powers of the commission, including:

- Supervision of commission employees;
- Review and recommendation of master plans and capital projects for the Fitzsimons project;

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.

1 RECOMMENDED THE DEVELOPMENT OF A STRATEGY FOR ENSURING
2 STAKEHOLDER INVOLVEMENT AND ENGAGING THE COMMUNITY IN THE
3 VISION FOR FITZSIMONS, AND RECOMMENDED THE COMPLETION OF A
4 DETAILED TRANSPORTATION ANALYSIS;

5 (c) THE STUDY ALSO FOUND THAT THE RELOCATION TO FITZSIMONS
6 OF ONE OR MORE MAJOR UNIVERSITY OF COLORADO HEALTH SCIENCES
7 CENTER AFFILIATES WOULD BE A VALUABLE COMPLEMENTARY
8 DEVELOPMENT AT FITZSIMONS AND WOULD IMPACT FAVORABLY ON THE
9 MAJOR MISSIONS OF THE UNIVERSITY OF COLORADO HEALTH SCIENCES
10 CENTER;

11 (d) THE RELOCATION OF THE UNIVERSITY OF COLORADO HEALTH
12 SCIENCES CENTER TO FITZSIMONS SHOULD BE ACCELERATED TO THE
13 DEGREE ALLOWABLE AND THAT THE PROCEDURES, FINANCIAL ANALYSES,
14 TIMETABLES, AND ACCOUNTABILITY FOR THE PROJECT SHOULD BE
15 CONSISTENT WITH THOSE OF A LARGE-SCALE PUBLIC AND PRIVATE
16 DEVELOPMENT RATHER THAN AN INSTITUTIONAL BUILDING PROGRAM;

17 (e) A RE-USE STRATEGY MUST BE DEVELOPED FOR THE HEALTH
18 SCIENCES CENTER CAMPUS LOCATED AT NINTH AVENUE AND COLORADO
19 BOULEVARD IN DENVER UPON THE RELOCATION OF THE UNIVERSITY OF
20 COLORADO HEALTH SCIENCES CENTER TO FITZSIMONS, AND
21 STAKEHOLDERS IN AND NEAR THE NINTH AVENUE CAMPUS SHOULD BE
22 INVOLVED AND INCLUDED IN THE IDENTIFICATION OF POSSIBILITIES FOR
23 SUCH CONTINUED USE;

24 (f) AN INDEPENDENT COMMISSION IS REQUIRED TO PROVIDE AN
25 INDEPENDENT OVERSIGHT PERSPECTIVE AND A DIRECTOR WITH
26 EXPERIENCE IN LARGE-SCALE DEVELOPMENT IS REQUIRED TO PROVIDE
27 ADDITIONAL MANAGEMENT CAPACITY FOR THE UNIVERSITY OF COLORADO

1 HEALTH SCIENCES CENTER RELOCATION TO FITZSIMONS AND THE
2 REDEVELOPMENT OF THE NINTH AVENUE CAMPUS IN ORDER TO MAKE THE
3 MOVE AS EFFICIENT AND FISCALLY PRUDENT AS POSSIBLE, WHILE
4 ALLOWING THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER AT
5 FITZSIMONS TO BECOME A NATIONAL MODEL FOR THE EDUCATION AND
6 TRAINING OF HEALTH CARE PROFESSIONALS AND FOR PATIENT CARE;

7 (g) THE CURRENT PARTICIPANTS IN THE FITZSIMONS PROJECT,
8 INCLUDING THE STATE OF COLORADO, THE COLORADO COMMISSION ON
9 HIGHER EDUCATION, AND THE UNIVERSITY OF COLORADO, SHALL BE
10 REPRESENTED ON THE INDEPENDENT COMMISSION AND THAT THE
11 COMMISSION SHALL FUNCTION FREE FROM CONSTRAINTS IMPOSED BY
12 BEING SUBJECT TO VARIOUS STATE GOVERNMENT POLICIES AND
13 REGULATIONS;

14 (h) THE NEEDS OF THE CITIZENS OF THE STATE OF COLORADO AND
15 THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER WILL BE BEST
16 SERVED IF THE FITZSIMONS PROJECT HAS THE ADDITIONAL OVERSIGHT AND
17 MANAGEMENT CAPACITY DESCRIBED IN THIS PART 7.

18 **23-21-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "AUXILIARY FACILITIES" MEANS ANY STUDENT OR FACULTY
21 HOUSING FACILITY, STUDENT OR FACULTY DINING FACILITY,
22 RECREATIONAL FACILITIES, STUDENT OR FACULTY ACTIVITY FACILITY,
23 CHILD CARE FACILITY, CONTINUING EDUCATION FACILITY OR ACTIVITY,
24 ATHLETIC FACILITIES OR ACTIVITIES, COLLEGE STORE, PARKING FACILITY,
25 OR ANY SIMILAR FACILITY OR ACTIVITY WHICH IS A SELF-SUPPORTING
26 FACILITY OR ACTIVITY, INCLUDING ANY ADDITIONS TO AND ANY
27 EXTENSIONS OR REPLACEMENTS OF ANY SUCH FACILITIES.

1 (2) "COLORADO COMMISSION ON HIGHER EDUCATION" MEANS THE
2 COLORADO COMMISSION ON HIGHER EDUCATION CREATED IN SECTION
3 23-1-102.

4 (3) "COMMISSION" MEANS THE POLITICAL SUBDIVISION AND BODY
5 CORPORATE KNOWN AS THE FITZSIMONS DEVELOPMENT COMMISSION
6 CREATED IN SECTION 23-21-703.

7 (4) "FITZSIMONS" MEANS THE REAL PROPERTY COMPRISING THE
8 FORMER UNITED STATES ARMY GARRISON, FITZSIMONS, LOCATED IN THE
9 CITY OF AURORA.

10 (5) "FITZSIMONS PROJECT" MEANS THE DEVELOPMENT OF
11 FITZSIMONS, INCLUDING:

12 (a) THE PLANNING, ENGINEERING, DEVELOPMENT,
13 INFRASTRUCTURE, FINANCING, CONSTRUCTION, ADMINISTRATION, AND
14 COMPLETION OF THE CAPITAL IMPROVEMENTS, AND PROVISION OF
15 SERVICES AND ACCESS RELATING TO THE RELOCATION OF THE UNIVERSITY
16 OF COLORADO HEALTH SCIENCES CENTER TO FITZSIMONS; AND

17 (b) THE PARTICIPATION OF THE UNIVERSITY OF COLORADO OR THE
18 STATE OF COLORADO IN THE DEVELOPMENT OF PARCELS ADJACENT TO THE
19 FITZSIMONS PROPERTY; AND

20 (c) THE REDEVELOPMENT, SALE, LEASE, OR OTHER DISPOSITION OF
21 THE NINTH AVENUE CAMPUS, FOR USE BY PARTIES OTHER THAN THE
22 UNIVERSITY OF COLORADO AND OCCURRING AS A RESULT OF THE
23 RELOCATION OF THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER
24 AND OTHER INDEPENDENT AND AFFILIATED ORGANIZATIONS TO
25 FITZSIMONS.

26 (6) "FITZSIMONS REDEVELOPMENT AUTHORITY" MEANS THE
27 SPECIAL-PURPOSE GOVERNMENTAL ENTITY CREATED BY AN

1 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND
2 THE REGENTS OF THE UNIVERSITY OF COLORADO, AS THE SAME MAY BE
3 AMENDED AND MODIFIED FROM TIME TO TIME.

4 (7) "FITZSIMONS TRUST FUND" MEANS THE UNIVERSITY OF
5 COLORADO HEALTH SCIENCES CENTER AT FITZSIMONS TRUST FUND
6 CREATED IN SECTION 23-20-136.

7 (8) "NINTH AVENUE CAMPUS" MEANS THE PROPERTY OWNED BY
8 THE UNIVERSITY OF COLORADO LOCATED AT NINTH AVENUE AND
9 COLORADO BOULEVARD IN THE CITY AND COUNTY OF DENVER.

10 (9) "REGENTS" MEANS THE BOARD OF REGENTS OF THE UNIVERSITY
11 OF COLORADO.

12 **23-21-703. Fitzsimons development commission - creation.**

13 (1) THERE IS HEREBY CREATED THE FITZSIMONS DEVELOPMENT
14 COMMISSION, WHICH SHALL BE A BODY CORPORATE AND A POLITICAL
15 SUBDIVISION OF THE STATE. THE COMMISSION SHALL NOT BE AN AGENCY
16 OF STATE GOVERNMENT NOR SHALL THE COMMISSION BE SUBJECT TO
17 ADMINISTRATIVE DIRECTION OR CONTROL BY THE REGENTS OR BY ANY
18 DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE.
19 THE ROLE OF THE COMMISSION SHALL BE PRIMARILY ADVISORY. THE
20 COMMISSION SHALL NOT EXERCISE AUTHORITY OR PERFORM
21 RESPONSIBILITIES ON BEHALF OF THE REGENTS OR THE COLORADO
22 COMMISSION ON HIGHER EDUCATION EXCEPT AS EXPRESSLY AUTHORIZED
23 BY THE ENTITY ON WHOSE BEHALF THE COMMISSION IS ACTING.

24 (2) (a) THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS, WHO
25 SHALL BE APPOINTED WITH THE CONSENT OF THE SENATE AS FOLLOWS:

26 (I) TWO MEMBERS SHALL BE APPOINTED BY THE COLORADO
27 COMMISSION ON HIGHER EDUCATION;

1 (II) TWO MEMBERS SHALL BE APPOINTED BY THE REGENTS;
2 (III) ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR;
3 (IV) ONE MEMBER APPOINTED BY THE CITY COUNCIL OF THE CITY
4 AND COUNTY OF DENVER; AND
5 (V) ONE MEMBER APPOINTED BY THE CITY COUNCIL OF AURORA.

6 (b) THE COMMISSION MEMBER APPOINTED BY THE GOVERNOR
7 SHALL HAVE LARGE-SCALE DEVELOPMENT EXPERTISE AND SHALL NOT BE
8 AN EMPLOYEE OR MEMBER OF THE COLORADO COMMISSION ON HIGHER
9 EDUCATION NOR AN EMPLOYEE, REGENT, OR STUDENT OF THE UNIVERSITY
10 OF COLORADO.

11 (c) COMMISSION MEMBERS SHALL SERVE THREE-YEAR TERMS;
12 EXCEPT THAT OF THE COMMISSION MEMBERS FIRST APPOINTED, FOUR
13 SHALL SERVE A TERM OF THREE YEARS AND THREE SHALL SERVE A TERM
14 OF TWO YEARS. MEMBERS SHALL BE REAPPOINTED AND THEIR
15 SUCCESSORS APPOINTED IN THE SAME MANNER AS THE INITIAL
16 APPOINTMENTS WERE MADE.

17 (3) EACH MEMBER OF THE COMMISSION SHALL HOLD OFFICE FOR
18 SUCH MEMBER'S TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
19 QUALIFIED. ANY MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT.
20 MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR
21 SUCH SERVICES, BUT SHALL BE REIMBURSED FOR THEIR NECESSARY
22 EXPENSES INCURRED IN FULFILLING THEIR DUTIES AS MEMBERS OF THE
23 COMMISSION. ANY VACANCY SHALL BE FILLED BY THE APPOINTING
24 AUTHORITY AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

25 (4) ANY MEMBER OF THE COMMISSION MAY BE REMOVED BY THE
26 GOVERNOR FOR MALFEASANCE IN OFFICE, FOR FAILURE TO REGULARLY
27 ATTEND MEETINGS, OR FOR ANY CAUSE WHICH RENDERS THE MEMBER

1 INCAPABLE OF DISCHARGING OR UNFIT TO DISCHARGE THE DUTIES OF A
2 MEMBER.

3 (5) NO PART OF THE REVENUES OR ASSETS OF THE COMMISSION
4 SHALL INURE TO THE BENEFIT OF, OR BE DISTRIBUTED TO, THE COMMISSION
5 MEMBERS OR OFFICERS OR ANY OTHER PRIVATE PERSON OR ENTITY;
6 EXCEPT THAT THE COMMISSION MAY MAKE REASONABLE PAYMENTS FOR
7 EXPENSES INCURRED ON ITS BEHALF RELATING TO ANY OF ITS LAWFUL
8 PURPOSES, AND THE COMMISSION SHALL BE AUTHORIZED AND EMPOWERED
9 TO PAY REASONABLE COMPENSATION FOR SERVICES RENDERED TO OR FOR
10 ITS BENEFIT RELATING TO ANY OF ITS LAWFUL PURPOSES.

11 (6) THE COMMISSION AND ITS CORPORATE EXISTENCE SHALL
12 CONTINUE UNTIL TERMINATED BY LAW.

13 **23-21-704. Duties and powers of the commission.** (1) (a) THE
14 COMMISSION SHALL:

15 (a) SUPERVISE AND CONTROL THE ACTIVITIES OF THE AGENTS AND
16 EMPLOYEES OF THE COMMISSION;

17 (b) REVIEW MASTER PLANS FOR THE FITZSIMONS PROJECT
18 PROPOSED BY THE EXECUTIVE DIRECTOR AND RECOMMEND MASTER PLANS
19 FOR THE FITZSIMONS PROJECT TO THE REGENTS FOR APPROVAL AND
20 RECOMMENDATION TO THE COLORADO COMMISSION ON HIGHER
21 EDUCATION FOR APPROVAL;

22 (c) REVIEW CAPITAL CONSTRUCTION PROJECTS PROPOSED BY THE
23 EXECUTIVE DIRECTOR AND RECOMMEND CAPITAL CONSTRUCTION
24 PROJECTS TO THE REGENTS FOR APPROVAL AND PRIORITIZATION BY THE
25 COLORADO COMMISSION ON HIGHER EDUCATION;

26 (d) THROUGH THE EXECUTIVE DIRECTOR AND WITH THE APPROVAL
27 OF THE REGENTS, IMPLEMENT DECISIONS CONCERNING THE DISPOSITION OF

1 NINTH AVENUE CAMPUS PROPERTY, CONSISTENT WITH THE PLANS FOR
2 PROJECTS APPROVED AS PROVIDED IN THIS PART 7.

3 (2) (a) THE COMMISSION SHALL HAVE THE AUTHORITY TO
4 CONSTRUCT, MANAGE, AND OPERATE AUXILIARY FACILITIES:

5 (I) FOR THE FITZSIMONS PROJECT, WITH THE CONSENT OF THE
6 REGENTS; AND

7 (II) FOR THE ADJACENT PROPERTIES, WITH THE CONSENT OF THE
8 FITZSIMONS REDEVELOPMENT AUTHORITY.

9 (b) ANY AUXILIARY FACILITY OR GROUP OF FACILITIES WITH
10 SIMILAR FUNCTIONS MANAGED BY THE COMMISSION MAY BE DESIGNATED
11 AS AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE
12 STATE CONSTITUTION SO LONG AS SUCH AUXILIARY FACILITY OR GROUP OF
13 AUXILIARY FACILITIES RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL
14 ANNUAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL
15 GOVERNMENTS COMBINED.

16 (c) THE COMMISSION SHALL HAVE THE SAME AUTHORITY TO ISSUE
17 REVENUE BONDS TO PAY FOR THE CONSTRUCTION AND OPERATION OF
18 AUXILIARY FACILITIES AS IS SET FORTH IN SECTIONS 23-5-101.5 THROUGH
19 23-5-105.

20 (d) ANY DESIGNATION OF AN AUXILIARY FACILITY AS AN
21 ENTERPRISE ADOPTED BY THE COMMISSION PURSUANT TO THIS SUBSECTION
22 (2) SHALL BE SUBMITTED BY THE COMMISSION TO THE OFFICE OF THE
23 STATE AUDITOR IN THE FORM AND MANNER PRESCRIBED BY THE
24 LEGISLATIVE AUDIT COMMITTEE. SUCH DESIGNATION SHALL BE REVIEWED
25 BY SAID OFFICE TO DETERMINE WHETHER SUCH DESIGNATION IS WITHIN
26 THE AUTHORITY OF THE COMMISSION AND FOR LATER REVIEW BY THE
27 LEGISLATIVE AUDIT COMMITTEE FOR ITS OPINION AS TO WHETHER THE

1 DESIGNATION CONFORMS WITH THE PROVISIONS OF SECTION 23-5-101.5.
2 THE OFFICIAL CERTIFICATE OF THE STATE AUDITOR AS TO THE FACT OF
3 SUBMISSION OR THE DATE OF SUBMISSION OF A DESIGNATION AS SHOWN BY
4 THE RECORDS OF THE OFFICE OF THE STATE AUDITOR, AS WELL AS TO THE
5 FACT OF NONSUBMISSION AS SHOWN BY THE NONEXISTENCE OF SUCH
6 RECORDS, SHALL BE RECEIVED AND HELD IN ALL CIVIL CASES AS
7 COMPETENT EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY SUCH
8 DESIGNATION ADOPTED BY THE COMMISSION WITHOUT BEING SO
9 SUBMITTED WITHIN TWENTY DAYS AFTER ADOPTION TO THE OFFICE OF THE
10 STATE AUDITOR FOR REVIEW BY SAID OFFICE AND BY THE LEGISLATIVE
11 AUDIT COMMITTEE SHALL BE VOID. THE FINDINGS OF THE OFFICE OF THE
12 STATE AUDITOR SHALL BE PRESENTED TO THE LEGISLATIVE AUDIT
13 COMMITTEE AT A PUBLIC MEETING HELD AFTER TIMELY NOTICE TO THE
14 PUBLIC AND THE COMMISSION. THE LEGISLATIVE AUDIT COMMITTEE
15 SHALL, ON AFFIRMATIVE VOTE, SUBMIT SUCH DESIGNATION, COMMENTS,
16 AND ANY PROPOSED LEGISLATION AT THE NEXT REGULAR SESSION OF THE
17 GENERAL ASSEMBLY. ANY MEMBER OF THE GENERAL ASSEMBLY MAY
18 INTRODUCE A BILL WHICH RESCINDS ANY DESIGNATION. REJECTION OF
19 SUCH A BILL DOES NOT CONSTITUTE LEGISLATIVE APPROVAL OF SUCH
20 DESIGNATION. THE COMMISSION SHALL REVISE ITS DESIGNATION TO
21 CONFORM WITH THE ACTION TAKEN BY THE GENERAL ASSEMBLY. FOR THE
22 PURPOSE OF PERFORMING THE FUNCTIONS ASSIGNED IT BY THIS
23 PARAGRAPH (d), THE LEGISLATIVE AUDIT COMMITTEE, WITH THE APPROVAL
24 OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT
25 OF THE SENATE, MAY APPOINT SUBCOMMITTEES FROM THE MEMBERSHIP OF
26 THE GENERAL ASSEMBLY.

27 (e) ALL NET PROCEEDS RESULTING FRM THE COMMISSION'S

1 OPERATION OF AUXILIARY FACILITIES AS PROVIDED IN THIS PART 7 SHALL
2 BE USED FOR THE FITZSIMONS PROJECT.

3 (4) ALL PROCEEDS RESULTING FROM THE REDEVELOPMENT, SALE,
4 LEASE, OR OTHER DISPOSITION OF THE NINTH AVENUE CAMPUS SHALL BE
5 DEPOSITED IN THE FITZSIMONS TRUST FUND CREATED IN SECTION
6 23-20-136. ANY SUCH PROCEEDS DEPOSITED INTO THE FITZSIMONS TRUST
7 FUND SHALL BE IN ADDITION TO ANY ANNUAL APPROPRIATION MADE BY
8 THE GENERAL ASSEMBLY INTO THE TRUST FUND. ANY PERSON OR ENTITY,
9 INCLUDING ANOTHER STATE ENTITY, ACQUIRING AN INTEREST IN OR USE OF
10 THE NINTH AVENUE CAMPUS PROPERTY FROM THE UNIVERSITY OF
11 COLORADO SHALL PAY COMPENSATION AT FAIR MARKET VALUE, OR ITS
12 EQUIVALENT IN-KIND, FOR ANY SUCH ACQUISITION OR USE.

13 **23-21-705. Relationship between the commission and other**
14 **state entities.** THE AUTHORITY AND POWERS PROVIDED IN THIS PART 7
15 FOR THE REGENTS AND THE COLORADO COMMISSION ON HIGHER
16 EDUCATION SHALL BE IN ADDITION TO, AND NOT BE A RESTRICTION OR
17 LIMITATION UPON, ANY OTHER POWERS, WHETHER CONSTITUTIONAL OR
18 STATUTORY, WHICH THE REGENTS AND THE COLORADO COMMISSION ON
19 HIGHER EDUCATION HAVE WITH RESPECT TO THE FITZSIMONS PROJECT.
20 NOTHING CONTAINED IN THIS PART 7 SHALL MODIFY OR RESTRICT THE
21 AUTHORITY OF THE REGENTS AND THEIR DELEGATES TO INITIATE PLANNING
22 PROCESSES OR CAPITAL CONSTRUCTION PROJECTS FOR THE FITZSIMONS
23 PROJECT, TO OPERATE AUXILIARY FACILITIES FOR THE FITZSIMONS
24 PROJECT, TO ADMINISTER THE FITZSIMONS PROJECT, OR TO ADMINISTER
25 AND MANAGE THE DAY-TO-DAY OPERATIONS AND ACADEMIC PROGRAMS
26 OF THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER OR ITS
27 AFFILIATED ORGANIZATIONS.

1 **23-21-706. Personnel.** (1) THE COMMISSION SHALL APPOINT,
2 WITH THE CONSENT OF THE REGENTS AND THE COLORADO COMMISSION ON
3 HIGHER EDUCATION, AN EXECUTIVE DIRECTOR WHO SHALL BE AN
4 EMPLOYEE OF THE UNIVERSITY OF COLORADO AND WHO SHALL REPORT TO
5 THE CHANCELLOR OF THE UNIVERSITY OF COLORADO HEALTH SCIENCES
6 CENTER AND TO THE COMMISSION. THE EXECUTIVE DIRECTOR SHALL SERVE
7 AT THE PLEASURE OF THE COMMISSION, THE CHANCELLOR OF THE
8 UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER, AND THE
9 EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER
10 EDUCATION. THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL
11 ADMINISTER AND DISBURSE ALL STATE OF COLORADO FUNDS IN THE
12 FITZSIMONS TRUST FUND CREATED AND APPROPRIATED UNDER SECTION
13 23-20-136, AND INCLUDING PROCEEDS FROM THE USE OF THE NINTH
14 AVENUE CAMPUS.

15 (2) THE COMMISSION MAY EMPLOY SUCH STAFF AND PERSONNEL
16 AS IS NECESSARY FOR THE ADMINISTRATION AND MANAGEMENT OF THE
17 COMMISSION.

18 (3) (a) THE COMMISSION, ACTING THROUGH THE EXECUTIVE
19 DIRECTOR, IS AUTHORIZED TO CONTRACT WITH THE UNIVERSITY OF
20 COLORADO HEALTH SCIENCES CENTER THROUGH THE STATE PERSONNEL
21 BOARD PURSUANT TO SECTION 13 (4) OF ARTICLE XII OF THE STATE
22 CONSTITUTION FOR PERSONNEL.

23 (b) NOTWITHSTANDING ANY PROVISION OF THE "PROCUREMENT
24 CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., THE COMMISSION,
25 ACTING THROUGH THE EXECUTIVE DIRECTOR, IS FURTHER AUTHORIZED TO
26 ENTER INTO CONTRACTS WITH THE UNIVERSITY OF COLORADO FOR THE
27 PROVISION TO THE COMMISSION OF GOODS AND SERVICES.

1 **23-21-707. Commission actions and records.** (1) ALL
2 RESOLUTIONS AND ORDERS SHALL BE RECORDED AND AUTHENTICATED BY
3 THE SIGNATURE OF THE SECRETARY OR ANY ASSISTANT SECRETARY OF THE
4 COMMISSION. EVERY OFFICIAL ACT OF THE COMMISSION OF A GENERAL OR
5 PERMANENT NATURE SHALL BE BY RESOLUTION.

6 (2) THE FOLLOWING RECORDS OF THE COMMISSION SHALL BE A
7 PUBLIC RECORD, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., AND
8 SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.:

9 (a) THE BOOK OF RESOLUTIONS, ORDERS, MINUTES OF THE
10 MEETINGS, OR OTHER PROCEEDINGS OF THE COMMISSION;

11 (b) ANNUAL REPORTS, MONTHLY FINANCIAL STATEMENTS,
12 CERTIFICATES, CONTRACTS, OR ANY FINANCIAL AGREEMENTS;

13 (c) BONDS GIVEN BY OFFICERS, EMPLOYEES, AND ANY OTHER
14 AGENTS OF THE COMMISSION;

15 (d) ANY PERSONNEL REPORTS, GUIDELINES, MANUALS, OR
16 HANDBOOKS, OTHER THAN INDIVIDUAL PERSONNEL FILES; AND

17 (e) THE ACCOUNT OF ALL MONEYS RECEIVED BY AND DISBURSED
18 ON BEHALF OF THE COMMISSION.

19 (3) ALL RECORDS OF THE COMMISSION SHALL BE SUBJECT TO THE
20 UNIFORM BUDGET AND AUDIT LAWS AND SHALL BE SUBJECT TO REGULAR
21 AUDIT AS PROVIDED THEREIN.

22 **23-21-708. Open meetings.** ALL MEETINGS OF THE COMMISSION
23 SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-6-402, C.R.S. NO
24 BUSINESS OF THE COMMISSION SHALL BE TRANSACTED EXCEPT AT A
25 REGULAR OR SPECIAL MEETING AT WHICH A QUORUM CONSISTING OF AT
26 LEAST A MAJORITY OF THE TOTAL MEMBERSHIP OF THE COMMISSION IS
27 PRESENT. ANY ACTION OF THE COMMISSION SHALL REQUIRE THE

1 AFFIRMATIVE VOTE OF A MAJORITY OF THE TOTAL MEMBERSHIP OF THE
2 COMMISSION.

3 **23-21-709. Conflict of interest - disclosure.** (1) EXCEPT AS
4 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY MEMBER
5 OF THE COMMISSION AND ANY EMPLOYEE OR OTHER AGENT OR ADVISER OF
6 THE COMMISSION, WHO HAS A DIRECT OR INDIRECT INTEREST IN ANY
7 CONTRACT OR TRANSACTION WITH THE COMMISSION, SHALL DISCLOSE THIS
8 INTEREST TO THE COMMISSION. THE INTEREST SHALL BE SET FORTH IN THE
9 MINUTES OF THE COMMISSION, AND NO MEMBER, EMPLOYEE, OR OTHER
10 AGENT OR ADVISER HAVING SUCH INTEREST SHALL PARTICIPATE ON
11 BEHALF OF THE COMMISSION IN THE AUTHORIZATION OF ANY CONTRACT OR
12 TRANSACTION.

13 (2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL
14 NOT BE CONSTRUED TO PROHIBIT:

15 (a) ANY OFFICIAL OR EMPLOYEE OF THE UNIVERSITY OF COLORADO
16 WHO IS A MEMBER OF THE COMMISSION, WHO HAS NO PERSONAL INTEREST,
17 FROM VOTING ON THE AUTHORIZATION OF ANY SUCH CONTRACT OR
18 TRANSACTION BETWEEN THE COMMISSION AND THE UNIVERSITY OF
19 COLORADO; OR

20 (b) ANY MEMBER OR EMPLOYEE OF THE COLORADO COMMISSION
21 ON HIGHER EDUCATION WHO IS A MEMBER OF THE COMMISSION, WHO HAS
22 NO PERSONAL INTEREST, FROM VOTING ON THE AUTHORIZATION OF ANY
23 CONTRACT OR TRANSACTION BETWEEN THE COMMISSION AND THE STATE
24 OF COLORADO.

25 **23-21-710. General powers of the commission.** (1) IN ADDITION
26 TO ANY OTHER POWERS GRANTED TO THE COMMISSION IN THIS PART 7, AND
27 AS NECESSARY TO CARRY OUT ITS DUTIES AND POWERS DESCRIBED IN THIS

1 PART 7, THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

2 (a) TO EXERCISE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS,
3 LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND POLITICAL
4 SUBDIVISION OF THE STATE;

5 (b) TO HAVE PERPETUAL EXISTENCE AND SUCCESSION;

6 (c) TO ADOPT, HAVE, AND USE A SEAL AND TO ALTER THE SAME AT
7 ITS PLEASURE;

8 (d) TO SUE AND BE SUED;

9 (e) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO ENTER INTO
10 ANY CONTRACT OR AGREEMENT NOT INCONSISTENT WITH THIS PART 7 OR
11 THE LAWS OF THIS STATE TO ENTER INTO CONTRACTS, EXECUTE ALL
12 INSTRUMENTS, AND DO ALL THINGS NECESSARY OR CONVENIENT IN THE
13 EXERCISE OF THE DUTIES AND POWERS GRANTED IN THIS PART 7;

14 (f) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO PURCHASE,
15 LEASE, TRADE, EXCHANGE, OR OTHERWISE ACQUIRE, MAINTAIN, HOLD,
16 IMPROVE, MORTGAGE, LEASE, SELL, AND DISPOSE OF PERSONAL PROPERTY,
17 WHETHER TANGIBLE OR INTANGIBLE, AND ANY INTEREST THEREIN;

18 (g) TO PURCHASE, LEASE, TRADE, EXCHANGE, OR OTHERWISE
19 ACQUIRE REAL PROPERTY OR ANY INTEREST THEREIN AND TO MAINTAIN,
20 HOLD, IMPROVE, MORTGAGE, LEASE, AND OTHERWISE TRANSFER SUCH
21 REAL PROPERTY, SO LONG AS SUCH TRANSACTIONS AS ARE IN
22 FURTHERANCE OF THE PURPOSES OF THE COMMISSION AS SPECIFIED IN
23 SECTION 23-21-704;

24 (h) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO ACQUIRE
25 SPACE, EQUIPMENT, SERVICES, SUPPLIES, AND INSURANCE NECESSARY TO
26 CARRY OUT THE PURPOSES OF THIS PART 7;

27 (i) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO DEPOSIT ANY

1 MONEYS OF THE COMMISSION IN ANY BANKING INSTITUTION WITHIN OR
2 WITHOUT THE STATE OR IN ANY DEPOSITORY AUTHORIZED IN SECTION
3 24-75-603, C.R.S., AND TO APPOINT, FOR THE PURPOSE OF MAKING SUCH
4 DEPOSITS, ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF THE MONEYS
5 OF THE COMMISSION, WHO SHALL GIVE SURETY BONDS IN SUCH AMOUNTS
6 AND FORM AND FOR SUCH PURPOSES AS THE COMMISSION REQUIRES;

7 (j) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO CONTRACT
8 FOR AND ACCEPT ANY GIFTS, GRANTS, OR LOANS OF FUNDS, PROPERTY, OR
9 ANY OTHER AID IN ANY FORM FROM THE FEDERAL GOVERNMENT, THE
10 STATE, ANY STATE AGENCY, OR ANY OTHER SOURCE, OR ANY
11 COMBINATION THEREOF, AND TO COMPLY, SUBJECT TO THE PROVISIONS OF
12 THIS PART 7, WITH THE TERMS AND CONDITIONS THEREOF; EXCEPT THAT NO
13 GIFT, GRANT, OR OTHER AID SHALL BE ACCEPTED IF THE CONDITIONS
14 ATTACHED TO IT REQUIRE THE EXPENDITURE THEREOF IN A MANNER
15 CONTRARY TO LAW;

16 (k) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
17 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN
18 THIS PART 7;

19 (l) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR
20 AND SPECIAL MEETINGS ARE TO BE HELD;

21 (m) TO ADOPT AND FROM TIME TO TIME AMEND OR REPEAL
22 BYLAWS AND RULES AND REGULATIONS CONSISTENT WITH THE PROVISIONS
23 OF THIS PART 7; EXCEPT THAT ARTICLE 4 OF TITLE 24, C.R.S., SHALL NOT
24 APPLY TO THE PROMULGATION OF ANY POLICIES, PROCEDURES, RULES, OR
25 REGULATIONS OF THE COMMISSION;

26 (n) TO APPOINT ONE OR MORE PERSONS AS SECRETARY AND
27 TREASURER OF THE COMMISSION AND SUCH OTHER OFFICERS AS THE

1 COMMISSION MAY DETERMINE AND TO PROVIDE FOR THEIR DUTIES AND
2 TERMS OF OFFICE;

3 (o) TO APPOINT AN EXECUTIVE DIRECTOR AS PROVIDED IN SECTION
4 23-21-706 (1) AND TO EMPLOY SUCH OTHER AGENTS, EMPLOYEES, AND
5 PROFESSIONAL AND BUSINESS ADVISERS AS MAY FROM TIME TO TIME BE
6 NECESSARY IN ITS JUDGMENT TO ACCOMPLISH THE PURPOSES OF THIS PART
7 7, TO RECOMMEND THE COMPENSATION OF SUCH EXECUTIVE DIRECTOR, TO
8 FIX THE COMPENSATION OF SUCH EMPLOYEES, AGENTS, AND ADVISERS,
9 AND TO ESTABLISH THE POWERS AND DUTIES OF ALL SUCH AGENTS,
10 EMPLOYEES, AND OTHER PERSONS CONTRACTING WITH THE COMMISSION;

11 (p) ACTING THROUGH THE EXECUTIVE DIRECTOR, TO MAKE AND
12 EXECUTE AGREEMENTS, CONTRACTS, AND OTHER INSTRUMENTS
13 NECESSARY OR CONVENIENT IN THE EXERCISE OF THE DUTIES AND POWERS
14 OF THE COMMISSION UNDER THIS PART 7, INCLUDING, BUT NOT LIMITED TO,
15 CONTRACTS WITH ANY PERSON, FIRM, CORPORATION, MUNICIPALITY,
16 STATE AGENCY, COUNTY, CITY AND COUNTY, OR OTHER ENTITY. ALL
17 MUNICIPALITIES, COUNTIES, CITY AND COUNTIES, AND STATE AGENCIES ARE
18 HEREBY AUTHORIZED TO ENTER INTO AND DO ALL THINGS NECESSARY TO
19 PERFORM ANY SUCH ARRANGEMENT OR CONTRACT WITH THE COMMISSION.

20 (q) TO CREATE SUBSIDIARIES AND OTHER ORGANIZATIONS THAT
21 ARE ENTERPRISES FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE
22 STATE CONSTITUTION TO ADMINISTER AND OPERATE AUXILIARY FACILITIES,
23 IF THE COMMISSION IS AUTHORIZED TO OPERATE SUCH FACILITIES UNDER
24 THIS SECTION.

25 **23-21-711. Annual report and performance audit.** THE
26 COMMISSION SHALL SUBMIT TO THE GOVERNOR, THE REGENTS, AND THE
27 COLORADO COMMISSION ON HIGHER EDUCATION, WITHIN SIX MONTHS

1 AFTER THE END OF EACH FISCAL YEAR, A REPORT WHICH SHALL SET FORTH
2 A COMPLETE AND DETAILED OPERATING AND FINANCIAL STATEMENT OF
3 THE COMMISSION DURING SUCH FISCAL YEAR. THE COMMISSION SHALL
4 ALSO INCLUDE IN THE REPORT ANY RECOMMENDATIONS WITH REFERENCE
5 TO ADDITIONAL LEGISLATION OR OTHER ACTION THAT MAY BE NECESSARY
6 TO CARRY OUT THE PURPOSES OF THE COMMISSION. THE COMMISSION
7 SHALL BE SUBJECT TO ONE OR MORE PERFORMANCE AUDITS, WHICH MAY
8 BE REQUESTED FROM TIME TO TIME BY THE REGENTS AND THE COLORADO
9 COMMISSION ON HIGHER EDUCATION. SUCH PERFORMANCE AUDITS SHALL
10 BE CONDUCTED AT LEAST ONCE WITHIN THE FIRST THREE YEARS OF THE
11 COMMISSION'S EXISTENCE AND AT LEAST EVERY FIVE YEARS THEREAFTER.

12 **23-21-712. This part 7 not a limitation of powers.** NOTHING IN
13 THIS PART 7 SHALL BE CONSTRUED AS A RESTRICTION OR LIMITATION UPON
14 ANY OTHER POWERS WHICH THE COMMISSION MIGHT OTHERWISE HAVE
15 UNDER ANY OTHER LAW OF THIS STATE, AND THIS PART 7 IS CUMULATIVE
16 TO ANY SUCH POWERS. THIS PART 7 DOES AND SHALL BE CONSTRUED TO
17 PROVIDE A COMPLETE, ADDITIONAL, AND ALTERNATIVE METHOD FOR THE
18 DOING OF THE THINGS AUTHORIZED THEREBY AND SHALL BE REGARDED AS
19 SUPPLEMENTAL AND ADDITIONAL TO POWERS CONFERRED BY OTHER LAWS.

20 **23-21-713. Exemption from property taxation.** THE
21 COMMISSION SHALL BE EXEMPT FROM ANY GENERAL AD VALOREM TAXES
22 UPON ANY PROPERTY OF THE COMMISSION ACQUIRED AND USED FOR ITS
23 PUBLIC PURPOSES. THE COMMISSION MAY ENTER INTO AGREEMENTS TO
24 PAY ANNUAL SUMS IN LIEU OF TAXES TO ANY COUNTY, CITY AND COUNTY,
25 MUNICIPALITY, OR OTHER TAXING ENTITY WITH RESPECT TO ANY REAL
26 PROPERTY WHICH IS OWNED BY THE COMMISSION AND IS LOCATED IN SUCH
27 COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER TAXING ENTITY.

1 **23-21-714. Reservation of authority over university of**
2 **Colorado health sciences center.** THE GENERAL ASSEMBLY EXPRESSLY
3 RESERVES ITS PLENARY LEGISLATIVE AUTHORITY RELATING TO THE
4 UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER INCLUDING, BUT
5 NOT LIMITED TO, THE AUTHORITY TO ENACT LAWS RELATING THERETO.
6 NOTHING IN THIS PART 7 OR IN SECTION 11 OF ARTICLE II OF THE STATE
7 CONSTITUTION OR IN SECTION 10 OF ARTICLE I OF THE FEDERAL
8 CONSTITUTION, RELATING TO IMPAIRMENT OF THE OBLIGATION OF
9 CONTRACT, SHALL BE CONSTRUED TO LIMIT SAID LEGISLATIVE AUTHORITY.
10 ANY CONTRACT OR OTHER OBLIGATION OF THE COMMISSION IS EXPRESSLY
11 SUBJECT TO THE PROVISIONS OF THIS SECTION, AND THE PARTIES TO SUCH
12 CONTRACT OR OBLIGATION SHALL NOT ASSERT SUCH CONTRACT OR
13 OBLIGATION AS A BAR TO THE GENERAL ASSEMBLY’S EXERCISE OF
14 LEGISLATIVE AUTHORITY RELATING TO THE UNIVERSITY OF COLORADO
15 HEALTH SCIENCES CENTER.

16 **23-21-715. Severability.** ANY PROVISION OF THIS PART 7
17 DECLARED TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID SHALL NOT
18 IMPAIR THE REMAINING PROVISIONS OF THIS PART 7.

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