

## CHAPTER 296

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**EDUCATION - UNIVERSITIES AND COLLEGES**

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**HOUSE BILL 94-1355**

BY REPRESENTATIVES Sullivan, Berry, Wright, Acquafresca, Pierson, and Williams;  
also SENATORS Meiklejohn, Mares, Norton, L. Powers, and Traylor.

**AN ACT**

**CONCERNING ADMINISTRATIVE RESPONSIBILITIES PERTAINING TO HIGHER EDUCATION, AND, IN CONNECTION THEREWITH, REQUIRING DEVELOPMENT OF A STATEWIDE ENROLLMENT PLAN FOR INSTITUTIONS OF HIGHER EDUCATION AND ELIMINATING CERTAIN ADMINISTRATIVE REQUIREMENTS.**

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

**SECTION 1.** 23-1-101, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-1-101. Legislative declaration.** The purposes of this article are to maximize opportunities for postsecondary education in Colorado; to avoid and to eliminate needless duplication of facilities and programs in state-supported institutions of higher education; to achieve simplicity of state administrative procedures pertaining to higher education; to effect the best utilization of available resources so as to achieve an adequate level of higher education in the most economic manner; TO ACCOMMODATE STATE PRIORITIES AND THE NEEDS OF INDIVIDUAL STUDENTS THROUGH IMPLEMENTATION OF A STATEWIDE ENROLLMENT PLAN; and to continue to recognize the constitutional and statutory responsibilities of duly constituted governing boards of state-supported institutions of higher education in Colorado. In this article, express powers and duties are delegated to a central policy and coordinating board, the Colorado commission on higher education. The ultimate authority and responsibility is expressly reserved to the general assembly, and it is the duty of the Colorado commission on higher education to implement the policies of the general assembly.

**SECTION 2.** Title 23, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

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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.*

**ARTICLE 1.5**  
**Statewide Enrollment Plan**

**23-1.5-101. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS THAT, IN ORDER TO MEET THE INCREASING DEMANDS ON THE STATE SYSTEM OF HIGHER EDUCATION, THE STATE MUST DEVELOP A COMPREHENSIVE STATEWIDE ENROLLMENT PLAN THAT WILL ADDRESS ISSUES OF RESOURCES, CAPACITY, AND QUALITY AND WILL SPECIFY THE OVERALL GOALS OF THE STATE SYSTEM OF HIGHER EDUCATION.

**23-1.5-102. Higher education planning committee - creation - duties.** (1) THE HIGHER EDUCATION PLANNING COMMITTEE APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL SUBMIT FOR INTRODUCTION AS A BILL IN THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY A COMPREHENSIVE STATEWIDE ENROLLMENT PLAN FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION THAT MEETS STATE PRIORITIES AND THE NEEDS OF INDIVIDUAL STUDENTS. THE COMMITTEE SHALL DEVELOP THE BILL WITH RECOMMENDATIONS BY THE COLORADO COMMISSION ON HIGHER EDUCATION SUBMITTED PURSUANT TO SECTION 23-1.5-103. THE OBJECTIVE OF THE STATEWIDE ENROLLMENT PLAN IS TO ACCOMMODATE AND NOT RESTRICT ENROLLMENT DEMAND. IN DEVELOPING A STATEWIDE ENROLLMENT PLAN, THE COMMITTEE SHALL EMPHASIZE INCENTIVES FOR CHANGE IN THE STATE'S POSTSECONDARY EDUCATION SYSTEM TO MEET INCREASED ENROLLMENT DEMANDS WITHIN PROJECTED REVENUES, INCLUDING BUT NOT LIMITED TO COLLABORATION WITH KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION, WORK FORCE TRAINING, AND DIRECTION OF STUDENTS TOWARD ENROLLMENT IN LOW-COST INSTITUTIONS. THE COMMITTEE SHALL WORK WITH THE COLORADO COMMISSION ON HIGHER EDUCATION IN DEVELOPING THE STATEWIDE ENROLLMENT PLAN.

(2) (a) THE HIGHER EDUCATION PLANNING COMMITTEE SHALL CONSIST OF TWELVE MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS FOLLOWS:

(I) FIVE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE, NO MORE THAN THREE OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY; AND

(II) SEVEN MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NO MORE THAN FOUR OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

(b) THE PRESIDENT OF THE SENATE SHALL SELECT THE CHAIRPERSON OF THE HIGHER EDUCATION PLANNING COMMITTEE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE VICE CHAIRPERSON OF THE COMMITTEE. THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO CARRY OUT ITS DUTIES PURSUANT TO THIS SECTION.

(c) LEGISLATION RECOMMENDED BY THE HIGHER EDUCATION PLANNING COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(d) MEMBERS OF THE HIGHER EDUCATION PLANNING COMMITTEE SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN CONNECTION WITH THE

PERFORMANCE OF THEIR DUTIES AND SHALL BE PAID THE SAME PER DIEM AS OTHER MEMBERS OF INTERIM COMMITTEES IN ATTENDANCE AT MEETINGS. ALL REIMBURSEMENTS AND PER DIEM SHALL BE PAID OUT OF AVAILABLE APPROPRIATIONS.

(e) THE LEGISLATIVE COUNCIL STAFF, THE OFFICE OF LEGISLATIVE LEGAL SERVICES STAFF, AND THE COLORADO COMMISSION ON HIGHER EDUCATION STAFF SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION. ALL STAFF ASSISTANCE SHALL BE PROVIDED WITHIN AVAILABLE APPROPRIATIONS.

**23-1.5-103. Statewide enrollment plan - policies.** (1) ON OR BEFORE SEPTEMBER 1, 1994, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL STUDY AND SUBMIT TO THE HIGHER EDUCATION PLANNING COMMITTEE RECOMMENDATIONS FOR THE STATEWIDE ENROLLMENT PLAN. IN DEVELOPING RECOMMENDATIONS FOR A STATEWIDE ENROLLMENT PLAN, THE COLORADO COMMISSION ON HIGHER EDUCATION MAY CONSIDER AND RECOMMEND HIGHER EDUCATION POLICIES INCLUDING, BUT NOT LIMITED TO, POLICIES IN THE FOLLOWING AREAS AS THEY RELATE TO ENROLLMENT:

(a) MATRICULATION AND TRANSFER OF STUDENTS BETWEEN AND WITHIN INSTITUTIONS OF HIGHER EDUCATION;

(b) AVAILABILITY OF APPROPRIATE CORE CURRICULUM FOR INSTITUTIONS OF HIGHER EDUCATION IN ACCORDANCE WITH EACH INSTITUTION'S ROLE AND MISSION;

(c) SETTING OF TUITION, WHICH POLICY IS DEVELOPED IN CONSULTATION WITH THE JOINT BUDGET COMMITTEE;

(d) ADMISSIONS REQUIREMENTS FOR ENTERING FRESHMEN AND TRANSFERRING STUDENTS THAT TAKE INTO CONSIDERATION THE CONTENT STANDARDS ESTABLISHED PURSUANT TO PART 4 OF ARTICLE 53 OF TITLE 22, C.R.S.;

(e) NECESSARY LEVELS OF STATE SUPPORT FOR INSTITUTIONS OF HIGHER EDUCATION, WHICH POLICY IS DEVELOPED IN CONSULTATION WITH THE JOINT BUDGET COMMITTEE;

(f) APPROPRIATE PERCENTAGES OF RESIDENT AND NONRESIDENT STUDENTS WITHIN AN INSTITUTION OF HIGHER EDUCATION, SO LONG AS ANY POLICIES ADOPTED IN THIS AREA COMPLY WITH THE REQUIREMENTS OF SECTION 23-1-113.5;

(g) PROVISION OF STUDENT ADVISING AND COUNSELING SERVICES;

(h) COORDINATION BETWEEN THE STATE POSTSECONDARY EDUCATION SYSTEM AND THE KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION SYSTEM;

(i) DISTRIBUTION OF FACULTY EFFORTS AND INSTITUTIONAL PRODUCTIVITY IN INSTITUTIONS OF HIGHER EDUCATION; AND

(j) INCREASING ENROLLMENT OF UNDER-REPRESENTED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION.

(2) IN PREPARING RECOMMENDATIONS FOR THE STATEWIDE ENROLLMENT PLAN, THE COMMISSION SHALL CONSIDER AND RECOMMEND TO THE COMMITTEE THOSE PROGRAMS, REQUIREMENTS, AND STATE MANDATES THAT THE COMMISSION RECOMMENDS FOR ELIMINATION.

**SECTION 3.** 23-1-106 (5), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning.** (5) The commission shall approve plans for any capital construction project at any institution, including a ~~local district college, community college, or area vocational school~~, regardless of the source of funds; EXCEPT THAT THE COMMISSION NEED NOT APPROVE PLANS FOR ANY CAPITAL CONSTRUCTION PROJECT AT A LOCAL DISTRICT COLLEGE OR AREA VOCATIONAL SCHOOL. The commission may except from the requirements for program and physical planning any project which will require less than ~~two hundred fifty~~ FIVE HUNDRED thousand dollars of state moneys.

**SECTION 4.** 23-1-107 (2) (a.5), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

**23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.** (2) (a.5) ~~As a part of commission policies established for the distribution of appropriations under section 23-1-105 (3), the commission shall create and implement a structure of financial incentives to encourage and reward program discontinuance.~~

**SECTION 5.** 23-1-108 (11), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

**23-1-108. Duties and powers of the commission with regard to systemwide planning.** (11) ~~The commission, in cooperation with the various institutions, shall prepare a plan designed to encourage the recruitment and training of faculty members and academic administrators in Colorado to prepare such persons for their assumption of greater administrative responsibilities in institutions of higher education in this state.~~

**SECTION 6. Repeal.** 23-1-109.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed.

**SECTION 7.** 23-1-113 (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education.** (1) (c) The standards established shall use ~~the following two criteria for admitted transfer students: college grade point average and college class rank.~~ AS THE CRITERION FOR ADMITTED TRANSFER STUDENTS. In lieu of such ~~criteria~~ CRITERION, additional criteria may be used for up to twenty percent of the admitted transfer students. The academic admission standards and policies established for transfer students shall be consistent with the student transfer agreements established by the commission pursuant to section

23-1-108 (7).

**SECTION 8.** 23-5-101, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**23-5-101. Colorado educational institutions - annual reports.** ~~The president of the board of regents of the university of Colorado; the president of the board of trustees of the Colorado school of mines; the president of the state board of agriculture for Colorado state university, the university of southern Colorado, and Fort Lewis college; the president of the board of trustees for the university of northern Colorado; the president of the trustees of the state colleges in Colorado for Western state college of Colorado, Adams state college of Colorado, Mesa state college, and Metropolitan state college of Denver; the chairman of the state board for community colleges and occupational education for the institutions under the state board's governance; and the commissioner of education for the Colorado school for the deaf and the blind shall each prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to their respective institutions.~~

**SECTION 9.** 23-5-106, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-5-106. Authority of governing boards - general - recruiting.** (1) The governing board of any state institution of higher education has the authority to promulgate rules and regulations for the safety and welfare of students, employees, and property, to promulgate rules and regulations necessary for the governance of the respective institutions, and to promulgate rules and regulations deemed necessary to carry out the provisions of sections 23-5-106 to 23-5-110.

(2) THE GOVERNING BOARD OF ANY STATE INSTITUTION OF HIGHER EDUCATION SHALL NOT PROMULGATE ANY RULES OR REGULATIONS THAT RESTRICT OR PROHIBIT ON-CAMPUS RECRUITING BY ANY LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY; EXCEPT THAT RECRUITING ACTIVITIES BY ANY LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY SHALL BE SUBJECT TO THE SAME TIME, PLACE, OR MANNER RESTRICTIONS THAT APPLY TO OTHER ENTITIES THAT CONDUCT RECRUITING ON CAMPUS.

**SECTION 10.** 24-75-104 (3), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-75-104. Gifts and bequests to state institutions of higher education - effect.** (3) (a) Commencing January 30, 1976, and each January 30 thereafter, each state institution of higher education shall submit to the governor and general assembly a complete listing of all endowments, gifts, and bequests made to said state institution of higher education during the immediately preceding calendar year.

(b) BEGINNING WITH THE ENDOWMENT LIST SUBMITTED PURSUANT TO THIS SUBSECTION (3) ON JANUARY 30, 1995, AND FOR EACH LIST SUBMITTED THEREAFTER, THE ENDOWMENT LIST SHALL INCLUDE ALL ENDOWMENTS, GIFTS, AND BEQUESTS

MADE TO THE STATE INSTITUTION OF HIGHER EDUCATION DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR RATHER THAN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

**SECTION 11. Repeal.** 23-3.3-203, Colorado Revised Statutes, 1988 Repl. Vol., is repealed.

**SECTION 12. Repeal.** Article 3.8 of title 23, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed.

**SECTION 13. No Appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

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

Approved: May 31, 1994