

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 11-1074

BY REPRESENTATIVE(S) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers, Conti, Ferrandino, Fields, Fischer, Labuda, Nikkel, Pace, Stephens, Todd, DelGrosso, Jones, Pabon, Vigil;  
also SENATOR(S) Jahn, Heath, Hodge, Hudak, Spence, Aguilar, Boyd, Guzman, King S., Kopp, Newell, Williams S.

CONCERNING COLORADO SCHOOL OF MINES FUNDING OF FINANCIAL AID.

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

**SECTION 1.** 23-41-104.7, Colorado Revised Statutes, is amended to read:

**23-41-104.7. Funding.** (1) Beginning in the 2011-12 fiscal year, and for each fiscal year thereafter through the 2020-21 fiscal year, the general assembly shall annually appropriate to the Colorado school of mines an amount of funding in lieu of any funding the institution may have otherwise received through fee-for-service contracts negotiated by the institution with the Colorado commission on higher education pursuant to section 23-5-130. The amount of the appropriation shall be determined annually through the budget process COLORADO SCHOOL OF MINES SHALL USE A PORTION OF ITS FEE-FOR-SERVICE FUNDING NEGOTIATED PURSUANT TO SECTION 23-5-130 TO PROVIDE MERIT-BASED SCHOLARSHIPS, NEED-BASED

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FINANCIAL AID, AND GRADUATE STUDENT SUPPORT TO ASSIST STUDENTS WITH IN-STATE CLASSIFICATION TO ATTEND THE INSTITUTION, AND SHALL INCREASE SAID PORTION TO ENSURE THAT, NO LATER THAN THE 2020-21 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, ALL SAID FUNDING SHALL BE USED FOR SAID PURPOSES, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

~~(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), the Colorado school of mines shall use a portion of the moneys appropriated pursuant to this section to provide merit-based scholarships, need-based financial aid, and graduate fellowships to assist students with in-state classification to attend the institution and shall increase said portion to ensure that, no later than the 2020-21 fiscal year and for each fiscal year thereafter, the moneys appropriated pursuant to this section are used solely for said purposes.~~

(b) BEGINNING IN 2020-21 AND in any fiscal year THEREAFTER in which the average discounted tuition rate for a student UNDERGRADUATE STUDENTS with in-state classification who is enrolled at the Colorado school of mines is greater than thirty percent, the institution may use any amount of the appropriation FEE-FOR-SERVICE FUNDING that is not used to maintain the average discounted tuition rate at thirty percent for other operational purposes. As used in this paragraph (b), "average discounted tuition rate" means the total of the amount of MERIT-BASED AND NEED-BASED scholarships financial aid, and graduate fellowships GRANTS awarded FROM INSTITUTION FUNDS to UNDERGRADUATE students WITH IN-STATE CLASSIFICATION enrolled in the institution divided by the total tuition revenue FROM UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION.

~~(3) In any fiscal year in which the Colorado school of mines receives an appropriation pursuant to this section, the institution shall not be eligible to receive funding pursuant to a fee-for-service contract negotiated pursuant to section 23-5-130.~~

**SECTION 2.** 23-1-104 (2), Colorado Revised Statutes, is amended to read:

**23-1-104. Financing the system of postsecondary education - report - repeal.** (2) Notwithstanding any provision of this section to the contrary, beginning in the 2011-12 fiscal year and for each fiscal year

thereafter through the 2020-21 fiscal year, the general assembly shall appropriate moneys to the governing board of the Colorado school of mines in accordance with section 23-41-104.7, THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, and as stipends, as defined in section 23-18-102, as a single line item to said governing board. ~~The amount appropriated pursuant to section 23-41-104.7 shall be in lieu of any amount authorized through fee-for-service contracts negotiated pursuant to section 23-1-109.7 and 23-5-130.~~

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

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

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO