

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0336.01 Julie Pelegrin

SENATE BILL 10-003

SENATE SPONSORSHIP

Morse and Penry, Heath

HOUSE SPONSORSHIP

Middleton and May, Court

Senate Committees
Education

House Committees
Education

HOUSE
Am ended 3rd Reading
May 10, 2010

HOUSE
Am ended 2nd Reading
May 7, 2010

A BILL FOR AN ACT

101 **CONCERNING HIGHER EDUCATION FLEXIBILITY TO IMPROVE THE**
102 **FINANCIAL POSITION OF STATE INSTITUTIONS OF HIGHER**
103 **EDUCATION.**

SENATE
Am ended 3rd Reading
May 5, 2010

SENATE
Am ended 2nd Reading
May 4, 2010

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>.)

Long-term Fiscal Stability Commission. Section 1. The bill directs the council for a common course number system (council), in conjunction with the state institutions of higher education (institutions) and the guaranteed transfer program, to develop articulation agreements

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.*

for 5 degree programs before January 1, 2011. After completion of the first 5 articulation agreements, the council will develop additional articulation agreements.

Section 2. Under current law, each institution must ensure that no less than two-thirds of the students enrolled at each campus of the institution are in-state students. The bill applies the two-thirds in-state student requirement to the institution as a whole rather than each campus. Under current law, foreign students are included as out-of-state students for purposes of calculating the ratio between in-state and out-of-state students. The bill exempts institutions that meet certain criteria from the requirement that they include foreign students in the calculations for in-state and out-of-state students.

Sections 3 and 4. Where, under current law, the department of higher education sets financial aid eligibility requirements, the bill gives institutions that authority. The bill removes the requirement that an institution that is an enterprise dedicate a percentage of its revenues to need-based financial aid if the institution increases tuition.

Sections 5-7. Where institutions are currently subject to the state fiscal rules, the bill allows the institutions to adopt their own rules.

Section 8. Where institutions are currently subject to information technology rules promulgated by the state chief information security officer, the bill allows the institutions to adopt their own rules.

Section 9. Where institutions are required to provide various state entities with financial data, the bill permits an institution to provide only audited financial statements in those cases.

Sections 10-14. Under current law, institutions must submit capital construction projects to the Colorado commission on higher education (CCHE) for approval and comply with other statutory provisions regarding capital construction projects. The bill allows the institutions to notify CCHE and the capital development committee of its projects.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) The on-going economic challenges facing the state continue
5 to force drastic cuts in all areas of the state budget, especially in funding
6 for higher education;

7 (b) A vibrant, effective, high-quality state higher education system

1 that is both accessible and affordable is crucial to maintaining economic
2 development within the state and to ensuring that the citizens of the state
3 have the educational opportunities they need to succeed in a highly
4 competitive global economy;

5 (c) The Colorado commission on higher education last completed
6 a master plan for the state system of higher education in 2002-03. Since
7 that time, in addition to drastic economic changes in the state and
8 resulting budget cuts, there have been significant changes in state
9 education policy, including:

10 (I) Direction from the general assembly in the "Preschool to
11 Postsecondary Education Alignment Act", part 10 of article 7 of title 22,
12 Colorado Revised Statutes, to fully align public education from
13 elementary and secondary education through undergraduate and graduate
14 higher education; and

15 (II) Enactment of Senate Bill 04-189, which created the "College
16 Opportunity Fund Act", article 18 of title 23, Colorado Revised Statutes,
17 and fee-for-service contracts, the combination of which shifts higher
18 education funding from a formula-based funding system to funding based
19 on student enrollment and the purchase of higher education services
20 provided by state institutions of higher education;

21 (d) In recognition of the significant policy and fiscal changes that
22 have seriously impacted the state higher education system, the Colorado
23 commission on higher education must work with the governing boards
24 and chief executive officers of each of the state institutions of higher
25 education to rewrite the master plan for the state system of higher
26 education;

27 (e) In rewriting the master plan, the Colorado commission on

1 higher education should also take into account the final report of the
2 higher education strategic planning steering committee appointed by the
3 governor to address state higher education needs, governance, and
4 funding and improving student access and success. The steering
5 committee anticipates completing the final report by November 4, 2010.

6 (f) The master plan must address:

7 (I) The state's workforce and economic development needs and
8 how those needs may be met by the system of higher education;

9 (II) The challenges facing the state system, including but not
10 limited to improving accessibility and affordability for all students
11 graduating from high school, decreasing the geographic disparity of
12 higher education attainment in the state, and closing the educational
13 achievement gap;

14 (III) The current state funding crisis and its impact on the state
15 higher education system with regard to funding for capital construction,
16 the level of systemic funding, and the level of institutional funding; and

17 (IV) Alignment of the state higher education system with the
18 system of elementary and secondary education in the state;

19 (g) The master plan must also include accountability measures that
20 will demonstrate that students receive high-value and high-quality
21 educational services that are provided with the efficiency necessary to
22 reduce attrition and increase retention and enable students to attain their
23 degrees in a reasonable period of time, and to help ensure students
24 achieve post-graduation success.

25 (2) The general assembly finds, therefore, that, due to the
26 immediate and daunting economic challenges facing the state institutions
27 of higher education, it is in the best interests of the state to immediately

1 grant to the institutions greater flexibility in setting tuition rates and with
2 regard to institutional operations. Further, the implementation of a new
3 master plan for the statewide system of higher education will preserve the
4 vitality and quality of the public higher education system in Colorado into
5 the future to ensure that Colorado's citizens, through their access to a
6 world-class higher education system, can develop the knowledge and
7 skills necessary to ensure their personal success and the success of the
8 state as a whole.

9 SECTION 2. 23-1-108, Colorado Revised Statutes, is amended
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11 **23-1-108. Duties and powers of the commission with regard to**
12 **systemwide planning.** (1.5) (a) ON OR BEFORE DECEMBER 15, 2010, THE
13 COMMISSION SHALL DEVELOP AND SUBMIT TO THE GOVERNOR AND THE
14 GENERAL ASSEMBLY A NEW MASTER PLAN FOR COLORADO
15 POSTSECONDARY EDUCATION. THE COMMISSION SHALL COLLABORATE
16 WITH THE GOVERNING BOARDS AND CHIEF EXECUTIVE OFFICERS OF THE
17 STATE INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING THE MASTER
18 PLAN. IN ADDITION, THE COMMISSION SHALL TAKE INTO ACCOUNT THE
19 FINAL REPORT OF THE HIGHER EDUCATION STRATEGIC PLANNING STEERING
20 COMMITTEE APPOINTED BY THE GOVERNOR. AT A MINIMUM, THE
21 COMMISSION SHALL ADDRESS THE FOLLOWING ISSUES IN DEVELOPING THE
22 MASTER PLAN:

23 (I) THE NEEDS OF THE STATE WITH REGARD TO THE SYSTEM OF
24 HIGHER EDUCATION AND THE TOP PRIORITIES FOR THE STATE SYSTEM OF
25 HIGHER EDUCATION IN MEETING THOSE NEEDS;

26 (II) ALIGNMENT OF THE STATE SYSTEM OF HIGHER EDUCATION
27 WITH THE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION AND

1 INCREASING THE RATE AT WHICH STUDENTS WHO GRADUATE FROM
2 COLORADO HIGH SCHOOLS ENROLL IN AND COMPLETE POSTSECONDARY
3 AND CAREER AND TECHNICAL EDUCATION;

4 (III) ACCESSIBILITY AND AFFORDABILITY OF THE STATE SYSTEM OF
5 HIGHER EDUCATION, INCLUDING CONSIDERATION OF METHODS TO REDUCE
6 THE STUDENT DEBT LOAD AND INCREASE NEED-BASED FINANCIAL AID
7 FUNDING;

8 (IV) FUNDING FOR THE STATE SYSTEM OF HIGHER EDUCATION AND
9 STRATEGIES FOR STABILIZING AND SUSTAINING AN ADEQUATE FUNDING
10 LEVEL; ==

11 (V) THE ROLE AND MISSION OF THE STATE INSTITUTIONS OF HIGHER
12 EDUCATION AND THE GOVERNANCE STRUCTURE OF THE STATE SYSTEM OF
13 HIGHER EDUCATION; AND

14 (VI) THE ROLE OF TWO-YEAR AND FOUR-YEAR JUNIOR COLLEGES
15 AND AREA VOCATIONAL SCHOOLS IN HELPING TO ADDRESS THE
16 WORKFORCE AND ECONOMIC DEVELOPMENT NEEDS OF THE STATE WITHIN
17 THE SYSTEM OF HIGHER EDUCATION.

18 (b) THE COMMISSION SHALL DESIGN THE MASTER PLAN TO
19 ACHIEVE, AT A MINIMUM, THE FOLLOWING GOALS:

20 (I) IMPLEMENTING SYSTEMIC APPROACHES THAT STRENGTHEN THE
21 CONTINUITY OF PUBLIC EDUCATION FROM ELEMENTARY AND SECONDARY
22 THROUGH POSTSECONDARY EDUCATION FOR TRADITIONAL AND
23 NONTRADITIONAL STUDENTS;

24 (II) ENSURING THE LONG TERM FISCAL STABILITY AND
25 AFFORDABILITY OF THE STATE SYSTEM OF HIGHER EDUCATION AND
26 ENSURING THE EFFICIENT ALLOCATION OF AVAILABLE STATE RESOURCES
27 TO SUPPORT INSTITUTIONS OF HIGHER EDUCATION WHILE PROTECTING THE

1 UNIQUE MISSION OF EACH INSTITUTION. THE ALLOCATION SHALL TAKE
2 INTO CONSIDERATION, BUT NEED NOT BE LIMITED TO, TUITION CAPACITY,
3 TUITION RATES RELATIVE TO COMPETITIVE INSTITUTIONS, THE STATE
4 RESOURCES AVAILABLE TO INSTITUTIONS, FUNDING FOR HIGH-COST
5 PROGRAMS, THE STUDENT AND FAMILY INCOMES OF STUDENTS ENROLLED
6 AT INSTITUTIONS, ENROLLMENT LEVELS, GEOGRAPHIC ACCESS TO
7 EDUCATIONAL OPPORTUNITIES THROUGHOUT THE STATE, AND OTHER
8 ISSUES DEEMED RELEVANT BY THE COMMISSION.

9 (III) REDUCING THE EDUCATIONAL ATTAINMENT GAP BETWEEN
10 MAJORITY AND UNDERREPRESENTED POPULATIONS THROUGHOUT THE
11 STATE;

12 (IV) REDUCING THE GEOGRAPHIC DISPARITIES IN ACCESS TO AND
13 OPPORTUNITY TO COMPLETE A BROAD ARRAY OF QUALITY HIGHER
14 EDUCATION AND CAREER AND TECHNICAL EDUCATION PROGRAMS;

15 (V) IMPLEMENTING STRATEGIES THAT STRENGTHEN THE LINK
16 BETWEEN HIGHER EDUCATION AND ECONOMIC DEVELOPMENT AND
17 INNOVATION IN THE STATE; AND

18 (VI) IMPROVING AND SUSTAINING EXCELLENCE IN CAREER AND
19 TECHNICAL EDUCATION AND UNDERGRADUATE AND GRADUATE DEGREE
20 PROGRAMS.

21 (c) (I) THE COMMISSION SHALL ENSURE THAT THE MASTER PLAN
22 PREPARED PURSUANT TO THIS SUBSECTION (1.5) SPECIFICALLY ADDRESSES
23 PROVIDING PROGRAMS THAT SUPPORT AND HELP ENSURE THE SUCCESS OF
24 STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND ARE
25 ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ONE OR MORE
26 OF THE FOLLOWING CRITERIA:

27 (A) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS

1 LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN
2 INSTITUTION OF HIGHER EDUCATION;

3 (B) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY
4 EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

5 (C) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED
6 POPULATION; OR

7 (D) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO
8 SUPPORT LEARNING.

9 (II) PROGRAMS THAT MAY BE ADDRESSED IN THE MASTER PLAN
10 INCLUDE BUT NEED NOT BE LIMITED TO:

11 (A) PROVIDING STUDENT SUPPORT SERVICES INCLUDING
12 COUNSELING OR TUTORING;

13 (B) IMPLEMENTING MEASURES TO REDUCE STUDENT DEBT BY
14 MAKING EFFECTIVE USE OF FINANCIAL ASSISTANCE AND ASSISTING IN FEE
15 PAYMENTS AND TEXTBOOK COSTS; AND

16 (C) PROVIDING ASSISTANCE IN OBTAINING ACCESS TO
17 TECHNOLOGY.

18 (d) PRIOR TO SUBMITTING THE MASTER PLAN TO THE GOVERNOR
19 AND THE GENERAL ASSEMBLY, THE COMMISSION SHALL DISTRIBUTE A
20 DRAFT OF THE PLAN TO THE GOVERNING BOARDS FOR COMMENT. EACH
21 GOVERNING BOARD SHALL SUBMIT TO THE COMMISSION ITS COMMENTS
22 AND ANY SUGGESTED REVISIONS WITHIN FOURTEEN DAYS AFTER
23 RECEIVING THE DRAFT PLAN.

24 (e) BEGINNING IN THE 2011-12 ACADEMIC YEAR, THE COMMISSION
25 SHALL ENSURE THAT THE MASTER PLAN IS IMPLEMENTED THROUGH THE
26 PERFORMANCE CONTRACTS AUTHORIZED PURSUANT TO SECTION 23-5-129.

27 **SECTION 3.** Article 5 of title 23, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SECTION to read:

2 **23-5-130.5. Governing boards - tuition-setting - repeal.**

3 (1) BEGINNING WITH THE 2011-12 FISCAL YEAR AND FOR FISCAL YEARS
4 THEREAFTER THROUGH THE 2015-16 FISCAL YEAR, EACH GOVERNING
5 BOARD, FOR THE INSTITUTIONS IT CONTROLS, SHALL ANNUALLY SET THE
6 AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH IN-STATE
7 CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL IN AND
8 ATTEND THE INSTITUTIONS. THE TUITION AMOUNT MAY VARY BASED ON
9 THE DEGREE PROGRAM IN WHICH A STUDENT ENROLLS.

10 (2) (a) IN SETTING THE AMOUNT OF TUITION PURSUANT TO THIS
11 SECTION, A GOVERNING BOARD SHALL NOT INCREASE THE TUITION RATE
12 FOR UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION BY MORE
13 THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR
14 OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT
15 A GOVERNING BOARD MAY INCREASE SAID TUITION RATE BY MORE THAN
16 NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE
17 TUITION RATE FOR THE PRECEDING FISCAL YEAR IF THE GOVERNING BOARD
18 COMPLIES WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS
19 SECTION AND THE COLORADO COMMISSION ON HIGHER EDUCATION,
20 REFERRED TO IN THIS SECTION AS THE "COMMISSION", APPROVES THE
21 INCREASE.

22 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
23 SUBSECTION (2) TO THE CONTRARY, THE BOARD OF TRUSTEES OF THE
24 COLORADO SCHOOL OF MINES SHALL NOT INCREASE THE TUITION RATE FOR
25 UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION BY MORE
26 THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR
27 OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR OR BY MORE

1 THAN A PERCENTAGE EQUAL TO TWO TIMES THE RATE OF THE PERCENTAGE
2 CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER METROPOLITAN
3 AREA, WHICHEVER IS GREATER; EXCEPT THAT THE BOARD OF TRUSTEES
4 MAY INCREASE SAID TUITION RATE BY MORE THAN EITHER OF SAID
5 PERCENTAGES IF THE BOARD OF TRUSTEES COMPLIES WITH THE
6 REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND THE
7 COMMISSION APPROVES THE INCREASE.

8 (3) A GOVERNING BOARD THAT SEEKS TO INCREASE
9 UNDERGRADUATE, RESIDENT TUITION BY MORE THAN THE PERCENTAGES
10 ALLOWED IN SUBSECTION (2) OF THIS SECTION SHALL SUBMIT TO THE
11 COMMISSION A FIVE-YEAR FINANCIAL AND ACCOUNTABILITY PLAN IN
12 ACCORDANCE WITH TIMELINES ADOPTED BY THE COMMISSION. THE
13 FINANCIAL AND ACCOUNTABILITY PLAN SHALL SPECIFY FOR EACH OF THE
14 FIVE FISCAL YEARS IMMEDIATELY FOLLOWING THE FISCAL YEAR IN WHICH
15 THE GOVERNING BOARD SUBMITS THE PLAN:

16 (a) THE AMOUNT OF THE INCREASE IN UNDERGRADUATE, RESIDENT
17 TUITION THAT THE GOVERNING BOARD IS REQUESTING;

18 (b) THE MANNER IN WHICH THE GOVERNING BOARD SHALL ENSURE
19 THAT ENROLLMENT IN THE INSTITUTION CONTINUES TO BE ACCESSIBLE
20 AND AFFORDABLE FOR LOW- AND MIDDLE-INCOME STUDENTS IN THE NEXT
21 FOLLOWING FIVE ACADEMIC YEARS, TAKING INTO ACCOUNT THE
22 AVAILABILITY OF FEDERAL, STATE, INSTITUTIONAL, AND PRIVATE MONEYS
23 FOR FINANCIAL ASSISTANCE, AND MEASURES THE GOVERNING BOARD
24 SHALL IMPLEMENT TO HELP REDUCE STUDENT DEBT LOAD, INCLUDING BUT
25 NOT LIMITED TO THE AMOUNT OF INSTITUTIONAL FUNDS THE GOVERNING
26 BOARD WILL ALLOCATE TO NEED-BASED FINANCIAL ASSISTANCE;

27 (c) THE MANNER IN WHICH THE GOVERNING BOARD SHALL

1 SPECIFICALLY ADDRESS THE NEEDS OF STUDENTS WHO GRADUATE FROM
2 COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN
3 STUDENTS AND MEET ONE OR MORE OF THE FOLLOWING CRITERIA:

4 (I) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS
5 LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN
6 INSTITUTION OF HIGHER EDUCATION;

7 (II) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY
8 EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

9 (III) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED
10 POPULATION; OR

11 (IV) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO
12 SUPPORT LEARNING.

13 (d) THE MANNER IN WHICH THE GOVERNING BOARD IS
14 IMPLEMENTING THE FLEXIBILITY PROVIDED WITH REGARD TO PURCHASING,
15 CENTRAL SERVICES, AND OTHER OPERATIONS TO ENSURE GREATER
16 INSTITUTIONAL EFFICIENCIES;

17 (e) MEASURES THE GOVERNING BOARD SHALL IMPLEMENT TO
18 ENSURE THAT ANY OPERATIONAL CHANGES DESCRIBED IN PARAGRAPH (d)
19 OF THIS SUBSECTION (3) DO NOT REDUCE THE LEVEL OF SERVICE AND THE
20 QUALITY OF ACADEMIC PROGRAMS PROVIDED TO STUDENTS ENROLLED IN
21 THE STATE INSTITUTION OF HIGHER EDUCATION; AND

22 (f) ANY ADDITIONAL INFORMATION REQUESTED BY THE
23 COMMISSION.

24 (4) (a) THE COMMISSION SHALL REVIEW EACH FINANCIAL AND
25 ACCOUNTABILITY PLAN RECEIVED PURSUANT TO SUBSECTION (3) OF THIS
26 SECTION AND, WITHIN NINETY DAYS AFTER RECEIVING THE PLAN, EITHER
27 APPROVE OR DISAPPROVE THE GOVERNING BOARD'S REQUEST FOR AN

1 INCREASE IN UNDERGRADUATE, RESIDENT TUITION IN EXCESS OF THE
2 PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION. IN
3 APPROVING A TUITION INCREASE, THE COMMISSION MAY APPROVE THE
4 REQUEST FOR TWO YEARS AND MAKE APPROVAL FOR THE SUBSEQUENT
5 THREE YEARS CONDITIONAL UPON THE GOVERNING BOARD'S SUCCESS IN
6 IMPLEMENTING THE MEASURES SPECIFIED IN THE FINANCIAL AND
7 ACCOUNTABILITY PLAN. IF THE REQUEST IS DENIED, THE GOVERNING
8 BOARD MAY SUBMIT AN ALTERNATIVE FINANCIAL AND ACCOUNTABILITY
9 PLAN TO THE COMMISSION IN ACCORDANCE WITH TIMELINES ADOPTED BY
10 THE COMMISSION.

11 (b) IF THE COMMISSION DENIES THE REQUEST, THE GOVERNING
12 BOARD SHALL NOT IMPLEMENT THE PROPOSED TUITION INCREASE BUT MAY
13 INCREASE UNDERGRADUATE, RESIDENT TUITION IN ACCORDANCE WITH THE
14 PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION FOR THE
15 FOLLOWING FISCAL YEAR. A GOVERNING BOARD MAY RESUBMIT ITS
16 REQUEST FOR AN INCREASE IN UNDERGRADUATE, RESIDENT TUITION IN
17 EXCESS OF THE PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS
18 SECTION, WITH THE FINANCIAL AND ACCOUNTABILITY PLAN, IN ANY
19 SUBSEQUENT FISCAL YEAR FOLLOWING A DENIAL.

20

21 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

22 **SECTION 4.** 23-1-104, Colorado Revised Statutes, is
23 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24 **23-1-104. Financing the system of postsecondary education -**
25 **report - repeal.** (1) (a) (I) FOR FISCAL YEARS 2011-12 THROUGH
26 2015-16, THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS
27 OF MONEYS THAT ARE ESTIMATED TO BE RECEIVED BY AN INSTITUTION,

1 UNDER THE DIRECTION AND CONTROL OF THE GOVERNING BOARD, AS
2 STIPENDS, AS DEFINED IN SECTION 23-18-102, AND THROUGH
3 FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7
4 AND 23-5-130, AS A SINGLE LINE ITEM TO EACH GOVERNING BOARD FOR
5 THE OPERATION OF ITS CAMPUSES; EXCEPT THAT, IF THE GENERAL
6 ASSEMBLY APPROPRIATES MONEYS, AS DESCRIBED IN PARAGRAPH (c) OF
7 THIS SUBSECTION (1), TO THE COLORADO STATE FOREST SERVICE, THE
8 AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF THE COLORADO
9 STATE UNIVERSITY, OR THE COLORADO STATE UNIVERSITY COOPERATIVE
10 EXTENSION SERVICE, SUCH MONEYS SHALL NOT BE INCLUDED WITHIN THE
11 SINGLE LINE ITEM APPROPRIATIONS DESCRIBED IN THIS PARAGRAPH (a).

12 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

13 (b) (I) FOR THE 2010-11 FISCAL YEAR AND FOR FISCAL YEARS
14 BEGINNING ON OR AFTER JULY 1, 2016, THE GENERAL ASSEMBLY SHALL
15 MAKE ANNUAL APPROPRIATIONS OF GENERAL FUND MONEYS, OF CASH
16 FUNDS RECEIVED FROM TUITION INCOME, AND OF MONEYS THAT ARE
17 ESTIMATED TO BE RECEIVED BY AN INSTITUTION, UNDER THE DIRECTION
18 AND CONTROL OF THE GOVERNING BOARD, AS STIPENDS, AS DEFINED IN
19 SECTION 23-18-102, AND THROUGH FEE-FOR-SERVICE CONTRACTS, AS
20 AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, AS A SINGLE LINE
21 ITEM TO EACH GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES;
22 EXCEPT THAT, IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS, AS
23 DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (1), TO THE COLORADO
24 STATE FOREST SERVICE, THE AGRICULTURAL EXPERIMENT STATION
25 DEPARTMENT OF THE COLORADO STATE UNIVERSITY, OR THE COLORADO
26 STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE, SUCH MONEYS
27 SHALL NOT BE INCLUDED WITHIN THE SINGLE LINE ITEM APPROPRIATIONS

1 DESCRIBED IN THIS PARAGRAPH (b).

2 (II) FOR THE 2010-11 FISCAL YEAR AND FOR FISCAL YEARS
3 BEGINNING ON OR AFTER JULY 1, 2016, THE GENERAL ASSEMBLY SHALL
4 ALSO MAKE ANNUAL APPROPRIATIONS OF CASH FUNDS, OTHER THAN CASH
5 FUNDS RECEIVED AS TUITION INCOME, AS A SINGLE LINE ITEM TO EACH
6 GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES. EACH
7 GOVERNING BOARD SHALL ALLOCATE SAID CASH FUND APPROPRIATIONS
8 TO THE INSTITUTIONS UNDER ITS CONTROL IN THE MANNER DEEMED MOST
9 APPROPRIATE BY THE GOVERNING BOARD.

10 (c) IN ADDITION TO ANY APPROPRIATIONS MADE PURSUANT TO
11 PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1), THE GENERAL ASSEMBLY
12 MAY MAKE ANNUAL APPROPRIATIONS OF GENERAL FUND MONEYS AND OF
13 MONEYS RECEIVED PURSUANT TO A FEE-FOR-SERVICE CONTRACT
14 NEGOTIATED BY THE BOARD OF GOVERNORS OF THE COLORADO STATE
15 UNIVERSITY SYSTEM AND THE DEPARTMENT OF HIGHER EDUCATION, AS
16 DESCRIBED IN SECTION 23-5-130, AS SEPARATE LINE ITEMS TO:

17 (I) THE COLORADO STATE FOREST SERVICE DESCRIBED IN PART 3
18 OF ARTICLE 31 OF THIS TITLE;

19 (II) THE AGRICULTURAL EXPERIMENT STATION DEPARTMENT OF
20 THE COLORADO STATE UNIVERSITY DESCRIBED IN PART 6 OF ARTICLE 31
21 OF THIS TITLE; AND

22 (III) THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION
23 SERVICE DESCRIBED IN PART 7 OF ARTICLE 31 OF THIS TITLE.

24 (d) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 OF
25 ARTICLE VIII OF THE STATE CONSTITUTION, THE GOVERNING BOARDS OF
26 THE STATE INSTITUTIONS OF HIGHER EDUCATION SHALL HAVE CONTROL
27 AND DIRECTION OF ANY MONEYS RECEIVED BY THEIR RESPECTIVE

1 INSTITUTIONS IN ADDITION TO THE MONEYS APPROPRIATED PURSUANT TO
2 THIS SUBSECTION (1), UNLESS OTHERWISE PROVIDED BY STATUTE.

3 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
4 CONTRARY, BEGINNING IN THE 2011-12 FISCAL YEAR AND FOR EACH
5 FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, THE
6 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE GOVERNING
7 BOARD OF THE COLORADO SCHOOL OF MINES IN ACCORDANCE WITH
8 SECTION 23-41-104.7, AND AS STIPENDS, AS DEFINED IN SECTION
9 23-18-102, AS A SINGLE LINE ITEM TO SAID GOVERNING BOARD. THE
10 AMOUNT APPROPRIATED PURSUANT TO SECTION 23-41-104.7 SHALL BE IN
11 LIEU OF ANY AMOUNT AUTHORIZED THROUGH FEE-FOR-SERVICE
12 CONTRACTS NEGOTIATED PURSUANT TO SECTION 23-1-109.7 AND
13 23-5-130.

14 (3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION
15 24-75-102, C.R.S., THE GOVERNING BOARDS ARE AUTHORIZED TO RETAIN
16 ALL MONEYS APPROPRIATED PURSUANT TO THIS SECTION AND SECTION
17 23-1-118, OR OTHERWISE GENERATED, FROM FISCAL YEAR TO FISCAL
18 YEAR.

19 (b) ALL MONEYS RAISED BY A GOVERNING BOARD SHALL BE
20 AVAILABLE FOR EXPENDITURE BY SUCH GOVERNING BOARD AND SHALL
21 NOT BE TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR EXPENDITURE
22 BY ANY OTHER GOVERNING BOARD OR BY A STATE ENTITY OR STATE
23 AGENCY; EXCEPT THAT SAID MONEYS MAY BE TRANSFERRED TO THE
24 DEPARTMENT OF HIGHER EDUCATION OR THE COLORADO COMMISSION ON
25 HIGHER EDUCATION TO THE EXTENT REQUIRED TO PAY INDIRECT COST
26 ASSESSMENTS, AS DEFINED IN SECTION 24-75-112 (1) (f), C.R.S.

27 (4) (a) ON OR BEFORE NOVEMBER 10, 2010, EACH GOVERNING

1 BOARD SHALL SUBMIT TO THE COMMISSION AND TO THE JOINT BUDGET
2 COMMITTEE OF THE GENERAL ASSEMBLY A REPORT DESCRIBING, WITH
3 REGARD TO EACH INSTITUTION UNDER ITS GOVERNANCE, THE GOVERNING
4 BOARD'S PLANS TO FUND THE INSTITUTION IN THE FOLLOWING FISCAL YEAR
5 IF THE GENERAL ASSEMBLY REDUCES OVERALL STATE FUNDING FOR
6 HIGHER EDUCATION BY FIFTY PERCENT.

7 (b) EACH GOVERNING BOARD'S REPORT PREPARED PURSUANT TO
8 THIS SUBSECTION (4) SHALL SPECIFICALLY ADDRESS THE MANNER IN
9 WHICH THE INSTITUTIONS GOVERNED BY THE GOVERNING BOARD SHALL
10 SERVE STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND
11 ARE ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ONE OR
12 MORE OF THE FOLLOWING CRITERIA:

13 (I) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS
14 LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN
15 INSTITUTION OF HIGHER EDUCATION;

16 (II) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY
17 EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;

18 (III) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED
19 POPULATION; OR

20 (IV) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO
21 SUPPORT LEARNING.

22 SECTION 5. 23-1-108 (12), Colorado Revised Statutes, is
23 amended to read:

24 **23-1-108. Duties and powers of the commission with regard to**
25 **systemwide planning.** (12) (a) The commission shall establish tuition
26 and fee policies based on institutional role and mission, and the governing
27 boards shall set tuition and fees consistent with such policies. The

1 commission shall follow the requirements of section 23-1-123 in
2 establishing fee policies pursuant to this subsection (12).

3 (b) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016, THE
4 COMMISSION SHALL ESTABLISH TUITION POLICIES BASED ON
5 INSTITUTIONAL ROLE AND MISSION, AND THE GOVERNING BOARDS SHALL
6 SET TUITION CONSISTENT WITH SAID POLICIES.

7 SECTION 6. 23-5-129 (6) (c) and (10), Colorado Revised
8 Statutes, are amended to read:

9 23-5-129. Governing boards - performance contract -
10 authorization - operations. (6) While operating pursuant to a
11 performance contract negotiated pursuant to this section, the governing
12 board of a state institution of higher education:

13 (c) Shall report to the Colorado commission on higher education
14 its plans for any tuition or other proposed increases for the following
15 fiscal year, using approved forms, for the commission to review and make
16 recommendations to the general assembly during the annual budget
17 process; EXCEPT THAT THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT
18 APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

19 (10) While a state institution of higher education is operating
20 pursuant to a performance contract negotiated pursuant to this section, the
21 general assembly retains the authority to approve tuition spending
22 authority for the governing board of the institution; EXCEPT THAT THE
23 PROVISIONS OF THIS SUBSECTION (10). SHALL NOT APPLY FOR FISCAL
24 YEARS 2011-12 THROUGH 2015-16.

25 SECTION 7. 23-18-202 (3) (b) and (3) (c), Colorado Revised
26 Statutes, are amended to read:

27 23-18-202. College opportunity fund - appropriations -

1 payment of stipends - reimbursement - repeal. (3) (b) (I) The tuition
2 increases from which the general assembly derived the total cash
3 spending authority for each governing board shall be noted in a footnote
4 in the annual general appropriations act.

5 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
6 THIS PARAGRAPH (b), FOR FISCAL YEARS 2011-12 THROUGH 2015-16,
7 TUITION INCREASES SHALL NOT BE NOTED IN A FOOTNOTE IN THE ANNUAL
8 GENERAL APPROPRIATION ACT. EACH GOVERNING BOARD SHALL
9 ESTABLISH TUITION IN EACH OF SAID FISCAL YEARS AS PROVIDED IN
10 SECTION 23-5-130.5. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE
11 JULY 1, 2016.

12 (c) (I) If an institution of higher education is designated as an
13 enterprise pursuant to section 23-5-101.7, the institution shall annually
14 allocate at least twenty percent of any increase in undergraduate resident
15 tuition revenues above inflation to need-based financial assistance. FOR
16 FISCAL YEARS 2011-12 THROUGH 2015-16, IF A GOVERNING BOARD
17 SUBMITS A PLAN FOR AUTHORIZATION TO INCREASE UNDERGRADUATE,
18 RESIDENT TUITION [REDACTED] PURSUANT TO SECTION 23-5-130.5, THE
19 GOVERNING BOARD SHALL SPECIFY THE AMOUNT OF INSTITUTIONAL FUNDS
20 THE GOVERNING BOARD WILL ALLOCATE TO NEED-BASED FINANCIAL
21 ASSISTANCE.

22 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

23 SECTION 8. 23-20-112, Colorado Revised Statutes, is amended
24 to read:

25 23-20-112. General powers of the board - repeal. (1) The board
26 of regents shall enact laws for the government of the university; appoint
27 the requisite number of professors, tutors, and all other officers; and

1 determine the salaries of such officers and the amount to be paid for
2 tuition in accordance with the level of cash fund appropriations set by the
3 general assembly for the university pursuant to section 23-1-104 ~~(1) (a)~~
4 (1) (b) (I). It shall remove any officer connected with the university when
5 in its judgment the good of the institution requires it.

6 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
7 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
8 2015-16, THE BOARD OF REGENTS, IN ACCORDANCE WITH SECTION
9 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY
10 STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
11 STUDENTS WHO ENROLL IN AND ATTEND THE UNIVERSITY.

12 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

13 **SECTION 9.** 23-30-112, Colorado Revised Statutes, is amended
14 to read:

15 **23-30-112. Tuition - repeal.** (1) The board of governors of the
16 Colorado state university system, shall fix tuition in accordance with the
17 level of cash fund appropriations set by the general assembly for the
18 entities it governs pursuant to section 23-1-104 ~~(1) (a)~~ ~~(1) (b) (I)~~. The
19 board may discriminate in regard to tuition between students from this
20 state and students from other states.

21 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
22 THIS SECTION TO THE CONTRARY, FOR FISCAL YEARS 2011-12 THROUGH
23 2015-16, THE BOARD OF GOVERNORS OF THE COLORADO STATE
24 UNIVERSITY SYSTEM, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
25 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
26 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
27 IN AND ATTEND THE INSTITUTIONS IT GOVERNS.

1 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

2 **SECTION 10.** Article 40 of title 23, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **23-40-104.5. Tuition - repeal.** (1) FOR FISCAL YEARS 2011-12
5 THROUGH 2015-16, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF
6 NORTHERN COLORADO, IN ACCORDANCE WITH SECTION 23-5-130.5, SHALL
7 ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY STUDENTS WITH
8 IN-STATE CLASSIFICATION AND BY NONRESIDENT STUDENTS WHO ENROLL
9 IN AND ATTEND THE UNIVERSITY OF NORTHERN COLORADO.

10 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

11 **SECTION 11.** 23-41-104.6(5)(c)(I), Colorado Revised Statutes,
12 is amended to read:

13 **23-41-104.6. Performance contract - authorization -**
14 **operations.** (5) While operating pursuant to the performance contract
15 negotiated pursuant to this section, the board of trustees of the Colorado
16 school of mines:

17 (c) (I) (A) Shall have sole authority to establish resident and
18 nonresident tuition rates for the Colorado school of mines ~~except that the~~
19 ~~annual percentage increase in resident tuition rates shall not exceed a~~
20 ~~percentage equal to two times the rate of the percentage change in the~~
21 ~~consumer price index for the Denver metropolitan area SO LONG AS THE~~
22 ~~SCHOOL CONTINUES TO MEET THE GOALS SPECIFIED IN THE PERFORMANCE~~
23 ~~CONTRACT AND TO COMPLY WITH THE PROVISIONS OF SECTION~~
24 ~~23-41-104.7.~~

25 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
26 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
27 2011-12 THROUGH 2015-16, THE BOARD OF TRUSTEES SHALL HAVE SOLE

1 AUTHORITY TO ESTABLISH RESIDENT AND NONRESIDENT TUITION RATES
2 FOR THE COLORADO SCHOOL OF MINES; EXCEPT THAT THE ANNUAL
3 PERCENTAGE INCREASE IN RESIDENT TUITION RATES SHALL NOT EXCEED
4 A PERCENTAGE EQUAL TO TWO TIMES THE RATE OF THE PERCENTAGE
5 CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER METROPOLITAN
6 AREA OR NINE PERCENT, WHICHEVER IS GREATER, UNLESS THE COLORADO
7 COMMISSION ON HIGHER EDUCATION APPROVES A GREATER TUITION
8 INCREASE PURSUANT TO SECTION 23-1-130.5.

9 SECTION 12. 23-41-107, Colorado Revised Statutes, is amended
10 to read:

11 23-41-107. Tuition - school open to all. (1) The Colorado school
12 of mines is open for instruction to all bona fide residents of this state,
13 without regard to sex or color, upon the payment of such reasonable
14 tuition fees as may be prescribed by the board of trustees PURSUANT TO
15 SECTION 23-41-104.6. With the consent of such board, students from
16 other states, territories, or countries may receive education thereat upon
17 such terms and at such rates of tuition as such board may determine. The
18 board, shall fix tuition in accordance with the level of cash fund
19 appropriations set by the general assembly for such institution pursuant
20 to section 23-1-104 (1) (a) (I).

21 SECTION 13. Article 51 of title 23, Colorado Revised Statutes,
22 is amended BY THE ADDITION OF A NEW SECTION to read:

23 23-51-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12
24 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
25 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO
26 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
27 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND ADAMS STATE

1 COLLEGE.

2 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

3 SECTION 14. 23-52-105 (1) (b), Colorado Revised Statutes, is
4 amended to read:

5 23-52-105. Tuition fees - Indians - repeal. (1) (b) (I) On and
6 after September 1, 2002, the board of trustees, shall fix tuition in
7 accordance with the level of cash fund appropriations set by the general
8 assembly for Fort Lewis college pursuant to section 23-1-104 ~~(1) (a) (1)~~
9 (1) (b) (I), subject to the restriction that all qualified Indian pupils shall at
10 all times be admitted to such college free of charge for tuition and on
11 terms of equality with other pupils. The general assembly shall
12 appropriate from the state general fund one hundred percent of the moneys
13 required for tuition for such qualified Indian pupils.

14 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
15 THIS PARAGRAPH (b) TO THE CONTRARY, FOR FISCAL YEARS 2011-12
16 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
17 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
18 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
19 STUDENTS WHO ENROLL IN AND ATTEND FORT LEWIS COLLEGE, SUBJECT TO
20 THE RESTRICTION FOR ALL QUALIFIED INDIAN PUPILS AS PROVIDED IN
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THIS SUBPARAGRAPH (II) IS
22 REPEALED, EFFECTIVE JULY 1, 2016.

23 SECTION 15. Article 53 of title 23, Colorado Revised Statutes,
24 is amended BY THE ADDITION OF A NEW SECTION to read:

25 23-53-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12
26 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
27 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO

1 BE PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY
2 NONRESIDENT STUDENTS WHO ENROLL IN AND ATTEND MESA STATE
3 COLLEGE.

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

5 SECTION 16. Article 54 of title 23, Colorado Revised Statutes,
6 is amended BY THE ADDITION OF A NEW SECTION to read:

7 23-54-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12
8 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
9 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
10 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
11 STUDENTS WHO ENROLL IN AND ATTEND METROPOLITAN STATE COLLEGE
12 OF DENVER.

13 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

14 SECTION 17. Article 56 of title 23, Colorado Revised Statutes,
15 is amended BY THE ADDITION OF A NEW SECTION to read:

16 23-56-102.5. Tuition - repeal. (1) FOR FISCAL YEARS 2011-12
17 THROUGH 2015-16, THE BOARD OF TRUSTEES, IN ACCORDANCE WITH
18 SECTION 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE
19 PAID BY STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
20 STUDENTS WHO ENROLL IN AND ATTEND WESTERN STATE COLLEGE OF
21 COLORADO.

22 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

23 SECTION 18. 23-60-202 (1) (c) (I), Colorado Revised Statutes,
24 is amended to read:

25 23-60-202. Duties of board with respect to state
26 system - repeal. (1) With respect to the community and technical
27 colleges within the state system, the board has the authority, responsibility,

1 rights, privileges, powers, and duties customarily exercised by the
2 governing boards of institutions of higher education, including the
3 following:

4 (c) (I) (A) To fix the tuition and fees to be charged in the
5 community and technical colleges. The board shall fix tuition in
6 accordance with the level of cash fund appropriations set by the general
7 assembly for such institutions pursuant to section 23-1-104 ~~(1)~~ ~~(a)~~ ~~(1)~~
8 (b) (I).

9 (B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH
10 (A) OF THIS SUBPARAGRAPH (I) TO THE CONTRARY, FOR FISCAL YEARS
11 2011-12 THROUGH 2015-16, THE BOARD, IN ACCORDANCE WITH SECTION
12 23-5-130.5, SHALL ANNUALLY SET THE AMOUNT OF TUITION TO BE PAID BY
13 STUDENTS WITH IN-STATE CLASSIFICATION AND BY NONRESIDENT
14 STUDENTS WHO ENROLL IN AND ATTEND THE COMMUNITY AND TECHNICAL
15 COLLEGES. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1,
16 2016.

17 **SECTION 19.** 23-3.3-102 (2) and (3), the introductory portion to
18 23-3.3-102 (3.5), and 23-3.3-102 (4) and (8), Colorado Revised Statutes,
19 are amended to read:

20 **23-3.3-102. Assistance program authorized - procedure -**
21 **audits.** (2) The commission shall determine, by guideline, the institutions
22 eligible for participation in the program AND SHALL ANNUALLY
23 DETERMINE THE AMOUNT ALLOCATED TO EACH INSTITUTION.

24 (3) ~~The commission~~ EACH STATE INSTITUTION shall administer the
25 A FINANCIAL ASSISTANCE program with the assistance of institutions
26 according to policies and procedures established by the commission
27 GOVERNING BOARD OF THE INSTITUTION. EACH PRIVATE INSTITUTION OF

1 HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (9), THAT
2 PARTICIPATES IN THE PROGRAM OF FINANCIAL ASSISTANCE ESTABLISHED
3 PURSUANT TO THIS SECTION SHALL ADMINISTER A FINANCIAL ASSISTANCE
4 PROGRAM ACCORDING TO POLICIES AND PROCEDURES ESTABLISHED BY THE
5 GOVERNING BOARD OF THE INSTITUTION. EACH PARTICIPATING NONPUBLIC
6 INSTITUTION THAT IS NOT A PRIVATE INSTITUTION OF HIGHER EDUCATION
7 SHALL ADMINISTER A FINANCIAL ASSISTANCE PROGRAM ACCORDING TO
8 POLICIES AND PROCEDURES ESTABLISHED BY THE COMMISSION. EACH
9 INSTITUTION SHALL FUND ITS ASSISTANCE PROGRAM USING STATE MONEYS
10 ALLOCATED TO THE INSTITUTION AND INSTITUTIONAL MONEYS.

11 (3.5) Notwithstanding any provision of this article to the contrary,
12 the commission EACH PARTICIPATING INSTITUTION shall adopt policies and
13 procedures to allow a person who meets the following criteria to qualify
14 for financial assistance through the financial assistance programs
15 established pursuant to this article:

16 (4) Program disbursements shall be handled by the institution
17 subject to audit and review. ~~except that each nonpublic institution of~~
18 ~~higher education which receives additional financial assistance pursuant~~
19 ~~to this section, due to the change in the determination of need pursuant to~~
20 ~~subsection (6) of this section, shall allocate such financial assistance on~~
21 ~~the basis of need. The change in the determination of need pursuant to~~
22 ~~said subsection (6) shall in no way reduce the allocation by the Colorado~~
23 ~~commission on higher education of moneys for merit-based programs to~~
24 ~~nonpublic institutions of higher education.~~

25 (8) The state auditor or his OR HER designee shall audit, in
26 accordance with STATE STATUTE AND federal ~~and commission~~ guidelines,
27 the program at any participating institution every other year to review

1 residency determinations, needs analyses, awards, payment procedures,
2 and such other practices as may be necessary to ensure that the program
3 is being properly administered, but ~~such~~ THE audit shall be limited to the
4 administration of the program at ~~such~~ THE participating institution. The
5 state auditor may accept an audit of the program from an institution that
6 is not a state institution from such institution's independent auditor. The
7 cost of conducting audits of the program at an institution that is not a state
8 institution shall be borne by such institution.

9 **SECTION 20. 23-1-113.5, Colorado Revised Statutes, is amended**
10 **BY THE ADDITION OF A NEW SUBSECTION to read:**

11 **23-1-113.5. Commission directive - resident admissions.**

12 (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION REGARDING
13 THE PERCENTAGE AND FRACTION OF STUDENTS WHO ARE IN-STATE
14 STUDENTS, AS DEFINED IN SECTION 23-7-102 (5), SHALL NOT APPLY TO THE
15 UNIVERSITY OF COLORADO SYSTEM OR TO COLORADO STATE UNIVERSITY
16 IF THE FOLLOWING REQUIREMENTS ARE MET:

17 (I) THE PERCENTAGE OF INCOMING FRESHMAN ADMITTED TO THE
18 INSTITUTION WHO ARE IN-STATE STUDENTS CALCULATED ON A THREE-YEAR
19 ROLLING AVERAGE AND EXCLUDING FOREIGN STUDENTS, IS NOT LESS THAN
20 FIFTY-FIVE PERCENT;

21 (II) THE FRACTION OF STUDENTS ENROLLED AT EACH CAMPUS OF
22 THE UNIVERSITY OF COLORADO SYSTEM OR AT COLORADO STATE
23 UNIVERSITY WHO ARE IN-STATE STUDENTS IS NOT LESS THAN TWO-THIRDS
24 OF THE TOTAL STUDENT ENROLLMENT AT THE CAMPUS OR AT COLORADO
25 STATE UNIVERSITY, RESPECTIVELY, INCLUDING UNDERGRADUATE AND
26 GRADUATE STUDENTS, CALCULATED ON A THREE-YEAR ROLLING AVERAGE
27 AND EXCLUDING FOREIGN STUDENTS;

1 (III) THE INSTITUTION CONTINUES TO ADMIT ONE HUNDRED
2 PERCENT OF ALL COLORADO FIRST-TIME FRESHMAN APPLICANTS WHO MEET
3 THE GUARANTEED ADMISSIONS CRITERIA;

4 (IV) THE PERCENTAGE OF IN-STATE STUDENTS ADMITTED TO EACH
5 CAMPUS OF THE UNIVERSITY OF COLORADO SYSTEM OR TO COLORADO
6 STATE UNIVERSITY BASED ON CRITERIA OTHER THAN STANDARDIZED TEST
7 SCORES, HIGH SCHOOL CLASS RANK, AND HIGH SCHOOL GRADE POINT
8 AVERAGE PURSUANT TO SECTION 23-1-113 (1) (b) DOES NOT FALL BELOW
9 THE AVERAGE OF THE PERCENTAGE ADMITTED TO THE CAMPUS OR TO
10 COLORADO STATE UNIVERSITY, RESPECTIVELY, FOR THE THREE PRECEDING
11 ACADEMIC YEARS; AND

12 (V) THE TOTAL NUMBER OF FOREIGN STUDENTS ENROLLED AT EACH
13 SPECIFIC CAMPUS OF THE UNIVERSITY OF COLORADO SYSTEM OR AT
14 COLORADO STATE UNIVERSITY DOES NOT EXCEED TWELVE PERCENT OF THE
15 TOTAL STUDENT ENROLLMENT, INCLUDING UNDERGRADUATE AND
16 GRADUATE STUDENTS, ENROLLED AT THE CAMPUS OR AT COLORADO STATE
17 UNIVERSITY, RESPECTIVELY.

18 (b) THE UNIVERSITY OF COLORADO AND COLORADO STATE
19 UNIVERSITY SHALL ANNUALLY REPORT TO THE COMMISSION INFORMATION
20 DEMONSTRATING THAT QUALIFIED IN-STATE STUDENTS ARE NOT
21 DISPLACED OR DENIED ADMISSIONS AS A RESULT OF THE PROVISIONS OF
22 THIS SUBSECTION (4) AND THAT ANY INCREASE IN THE ENROLLMENT OF
23 FOREIGN STUDENTS AT A SPECIFIC CAMPUS OF THE UNIVERSITY OF
24 COLORADO SYSTEM OR AT COLORADO STATE UNIVERSITY IS A RESULT OF
25 INCREASED CAPACITY AT THE CAMPUS OR AT COLORADO STATE
26 UNIVERSITY, RESPECTIVELY.

27 (c) FOR PURPOSES OF THIS SUBSECTION (4), "FOREIGN STUDENT"

1 MEANS A STUDENT WHO IS COUNTED AS FOREIGN AND PRESENT IN THE
2 UNITED STATES ON A NONIMMIGRANT VISA.

3 **SECTION 21. Repeal.** 23-5-129 (4), Colorado Revised Statutes,
4 is repealed as follows:

5 **23-5-129. Governing boards - performance contract -**
6 **authorization - operations.** (4) ~~Notwithstanding any requirements of~~
7 ~~article 101 of title 24, C.R.S., and part 11 of article 30 of title 24, C.R.S.,~~
8 ~~to the contrary, a governing board of a state institution of higher education~~
9 ~~that operates pursuant to a performance contract negotiated pursuant to~~
10 ~~this section may negotiate with the department of higher education, after~~
11 ~~approval from the Colorado commission on higher education, a provision~~
12 ~~in the performance contract to allow an exemption from the procurement~~
13 ~~code, article 101 of title 24, C.R.S., and the central state motor vehicle~~
14 ~~fleet system, part 11 of article 30 of title 24, C.R.S. The executive~~
15 ~~director of the department of higher education shall communicate in~~
16 ~~writing with the executive director of the department of personnel~~
17 ~~regarding any exemptions granted pursuant to this subsection (4).~~

18 **SECTION 22.** 23-1-106.3 (3) (c), Colorado Revised Statutes, is
19 amended to read:

20 **23-1-106.3. Duties and powers of the commission - capital**
21 **construction projects - federal mineral lease revenues fund - higher**
22 **education institutions lease-purchase cash fund.** (3) (c) The provisions
23 of section 24-30-202 (5) (b), C.R.S., shall not apply to a lease-purchase
24 agreement authorized pursuant to paragraph (a) of this subsection (3) or
25 any ancillary agreement or instrument entered into pursuant to paragraph
26 (b) of this subsection (3). THE STATE CONTROLLER OR HIS OR HER
27 DESIGNEE SHALL WAIVE any provision of the fiscal rules promulgated

1 pursuant to section 24-30-202 (1) and (13), C.R.S., that the state controller
2 deems to be incompatible or inapplicable with respect to said
3 lease-purchase agreements or any such ancillary agreement or instrument.
4 may be waived by the controller or his or her designee.

5 **SECTION 23.** 23-20-111, Colorado Revised Statutes, is amended
6 to read:

7 **23-20-111. Supervisory powers of board.** The board of regents
8 has general supervision of the university and control and direction of all
9 funds of and appropriations to the university. ~~except that the controller~~
10 ~~shall have the authority to promulgate fiscal rules pursuant to section~~
11 ~~24-30-202, C.R.S., which shall be applicable to the university and its~~
12 ~~officers and employees.~~

13 **SECTION 24.** 24-30-201 (1) (e), Colorado Revised Statutes, is
14 amended to read:

15 **24-30-201. Division of accounts and control - controller.**
16 (1) The powers, duties, and functions concerning accounts and control as
17 set forth in this part 2 shall be the responsibility of the state controller.
18 The controller shall be appointed by the executive director of the
19 department of personnel, subject to the provisions of section 13 of article
20 XII of the state constitution. The controller shall be bonded in such
21 amount as the executive director shall fix. The powers and duties of the
22 controller shall be:

23 (e) To manage the finances and financial affairs of the state,
24 EXCEPT AS OTHERWISE PROVIDED IN SECTION 5 (2) OF ARTICLE VIII OF THE
25 STATE CONSTITUTION AND BY LAW FOR INSTITUTIONS OF HIGHER
26 EDUCATION AND FOR THE AURARIA HIGHER EDUCATION CENTER;

27 **SECTION 25.** 24-30-202 (13) and (22), Colorado Revised

1 Statutes, are amended to read:

2 **24-30-202. Procedures - vouchers and warrants - rules -**

3 **penalties.** (13) (a) The controller shall promulgate fiscal rules to carry

4 out the functions assigned and the procedures prescribed by this section.

5 Such rules relating to the forms, records, and procedures involved in

6 financial administration shall be binding upon the several departments,

7 institutions, including institutions of higher education EXCEPT AS

8 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13), and

9 other agencies of the state and upon their several officers and employees.

10 (b) It is the intent of the general assembly that fiscal rules

11 promulgated by the controller shall be applicable to any institution of

12 higher education; notwithstanding any specific grant of authority to the

13 governing board of such institution of higher education EXCEPT THAT THE

14 GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION THAT HAS

15 ADOPTED FISCAL PROCEDURES AND HAS DETERMINED THAT THE FISCAL

16 PROCEDURES PROVIDE ADEQUATE SAFEGUARDS FOR THE PROPER

17 EXPENDITURE OF THE MONEYS OF THE INSTITUTION MAY ELECT TO EXEMPT

18 THE INSTITUTION FROM THE FISCAL RULES PROMULGATED BY THE

19 CONTROLLER PURSUANT TO THIS SUBSECTION (13), INCLUDING ANY

20 PROCEDURES OR FORMS REQUIRED BY LAW TO BE PROMULGATED BY THE

21 CONTROLLER AND ANY REVIEW OR APPROVAL REQUIRED TO BE PERFORMED

22 BY THE CONTROLLER, AND SHALL NOT BE REQUIRED TO COMPLY WITH

23 RULES PROMULGATED PURSUANT TO THIS SUBSECTION (13) OR WITH THE

24 PROVISIONS OF SUBSECTION (1), (5) (b), (20.1), (22), OR (26) OF THIS

25 SECTION. THE PROVISIONS OF THIS PARAGRAPH (b) SHALL ALSO APPLY TO

26 THE BOARD OF DIRECTORS OF THE AURARIA HIGHER EDUCATION CENTER

27 WITH REGARD TO THE EXPENDITURE OF MONEYS OF THE AURARIA HIGHER

1 EDUCATION CENTER.

2 (c) Repealed.

3 (d) AN INSTITUTION OF HIGHER EDUCATION, INCLUDING THE
4 AURARIA HIGHER EDUCATION CENTER, THAT IS EXEMPT FROM THE STATE
5 FISCAL RULES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13)
6 SHALL CONTINUE TO PROVIDE TO THE CONTROLLER SUCH INFORMATION AS
7 IS NECESSARY TO ENABLE THE CONTROLLER TO MEET THE OBLIGATIONS SET
8 FORTH IN SUBSECTION (11) OF THIS SECTION AND SECTIONS 24-17-102 AND
9 24-30-204; EXCEPT THAT AN INSTITUTION OF HIGHER EDUCATION SHALL BE
10 REQUIRED TO PROVIDE ONLY SUCH DATA AND REPORTS AS ARE READILY
11 ACCESSIBLE TO THE INSTITUTION OR PRESENTLY GENERATED BY THE
12 INSTITUTION.

13 (22) The controller shall make uniform and equitable fiscal rules
14 controlling the types of perquisites which may be allowed state employees
15 in the executive branch of government ~~including employees in the~~
16 ~~institutions of higher education,~~ in addition to their regular salaries. Such
17 rules shall include the eligibility of employees to receive such perquisites,
18 the charges to be made for such perquisites, and the method of payment
19 of such charges to the state. Before such rules become effective, they
20 shall be approved by the governor. No employee shall have authority to
21 grant to himself OR HERSELF or to any other employee under his OR HER
22 supervision any perquisite, nor shall any employee receive any perquisite
23 without full payment therefor, except as provided for by statute or by the
24 rules of the controller as authorized in this section. Charges prescribed by
25 such rules shall be reviewed annually by the controller.

26 SECTION 26. 24-30-202 (9), Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **24-30-202. Procedures - vouchers and warrants - rules -**
2 **penalties.** (9) (d) NOTWITHSTANDING ANY PROVISION OF THIS
3 SUBSECTION (9) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION
4 (9) SHALL NOT APPLY TO ANY WARRANT DRAWN BY AN INSTITUTION OF
5 HIGHER EDUCATION OR BY THE AURARIA HIGHER EDUCATION CENTER THAT
6 IS EXEMPT FROM THE STATE FISCAL RULES PURSUANT TO PARAGRAPH (b)
7 OF SUBSECTION (13) OF THIS SECTION.

8 **SECTION 27.** 23-5-113, Colorado Revised Statutes, is amended
9 to read:

10 **23-5-113. Collection of loans and outstanding obligations -**
11 **state educational institutions.** (1) Notwithstanding the provisions of
12 section 24-30-202.4, C.R.S., the governing board of any state educational
13 institution with the approval of the state controller, may promulgate rules
14 and regulations relating to procedures for collecting any loans or other
15 outstanding obligations owed to such institution. The institution may
16 employ private counsel or a collection agency to handle the collection of
17 any such loan or obligation. Employment of private counsel or a
18 collection agency shall be in accordance with the rules and regulations,
19 but in no event shall the fees paid to the private counsel or collection
20 agency exceed forty percent of the amount recovered.

21 (2) The institution with the consent of the controller and the state
22 treasurer, is authorized to write off, release, or compromise any debt or
23 obligation due the institution, but only in accordance with the rules and
24 regulations applicable thereto.

25 **SECTION 28.** 24-30-202.4 (2) and (3) (a) (II), Colorado Revised
26 Statutes, are amended to read:

27 **24-30-202.4. Collection of debts due the state - controller's**

1 **duties - creation of debt collection fund - definitions.** (2) EXCEPT AS
2 OTHERWISE PROVIDED FOR INSTITUTIONS OF HIGHER EDUCATION PURSUANT
3 TO SECTION 23-5-113, C.R.S., AND except for those debts under the
4 jurisdiction of the department of revenue referred to in section 24-35-108
5 (1) (a), under the jurisdiction of the judicial department referred to in
6 section 16-11-101.6, C.R.S., and under the jurisdiction of the department
7 of labor and employment related to overpayment of unemployment
8 insurance benefits and delinquent taxes referred to in section 8-79-102,
9 C.R.S., all state agencies shall refer to the state controller debts due the
10 state that the agency has been unable to collect within thirty days after
11 such debts have become past due, together with the data and information
12 necessary for the controller to institute collection procedures. Debts are
13 not subject to referral pursuant to this subsection (2) if payment
14 arrangements have been made and payments due in accordance with the
15 terms of the arrangements are not delinquent. The controller may grant a
16 waiver to the requirement that a state agency refer debts within such
17 thirty-day period based upon a documented request and justification
18 provided by a state agency, pursuant to rules promulgated by the
19 department of personnel under article 4 of this title. A waiver may include
20 but shall not be limited to extended periods to collect delinquent debts.
21 For accounts where no waiver to assignment has been granted, the
22 controller shall use all state collection capabilities to collect that debt,
23 including, but not limited to, the certification of that debt to the
24 department of revenue for offset of that debt against any tax refund due
25 the debtor under the provisions of subparagraph (II) of paragraph (a) of
26 subsection (3) of this section. No later than one hundred twenty days after
27 receipt by the controller, the controller or the controller's designee shall

1 legally assign all debts that are not claims in process of collection to
2 private counsel or private collection agencies that appear on the list of
3 private counsel or private collection agencies. For the purposes of this
4 section, "claims in process of collection" means any debts on which
5 payments are being made, on which payments have been promised, on
6 which suit has been brought, or any other debts as defined in rules
7 promulgated by the department of personnel pursuant to article 4 of this
8 title. The private counsel or private collection agencies included in the list
9 of private counsel or private collection agencies shall be selected through
10 competition pursuant to the provisions of the "Procurement Code", articles
11 101 to 112 of this title. Criteria for selection of the private counsel or
12 private collection agencies shall be developed by the executive director of
13 the department of personnel in consultation with the controller, affected
14 state agencies, and the private collection community. In addition, a
15 state-supported institution of higher education may utilize the provisions
16 of section 23-5-113, C.R.S., for the collection of any loan or other
17 outstanding obligation owed to such institution.

18 (3) (a) (II) Upon verification by the appropriate state agency of the
19 amount of the debt due the state, the controller may certify to the
20 department of revenue any unpaid debt due the state to be offset against
21 a tax refund due the debtor, pursuant to section 39-21-108 (3), C.R.S.
22 Before any unpaid debt is certified to the department of revenue, the
23 controller shall give written notice to the debtor that the debt shall be
24 offset against a tax refund due the debtor and shall notify the debtor that
25 the debtor may, within thirty days of the postmark of the written notice
26 from the controller, request a hearing to dispute the tax refund offset.
27 Such hearing shall be held within thirty calendar days from receipt of the

1 request from the debtor. If the agency that referred the debt to the
2 controller certifies that the debt was the subject of a final agency
3 determination or judicial decision or that the debt has been reduced to
4 judgment, the debtor may not dispute the validity of the debt at the
5 hearing. No money shall be refunded or offset against a tax refund due
6 the debtor if such a hearing is requested until such time as the hearing is
7 completed and a decision is rendered. If at the hearing the dispute is
8 resolved in favor of the debtor, the debtor shall be entitled to a refund of
9 any moneys due plus interest, pursuant to section 39-21-110.5, C.R.S.
10 Provisions for adequate notice and opportunity for hearing shall be made
11 by rules and regulations promulgated by the executive director of the
12 department of personnel. Any debts may be written off, released, or
13 compromised pursuant to paragraph (c) of this subsection (3). As used in
14 this section, unless the context otherwise requires, "agency" includes
15 state-supported institutions of higher education.

16 **SECTION 29.** 24-30-1102 (5) and (6) (a) (I), Colorado Revised
17 Statutes, are amended to read:

18 **24-30-1102. Definitions.** As used in this part 11, unless the
19 context otherwise requires:

20 (5) "State agency" means this state or any department, board,
21 bureau, commission, institution, or other agency of the state; including
22 institutions of higher education but EXCEPT THAT "STATE AGENCY" shall
23 not include A STATE INSTITUTION OF HIGHER EDUCATION, THE AURARIA
24 HIGHER EDUCATION CENTER, OR the state board of stock INSPECTION
25 commissioners, created pursuant to section 35-41-101, C.R.S.

26 (6) (a) "State-owned motor vehicle" means all motor vehicles
27 owned by the state or any agency of the state that shall include all two-

1 and four-wheel drive trucks, all passenger vehicles including cars, vans,
2 station wagons and other similar passenger vehicles, and any other vehicle
3 not described herein that may be designated as a state-owned motor
4 vehicle if a state agency requests such designation; except that
5 "state-owned motor vehicle" shall not include any vehicle rated at one ton
6 or more that is:

7 (I) Owned, operated, or controlled by an institution of higher
8 education and was not purchased, maintained, or otherwise acquired using
9 state moneys; or

10 **SECTION 30.** 24-19-103 (2) (a), Colorado Revised Statutes, is
11 amended to read:

12 **24-19-103. Prohibition against postemployment compensation**
13 **- exception.** (2) (a) At the option of the appointing authority for any
14 government-supported official or employee, such official or employee
15 may be provided postemployment compensation that consists of the
16 payment of up to a maximum of three months of salary for such official
17 or employee and the provision of up to a maximum of three months of
18 employee benefits for such official or employee. No postemployment
19 compensation shall be provided other than cash payments and the
20 provision of employee benefits. Postemployment compensation may be
21 approved and provided only if the government-supported official or
22 employee who is to receive such compensation was employed by the
23 governmental unit or government-financed entity for less than five years;
24 EXCEPT THAT POSTEMPLOYMENT COMPENSATION MAY BE APPROVED AND
25 PROVIDED FOR AN OFFICIAL OR EMPLOYEE OF A STATE INSTITUTION OF
26 HIGHER EDUCATION OR OF THE AURARIA HIGHER EDUCATION CENTER,
27 REGARDLESS OF THE LENGTH OF EMPLOYMENT.

1 SECTION 31. 24-102-205 (1) (b), (1) (c), and (2), Colorado
2 Revised Statutes, are amended to read:

3 24-102-205. Centralized contract management system -
4 personal services contracts - legislative declaration - definitions.

5 (1) (b) For purposes of this section, "governmental body" shall have the
6 same meaning as set forth in section 24-101-301 (10); except that, for
7 purposes of this section, "governmental body" shall also include elected
8 officials, the governing board of each institution of higher education, and
9 the Colorado commission on higher education.

10 (c) Insofar as a conflict exists between the definition given a
11 particular term affecting a personal services contract by the department
12 acting pursuant to this code or any rules promulgated thereunder and the
13 definition given a term by an institution of higher education, the meaning
14 given the term by the department shall control.

15 (2) This section shall apply to any personal services contract to
16 which the state is a party the value of which exceeds one hundred
17 thousand dollars with the exception of any contract to which the state is
18 a party under medicare, the "Colorado Medical Assistance Act", articles
19 4 to 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article
20 8 of title 25.5, C.R.S., OR the "Colorado Indigent Care Program", part 1
21 of article 3 of title 25.5, C.R.S. or to any grant, award, or contract funded
22 by any federal or private entity for any research or sponsored project
23 activity of an institution of higher education or an affiliate of an institution
24 of higher education that is funded from moneys that are restricted by the
25 entity under the grant, award, or contract. For purposes of this section,
26 "sponsored project" means an agreement between an institution of higher
27 education and another party that provides restricted funding and requires

1 oversight responsibilities for research and development or other specified
2 programmatic activities that are sponsored by federal or private agencies
3 and organizations.

4 SECTION 32. 24-103.5-101 (1) and (7) (a), Colorado Revised
5 Statutes, are amended to read:

6 **24-103.5-101. Monitoring of vendor performance - definitions.**

7 (1) (a) For purposes of this section, "governmental body" shall have the
8 same meaning as set forth in section 24-101-301 (10); except that, for
9 purposes of this section, "governmental body" shall also include elected
10 officials, the governing board of each institution of higher education, and
11 the Colorado commission on higher education.

12 (b) Insofar as a conflict exists between the definition given a
13 particular term affecting a personal services contract by the department
14 acting pursuant to this code or any rules promulgated thereunder and the
15 definition given a term by an institution of higher education, the meaning
16 given the term by the department shall control.

17 (7) Notwithstanding any other provision of this section:

18 (a) Nothing in this section shall be construed to apply to any
19 contract to which the state is a party under medicare, the "Colorado
20 Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., the
21 "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., OR the
22 "Colorado Indigent Care Program", part 1 of article 3 of title 25.5, C.R.S.
23 or to any grant, award, or contract funded by any federal or private entity
24 for any research or sponsored project activity of an institution of higher
25 education or an affiliate of an institution of higher education that is funded
26 from moneys that are restricted by the entity under the grant, award, or
27 contract. For purposes of this article, "sponsored project" means an

1 agreement between an institution of higher education and another party
2 that provides restricted funding and requires oversight responsibilities for
3 research and development or other specified programmatic activities that
4 are sponsored by federal or private agencies and organizations.

5 SECTION 33. 24-105-102 (1) (a) (I) and (1) (b), Colorado
6 Revised Statutes, are amended to read:

7 **24-105-102. Performance evaluation reports - definitions.**

8 (1) (a) As used in this section, unless the context otherwise requires:

9 (I) "Governmental body" shall have the same meaning as set forth
10 in section 24-101-301 (10); except that, for purposes of this section,
11 "governmental body" shall also include elected officials. the governing
12 board of each institution of higher education, and the Colorado
13 commission on higher education.

14 (b) Insofar as a conflict exists between the definition given a
15 particular term affecting a personal services contract by the department
16 acting pursuant to this code or any rules promulgated thereunder and the
17 definition given a term by an institution of higher education, the meaning
18 given the term by the department shall control.

19 SECTION 34. Repeal. 23-1-106 (8), Colorado Revised Statutes,
20 is repealed as follows:

21 **23-1-106. Duties and powers of the commission with respect to**
22 **capital construction and long-range planning. (8) Any acquisition of**
23 **real property by a state-supported institution of higher education that is**
24 **conditional upon or requires expenditures of state-controlled funds or**
25 **federal funds shall be subject to the approval of the commission, whether**
26 **acquisition is by lease-purchase, purchase, gift, or otherwise.**

27 SECTION 35. 23-1-106 (3), (5) (a), (6), (7) (a), (7) (c) (I), (9),

1 (10), (10.5) (a), and (11) (a) (IV), Colorado Revised Statutes, are amended
2 to read:

3 **23-1-106. Duties and powers of the commission with respect to**
4 **capital construction and long-range planning.** (3) The commission
5 shall review and approve facility master plans for all state institutions of
6 higher education on land owned or controlled by the state or an institution
7 and capital construction program plans for projects other than those
8 projects constructed pursuant to DESCRIBED IN subsection (9) or (10) of
9 this section. Except for those projects constructed pursuant to DESCRIBED
10 IN subsection (9) or (10) of this section, no capital construction shall
11 commence except in accordance with an approved facility master plan and
12 program plan.

13 (5) (a) The commission shall approve plans for any capital
14 construction project at any institution, including a community college,
15 regardless of the source of funds; except that the commission need not
16 approve plans for any capital construction project at a local district college
17 or area vocational school or for any capital construction OR ACQUISITION
18 project described in subsection (9) or (10) of this section.

19 (6) (a) The commission shall request annually from each
20 governing board of each state institution of higher education a five-year
21 projection of capital development projects to be constructed but not
22 including those projects constructed pursuant to DESCRIBED IN subsection
23 (9) or (10) of this section. The projection shall include the estimated cost,
24 the method of funding, a schedule for project completion, and the
25 governing board-approved priority for each project. The commission shall
26 determine whether a proposed project is consistent with the role and
27 mission and master planning of the institution and conforms to standards

1 recommended by the commission.

2 (b) The commission shall request annually from the governing
3 board of each state institution of higher education a two-year projection
4 of capital construction OR ACQUISITION projects to be constructed
5 UNDERTAKEN pursuant to subsection (9) or (10) of this section and
6 estimated to require total project expenditures exceeding two million
7 dollars. The projection shall include the estimated cost, the method of
8 funding, and a schedule for project completion for each project. An
9 institution shall amend the projection prior to commencing a project that
10 is not included in the institution's most recent projection.

11 (7) (a) The commission annually shall prepare a unified, five-year
12 capital improvements report of projects to be constructed, but not
13 including those projects constructed OR ACQUIRED pursuant to subsection
14 (9) or (10) of this section, coordinated with education plans. The
15 commission shall transmit the report to the office of state planning and
16 budgeting, the governor, and the general assembly, consistent with the
17 executive budget timetable, together with a recommended priority of
18 funding of capital construction projects for the system of public higher
19 education. The commission shall annually transmit the recommended
20 priority of funding of capital construction projects to the capital
21 development committee no later than November 1 of each year.

22 (c) (I) The commission annually shall prepare a unified, two-year
23 capital improvements report for projects to be constructed OR ACQUIRED
24 pursuant to subsection (9) or (10) of this section and estimated to require
25 total project expenditures exceeding two million dollars, coordinated with
26 education plans. The commission shall transmit the report to the office of
27 state planning and budgeting, the governor, and the general assembly,

1 consistent with the executive budget timetable.

2 (9) (a) Except as provided in paragraph (d) of this subsection (9),
3 a capital construction OR ACQUISITION project initiated by the governing
4 board of a state-supported institution of higher education that is contained
5 in the most recent unified, two-year capital improvements project
6 projection approved pursuant to subparagraph (II) of paragraph (c) of
7 subsection (7) of this section, as the projection may be amended from time
8 to time, and that is to be ACQUIRED OR constructed AND operated and
9 maintained solely from cash funds held by the institution shall not be
10 subject to additional review or approval by the commission, the office of
11 state planning and budgeting, the capital development committee, or the
12 joint budget committee.

13 (b) Except as provided in paragraph (d) of this subsection (9), a
14 capital construction OR ACQUISITION project for an academic building
15 initiated by the governing board of a state-supported institution of higher
16 education that is contained in the most recent unified, two-year capital
17 improvements project projection approved pursuant to subparagraph (II)
18 of paragraph (c) of subsection (7) of this section, as the projection may be
19 amended from time to time, and that is to be ACQUIRED OR constructed
20 solely from cash funds held by the institution and operated and maintained
21 from such funds or from state moneys appropriated for such purpose, or
22 both, shall not be subject to additional review or approval by the
23 commission, the office of state planning and budgeting, the capital
24 development committee, or the joint budget committee. Any capital
25 construction project subject to this paragraph (b) shall comply with the
26 high performance standard certification program established pursuant to
27 section 24-30-1305, C.R.S.

1 (c) Each governing board shall ensure, consistent with its
2 responsibilities as set forth in section 5 (2) of article VIII of the state
3 constitution, that a capital construction OR ACQUISITION project initiated
4 pursuant to this subsection (9) shall be in accordance with its institution's
5 mission, be of a size and scope to provide for the defined program needs,
6 and be designed in accordance with all applicable building codes and
7 accessibility standards.

8 (d) (I) The provisions of this subsection (9) shall not apply to a
9 project that is to be ACQUIRED OR constructed in whole or in part using
10 moneys subject to the higher education revenue bond intercept program
11 established pursuant to section 23-5-139.

12 (II) Any plan for any such capital construction OR ACQUISITION
13 project that is estimated to require total expenditures of two million
14 dollars or less shall not be subject to review or approval by the
15 commission.

16 (10) (a) (I) The commission shall review and approve any plan for
17 a capital construction OR ACQUISITION project that is estimated to require
18 total expenditures exceeding two million dollars and that is to be
19 ACQUIRED OR constructed AND operated and maintained solely from cash
20 funds held by the institution that, in whole or in part, are subject to the
21 higher education revenue bond intercept program established pursuant to
22 section 23-5-139.

23 (II) The commission shall review and approve any plan for a
24 capital construction OR ACQUISITION project for an academic building that
25 is estimated to require total expenditures exceeding two million dollars,
26 that is to be ACQUIRED OR constructed solely from cash funds held by the
27 institution that, in whole or in part, are subject to the higher education

1 revenue bond intercept program established pursuant to section 23-5-139,
2 and that is operated and maintained from such cash funds or from state
3 moneys appropriated for such purpose, or both. Any capital construction
4 project subject to this subparagraph (II) shall comply with the high
5 performance standard certification program established pursuant to section
6 24-30-1305, C.R.S.

7 (III) Any plan for any such capital construction OR ACQUISITION
8 project that is estimated to require total expenditures of two million
9 dollars or less shall not be subject to review or approval by the
10 commission.

11 (b) Upon approval of a plan for a capital construction OR
12 ACQUISITION project pursuant to paragraph (a) of this subsection (10), the
13 commission shall submit the plan to the capital development committee.
14 The capital development committee shall make a recommendation
15 regarding the project to the joint budget committee. Following the receipt
16 of the recommendation, the joint budget committee shall refer its
17 recommendations regarding the project, with written comments, to the
18 commission.

19 (10.5) (a) For any project commenced pursuant to subsection (9)
20 or (10) of this section, if, after commencement of ACQUISITION OR
21 construction, the governing board of the institution receives an additional
22 gift, grant, or donation for the project, the governing board may amend the
23 project without the approval of the commission, the office of state
24 planning and budgeting, the capital development committee, or the joint
25 budget committee so long as the governing board notifies the commission,
26 the office of state planning and budgeting, the capital development
27 committee, and the joint budget committee in writing, explaining how the

1 project has been amended and verifying the receipt of the additional gift,
2 grant, or donation.

3 (11) (a) Each state institution of higher education shall submit to
4 the commission on or before September 1 of each year a list and
5 description of each project for which an expenditure was made during the
6 immediately preceding fiscal year that:

7 (IV) Was amended or enhanced after commencement of
8 ACQUISITION OR construction pursuant to subsection (10.5) of this section.

9 **SECTION 36.** 24-51-1101 (1.8) (e), Colorado Revised Statutes,
10 as enacted by Senate Bill 10-001, is amended to read:

11 **24-51-1101. Employment after service retirement.**

12 (1.8) (e) (I) For purposes of this subsection (1.8), "state college or
13 university" means any A postsecondary educational institution including
14 community and junior colleges, established and existing pursuant to
15 SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION and title 23,
16 C.R.S., as an agency of the state of Colorado and supported wholly or in
17 part by tax revenues AND, FOR A POSTSECONDARY EDUCATIONAL
18 INSTITUTION WITH MORE THAN ONE PRINCIPAL CAMPUS AS SPECIFIED IN
19 SUBPARAGRAPH (II) OF THIS PARAGRAPH (e), THE SYSTEM ADMINISTRATION
20 OF THE POSTSECONDARY EDUCATIONAL INSTITUTION AND EACH PRINCIPAL
21 CAMPUS OF THE POSTSECONDARY EDUCATIONAL INSTITUTION.

22 (II) AS USED IN THIS PARAGRAPH (e), "PRINCIPAL CAMPUS" MEANS:

23 (A) EACH CAMPUS OF THE UNIVERSITY OF COLORADO AS
24 DESCRIBED IN SECTION 23-20-101, C.R.S.:

25 (B) EACH INSTITUTION OF THE COLORADO STATE UNIVERSITY
26 SYSTEM ESTABLISHED IN SECTIONS 23-31-101 AND 23-31.5-101, C.R.S.,
27 BUT NOT INCLUDING THE ONLINE UNIVERSITY ESTABLISHED IN SECTION

1 23-30-124, C.R.S.; AND

2 (C) EACH COLLEGE INCLUDED IN THE STATE SYSTEM OF
3 COMMUNITY AND TECHNICAL COLLEGES AS LISTED IN SECTION 23-60-205,
4 C.R.S.

5 SECTION 37. The introductory portion to 23-41-104.6 (3) and
6 23-41-104.6 (4), Colorado Revised Statutes, are amended to read:

7 **23-41-104.6. Performance contract - authorization -**
8 **operations.** (3) Beginning July 1, 2001, FOR THE CONTRACT IN EFFECT
9 THROUGH JUNE 30, 2011, AND BEGINNING JULY 1, 2010, FOR THE
10 CONTRACT IN EFFECT THROUGH JUNE 30, 2021, the board of trustees of the
11 Colorado school of mines shall negotiate a performance contract with the
12 Colorado commission on higher education that shall specify the
13 performance goals that the institution shall achieve during the period that
14 it operates under the performance contract. Compliance with the goals
15 specified in the performance contract shall be in lieu of compliance with
16 the requirements of the "Higher Education Quality Assurance Act", article
17 13 of this title, and the Colorado school of mines shall therefore be
18 exempt from the requirements of said act while operating pursuant to the
19 performance contract. The specified goals shall be measurable and
20 specific to the Colorado school of mines' role and mission and shall
21 include, at a minimum, the following issues:

22 (4) (a) The performance contract CONTRACTS negotiated pursuant
23 to this section shall not take effect until approved by a joint resolution
24 adopted by the general assembly. The grounds for rejection of the
25 performance contract CONTRACTS shall include the effect of the provisions
26 of the contract CONTRACTS on the funding for the Colorado school of
27 mines and funding for the statewide system of higher education.

1 (b) As early as possible during the 2002 regular session AND AS
2 EARLY AS POSSIBLE DURING THE 2011 REGULAR SESSION, the Colorado
3 commission on higher education shall present the finalized performance
4 contract FOR THE APPLICABLE CONTRACT PERIOD at a joint session of the
5 education committees of the senate and the house of representatives, OR
6 ANY SUCCESSOR COMMITTEES, and the joint budget committee of the
7 general assembly. The members of the education committees and the
8 members of the joint budget committee shall review the financial effect
9 of the provisions of the contract with regard to funding for the Colorado
10 school of mines or funding for the statewide system of higher education
11 and may recommend changes to the terms of the performance contract or
12 renegotiation of the performance contract. If a majority of the members
13 of the education committees and the members of the joint budget
14 committee approve the terms of the performance contract, the chairmen
15 of the education committees, in cooperation with the joint budget
16 committee, shall sponsor a joint resolution to recognize and approve the
17 performance contract. The performance contract shall be deemed
18 approved upon final passage of said joint resolution.

19 (c) The school of mines shall operate pursuant to the performance
20 contract THAT IS APPROVED BY JOINT RESOLUTION PASSED DURING THE
21 2002 REGULAR SESSION beginning on the date the performance contract is
22 approved and continuing through June 30, 2011. THE SCHOOL OF MINES
23 SHALL OPERATE PURSUANT TO THE PERFORMANCE CONTRACT THAT IS
24 APPROVED BY JOINT RESOLUTION PASSED DURING THE 2011 REGULAR
25 SESSION BEGINNING ON THE DATE THE PERFORMANCE CONTRACT IS
26 APPROVED AND CONTINUING THROUGH JUNE 30, 2021.

27 **SECTION 38.** Article 41 of title 23, Colorado Revised Statutes,

1 is amended BY THE ADDITION OF A NEW SECTION to read:

2 **23-41-104.7. Funding.** (1) BEGINNING IN THE 2011-12 FISCAL
3 YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21
4 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO
5 THE COLORADO SCHOOL OF MINES AN AMOUNT OF FUNDING IN LIEU OF ANY
6 FUNDING THE INSTITUTION MAY HAVE OTHERWISE RECEIVED THROUGH
7 FEE-FOR-SERVICE CONTRACTS NEGOTIATED BY THE INSTITUTION WITH THE
8 COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION
9 23-5-130. THE AMOUNT OF THE APPROPRIATION SHALL BE DETERMINED
10 ANNUALLY THROUGH THE BUDGET PROCESS.

11 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (2), THE COLORADO SCHOOL OF MINES SHALL USE A PORTION
13 OF THE MONEYS APPROPRIATED PURSUANT TO THIS SECTION TO PROVIDE
14 MERIT-BASED SCHOLARSHIPS, NEED-BASED FINANCIAL AID, AND GRADUATE
15 FELLOWSHIPS TO ASSIST STUDENTS WITH IN-STATE CLASSIFICATION TO
16 ATTEND THE INSTITUTION AND SHALL INCREASE SAID PORTION TO ENSURE
17 THAT, NO LATER THAN THE 2020-21 FISCAL YEAR AND FOR EACH FISCAL
18 YEAR THEREAFTER, THE MONEYS APPROPRIATED PURSUANT TO THIS
19 SECTION ARE USED SOLELY FOR SAID PURPOSES.

20 (b) IN ANY FISCAL YEAR IN WHICH THE AVERAGE DISCOUNTED
21 TUITION RATE FOR A STUDENT WITH IN-STATE CLASSIFICATION WHO IS
22 ENROLLED AT THE COLORADO SCHOOL OF MINES IS GREATER THAN THIRTY
23 PERCENT, THE INSTITUTION MAY USE ANY AMOUNT OF THE APPROPRIATION
24 THAT IS NOT USED TO MAINTAIN THE AVERAGE DISCOUNTED TUITION RATE
25 AT THIRTY PERCENT FOR OTHER OPERATIONAL PURPOSES. AS USED IN THIS
26 PARAGRAPH (b), "AVERAGE DISCOUNTED TUITION RATE" MEANS THE TOTAL
27 OF THE AMOUNT OF SCHOLARSHIPS, FINANCIAL AID, AND GRADUATE

1 FELLOWSHIPS AWARDED TO STUDENTS ENROLLED IN THE INSTITUTION
2 DIVIDED BY THE TOTAL TUITION REVENUE.

3 (3) IN ANY FISCAL YEAR IN WHICH THE COLORADO SCHOOL OF
4 MINES RECEIVES AN APPROPRIATION PURSUANT TO THIS SECTION, THE
5 INSTITUTION SHALL NOT BE ELIGIBLE TO RECEIVE FUNDING PURSUANT TO
6 A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION
7 23-5-130.

8 **SECTION 39.** 23-41-102, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **23-41-102. Board of trustees - term.** (3) IN APPOINTING PERSONS
11 TO THE COLORADO SCHOOL OF MINES BOARD OF TRUSTEES ON OR AFTER
12 JULY 1, 2010, THE GOVERNOR SHALL ENSURE THAT NO MORE THAN TWO OF
13 THE MEMBERS SERVING ON THE BOARD OF TRUSTEES AT ANY ONE TIME
14 RESIDE OUTSIDE THE STATE OF COLORADO. IN ADDITION, THE GOVERNOR
15 SHALL BASE HIS OR HER APPOINTMENTS ON CONSIDERATIONS OF:

16 (a) AN APPOINTEE'S PROFESSIONAL BACKGROUND RELATED TO THE
17 INDUSTRIES AND FIELDS FOR WHICH THE COLORADO SCHOOL OF MINES
18 PREPARES STUDENTS FOR EMPLOYMENT AND IN WHICH THE FACULTY OF
19 THE INSTITUTION CONDUCT RESEARCH;

20 (b) OTHER AREAS OF PROFESSIONAL EXPERTISE THAT AN APPOINTEE
21 MAY BRING TO HIS OR HER SERVICE ON THE BOARD OF TRUSTEES; AND

22 (c) THE APPOINTEE'S COMMITMENT TO USING HIS OR HER PERSONAL
23 TIME AND EFFORTS TO SERVE AND SUPPORT THE COLORADO SCHOOL OF
24 MINES.

25 **SECTION 40.** 24-6-402 (3), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **24-6-402. Meetings - open to public - definitions.**

1 (3) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OR (b) OF
2 THIS SUBSECTION (3) TO THE CONTRARY, UPON THE AFFIRMATIVE VOTE OF
3 TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BOARD OF AN
4 INSTITUTION OF HIGHER EDUCATION WHO ARE AUTHORIZED TO VOTE, THE
5 GOVERNING BOARD MAY HOLD AN EXECUTIVE SESSION IN ACCORDANCE
6 WITH THE PROVISIONS OF THIS SUBSECTION (3).

7 **SECTION 41.** 23-5-101.5 (2) (a), Colorado Revised Statutes, is
8 amended to read:

9 **23-5-101.5. Enterprise status of auxiliary facilities - definitions.**

10 (2) As used in this section and sections 23-5-101.7 to 23-5-105.5:

11 (a) "Auxiliary facility" means any student or faculty housing
12 facility; student or faculty dining facility; recreational facility; student
13 activities facility; child care facility; continuing education facility or
14 activity; intercollegiate athletic facility or activity; health facility;
15 ALTERNATIVE OR RENEWABLE ENERGY PRODUCING FACILITY, INCLUDING
16 BUT NOT LIMITED TO, A SOLAR, WIND, BIOMASS, GEOTHERMAL, OR
17 HYDROELECTRIC FACILITY; college store; or student or faculty parking
18 facility; or any similar facility or activity ~~which~~ THAT has been historically
19 managed, and was accounted for in institutional financial statements
20 prepared for fiscal year 1991-92, as a self-supporting facility or activity,
21 including any additions to and any extensions or replacements of any such
22 facility on any campus under the control of the governing board managing
23 such facility. "Auxiliary facility" shall also mean any activity undertaken
24 by the governing board of any state-supported institution of higher
25 education as an eligible lender participant pursuant to parts 1 and 2 of
26 article 3.1 of this title.

27 **SECTION 42.** 23-5-102 (2), Colorado Revised Statutes, is

1 amended to read:

2 **23-5-102. Funding for auxiliary facilities - institutions of**
3 **higher education - loans - bonds.** (2) The governing board of any
4 institution of higher education by resolution may issue revenue bonds on
5 behalf of any auxiliary facility or group of auxiliary facilities or on behalf
6 of any institution or group of institutions managed by such governing
7 board for the purpose of obtaining funds for constructing, otherwise
8 acquiring, equipping, or operating such auxiliary facility or group of
9 auxiliary facilities or for facilities for such institution or group of
10 institutions. Any bonds issued on behalf of any auxiliary facility or group
11 of auxiliary facilities, other than housing facilities, dining facilities,
12 recreational facilities, health facilities, parking facilities, ALTERNATIVE OR
13 RENEWABLE ENERGY PRODUCING FACILITIES INCLUDING BUT NOT LIMITED
14 TO, SOLAR, WIND, BIOMASS, GEOTHERMAL, OR HYDROELECTRIC FACILITIES,
15 research facilities that are funded from a revolving fund, or designated
16 enterprise auxiliary facilities listed in section 23-5-101.5 (4) may be issued
17 only after approval by both houses of the general assembly either by bill
18 or by joint resolution and after approval by the governor in accordance
19 with section 39 of article V of the state constitution. The governing board
20 of an institution or group of institutions that issues bonds on behalf of the
21 institution or group of institutions, which is designated as an enterprise
22 pursuant to section 23-5-101.7, shall file notice of such issuance with the
23 Colorado commission on higher education. Bonds issued pursuant to this
24 subsection (2) shall be payable only from revenues generated by the
25 auxiliary facility or group of auxiliary facilities or by the institution or
26 group of institutions on behalf of which such bonds are issued; except
27 that, subject to section 23-1-123 (5) (a) (III) and (5) (b) (II), revenues

1 generated by a designated enterprise that is associated with the university
2 of Colorado may be pledged for the repayment of bonds issued by another
3 designated enterprise auxiliary facility that is not part of the same
4 enterprise. Such bonds shall be issued in accordance with the provisions
5 of section 23-5-103 (2). The termination, rescission, or expiration of the
6 enterprise designation of any auxiliary facility or group of auxiliary
7 facilities pursuant to section 23-5-101.5 (3) or of any institution or group
8 of institutions shall not adversely affect the validity of or security for any
9 revenue bonds issued on behalf of any auxiliary facility or group of
10 auxiliary facilities or on behalf of any institution or group of institutions.

11 **SECTION 43. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.