

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0694.01 Rebecca Bayetti x4348

SENATE BILL 26-078

SENATE SPONSORSHIP

Amabile and Kirkmeyer,

HOUSE SPONSORSHIP

Smith and Taggart,

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO CERTAIN STATUTES RELATING TO**
102 **INSTITUTIONS OF HIGHER EDUCATION, AND, IN CONNECTION**
103 **THEREWITH, CHANGING PROCEDURES RELATING TO**
104 **INFORMATION SHARING, DATA, AND CAPITAL CONSTRUCTION**
105 **PROJECTS.**

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://leg.colorado.gov>.)

The bill modifies statutes relating to state institutions of higher education (institutions) in the following areas: Fiscal impact information

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

for legislative measures, definitions related to electric and plumbing work, data policies and coordination, capital construction review processes, and bond requirements and procedures for the university of Colorado.

Fiscal impact information. The bill requires that, within 3 days of an institution or its governing board submitting information on the fiscal impact of a legislative measure to the department of higher education (department) to assist the department in responding to a request from the staff of the legislative council (LCS), the department share with the submitting institution or its governing board the department's official response to the LCS regarding the fiscal impact of the legislative measure.

Definitions. The bill modifies definitions in statutes relating to performing electric and plumbing work on the campuses of the university of Colorado and the Colorado state university to remove existing restrictions so that the university of Colorado can perform work on any building on the campus that the university owns or leases.

Data policies and coordination. The bill requires the department to create a data advisory group no later than July 1, 2026. The data advisory group is made up of representatives from the department and the institutions. The data advisory group must meet quarterly beginning no later than September 30, 2026, and is charged with developing policies and procedures for the collection, storage, and use of data from institutions. The bill adds one member of the data advisory group selected by the Colorado commission on higher education (commission) to the advisory committee to the commission and adds the data advisory group to the list of entities the commission is required to work with to collect data necessary to develop and implement the commission's master plan. The bill also requires the department, in collaboration with the governing boards and institutions that report student data to the commission and the department, to provide access, upon request of a governing board or institution, to de-identified statewide institutional and student data.

Capital construction. The bill increases the dollar-amount threshold from \$2 million to \$5 million for exceptions from the requirements for program and physical planning, exceptions from commission approval and capital development committee (CDC) and joint budget committee (JBC) review of capital construction projects funded from certain sources, and exceptions from commission approval of capital construction projects funded from cash funds. The bill also exempts from the review and approval of the commission, the CDC, and the JBC any capital construction or capital renewal project funded solely from cash funds held by an institution that are not derived from student fees, so long as the institution has not participated in the higher education revenue bond intercept program for at least the preceding 5 years.

Bond requirements and procedures. The bill modifies certain

bond requirements and procedures specific to the university of Colorado to align with current practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-2-322, **add** (3.5)

3 as follows:

4 **2-2-322. Fiscal notes - definitions - repeal.**

5 (3.5) (a) WITHIN THREE DAYS OF AN INSTITUTION OF HIGHER
6 EDUCATION OR ITS GOVERNING BOARD SUBMITTING INFORMATION ABOUT
7 THE FISCAL IMPACT OF A LEGISLATIVE MEASURE TO THE DEPARTMENT OF
8 HIGHER EDUCATION TO ASSIST THE DEPARTMENT IN RESPONDING TO A
9 REQUEST FOR INFORMATION MADE PURSUANT TO SUBSECTION (3)(a) OF
10 THIS SECTION, THE DEPARTMENT OF HIGHER EDUCATION SHALL GRANT THE
11 SUBMITTING INSTITUTION OF HIGHER EDUCATION OR ITS GOVERNING
12 BOARD ACCESS TO THE DEPARTMENT'S OFFICIAL RESPONSE TO THE STAFF
13 OF THE LEGISLATIVE COUNCIL REGARDING THE FISCAL IMPACT OF THE
14 LEGISLATIVE MEASURE.

15 (b) AS USED IN THIS SUBSECTION (3.5):

16 (I) "DEPARTMENT OF HIGHER EDUCATION" MEANS THE
17 DEPARTMENT OF HIGHER EDUCATION CREATED IN SECTION 24-1-114.

18 (II) "INSTITUTION OF HIGHER EDUCATION" MEANS:

19 (A) A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
20 SECTION 23-18-102 (10);

21 (B) A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION
22 23-71-102 (1)(a);

23 (C) AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION
24 23-60-103 (1); AND

25 (D) THE AURARIA HIGHER EDUCATION CENTER CREATED IN

1 ARTICLE 70 OF TITLE 23.

2 **SECTION 2.** In Colorado Revised Statutes, 12-115-103, **amend**
3 (10) as follows:

4 **12-115-103. Definitions.**

5 As used in this article 115, unless the context otherwise requires:

6 (10) "Qualified state institution of higher education" means

7 (a) one of the state institutions of higher education established
8 under, specified in, and located upon the campuses described in sections
9 23-20-101 (1)(a), **23-20-101 (1)(b)**, **23-20-101 (1)(d)**, and 23-31-101,
10 limited to the buildings owned or leased by those institutions on the
11 campuses.

12 (b) ~~The institution whose campus is established under and~~
13 ~~specified in section 23-20-101(1)(b), but limited to the buildings located~~
14 ~~in Denver at 1380 Lawrence street, 1250 Fourteenth street, and 1475~~
15 ~~Lawrence street; and~~

16 (c) ~~The institution whose campus is established under and~~
17 ~~specified in section 23-20-101 (1)(d), but limited to current and future~~
18 ~~buildings owned, leased, or built on land owned on or before January 1,~~
19 ~~2015, by the university of Colorado on the campus described in section~~
20 ~~23-20-101(1)(d)~~.

21 **SECTION 3.** In Colorado Revised Statutes, 12-155-103, **amend**
22 (12) as follows:

23 **12-155-103. Definitions.**

24 As used in this article 155, unless the context otherwise requires:

25 (12) "Qualified state institution of higher education" means

26 (a) one of the state institutions of higher education established
27 under, specified in, and located upon the campuses described in sections

1 23-20-101 (1)(a), **23-20-101 (1)(b)**, **23-20-101 (1)(d)**, and 23-31-101,
2 limited to the buildings owned or leased by those institutions on those
3 campuses.

4 ~~(b) The institution whose campus is established under and~~
5 ~~specified in section 23-20-101 (1)(b), but limited to the buildings located~~
6 ~~in Denver at 1380 Lawrence street, 1250 Fourteenth street, and 1475~~
7 ~~Lawrence street, and~~

8 ~~(c) The institution whose campus is established under and~~
9 ~~specified in section 23-20-101 (1)(d), but limited to current and future~~
10 ~~buildings owned or leased or built on land owned on or before January 1,~~
11 ~~2015, by the university of Colorado on the campus described in section~~
12 ~~23-20-101 (1)(d).~~

13 **SECTION 4.** In Colorado Revised Statutes, 23-1-101.1, **add** (1.5)
14 as follows:

15 **23-1-101.1. Definitions.**

16 As used in this article 1, unless the context otherwise requires:

17 (1.5) "DATA ADVISORY GROUP" MEANS THE DATA ADVISORY
18 GROUP CREATED IN SECTION 23-1-144.

19 **SECTION 5.** In Colorado Revised Statutes, 23-1-103, **amend** (1)
20 introductory portion and (1)(b) as follows:

21 **23-1-103. Advisory committee to the Colorado commission on**
22 **higher education.**

23 (1) There is ~~hereby~~ established an advisory committee to the
24 commission for the purpose of suggesting solutions for the problems and
25 needs of higher education and maintaining liaison with the general
26 assembly and the governing boards for state-supported institutions of
27 higher education. The advisory committee ~~shall consist~~ CONSISTS of not

1 less than ~~thirteen~~ FOURTEEN members, to be designated as follows:

2 (b) ~~One member shall be selected and designated by~~ The
3 commission SHALL SELECT AND DESIGNATE:

4 (I) ONE MEMBER to represent the faculty in the state; ~~and~~

5 (II) ~~One member shall be selected and designated by the~~
6 commission to represent the students in the state;

7 (III) On and after August 5, 2009, ~~the commission shall select and~~
8 ~~designate~~ one member who, at the time of designation, is a parent of a
9 student who is enrolled in a state-supported institution of higher
10 education in Colorado to represent the parents of students; AND

11 (IV) ON AND AFTER JULY 1, 2026, ONE MEMBER WHO IS A
12 CURRENT MEMBER OF THE DATA ADVISORY GROUP AND WHO WORKS AT A
13 PUBLIC INSTITUTION OF HIGHER EDUCATION.

14 **SECTION 6.** In Colorado Revised Statutes, 23-1-106, **amend**
15 (5)(b), (6)(b), (9)(d)(II), and (11)(a)(III) as follows:

16 **23-1-106. Duties and powers of the commission with respect**
17 **to capital construction and long-range planning - report - legislative**
18 **declaration - definitions.**

19 (5) (b) The commission may except from the requirements for
20 program and physical planning any project that requires ~~two~~ FIVE million
21 dollars or less if the capital construction project is for new construction
22 and funded solely from cash funds held by the institution or the project is
23 funded through the higher education revenue bond intercept program
24 established pursuant to section 23-5-139, or ten million dollars or less if
25 the project is not for new construction and is funded solely from cash
26 funds held by the institution.

27 (6) (b) The commission shall review, at its next available meeting,

1 any two-year projection of capital construction projects submitted by a
2 state institution of higher education to be undertaken pursuant to
3 subsection (9) of this section and estimated to require total project
4 expenditures exceeding ~~two~~ FIVE million dollars if the capital
5 construction project is for new acquisitions of real property or new
6 construction and funded solely from cash funds held by the institution or
7 the project is funded through the higher education revenue bond intercept
8 program established pursuant to section 23-5-139, or exceeding ten
9 million dollars if the project is not for new acquisitions of real property
10 or new construction and is funded solely from cash funds held by the
11 institution. The projection must include the estimated cost, the method of
12 funding, and a schedule for project completion for each project.

13 (9) (d) (II) A plan for a capital construction or capital renewal
14 project is not subject to review or approval by the commission if such
15 project is:

16 (A) Estimated to require total expenditures of ~~two~~ FIVE million
17 dollars or less if the capital construction project is for new acquisitions of
18 real property or for new construction and funded solely from cash funds
19 held by the institution or the project is funded through the higher
20 education revenue bond intercept program established pursuant to section
23-5-139; or

22 (B) Estimated to require total expenditures of ten million dollars
23 or less if the project is not for new acquisitions of real property or for new
24 construction and is funded solely from cash funds held by the institution;
25 OR

26 (C) FUNDED SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION
27 THAT ARE NOT DERIVED FROM STUDENT FEES, SO LONG AS THE

1 INSTITUTION HAS NOT PARTICIPATED IN THE HIGHER EDUCATION REVENUE
2 BOND INTERCEPT PROGRAM ESTABLISHED PURSUANT TO SECTION 23-5-139
3 FOR AT LEAST THE PRECEDING FIVE YEARS.

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

8 (III) Was estimated to require total expenditures of ~~two~~ FIVE
9 million dollars or less if the capital construction project is for new
10 acquisitions of real property or for new construction and was funded
11 solely from cash funds held by the institution or the project was funded
12 through the higher education revenue bond intercept program established
13 pursuant to section 23-5-139, or was estimated to require total
14 expenditures of ten million dollars or less if the project was not for new
15 acquisitions of real property or for new construction and was funded
16 solely from cash funds held by the institution; or

17 **SECTION 7.** In Colorado Revised Statutes, 23-1-108, **amend**
18 (1.7) as follows:

19 **23-1-108. Duties and powers of the commission with regard to**
20 **systemwide planning - reporting - definitions.**

21 (1.7) The commission, working with the department, THE DATA
22 ADVISORY GROUP, the governing boards, and the institutions of higher
23 education, shall collect data, including but not limited to research
24 conducted by national policy organizations and agencies or institutions of
25 higher education in other states, as necessary to support development and
26 implementation of the master plan pursuant to subsection (1.5) of this
27 section.

1 **SECTION 8.** In Colorado Revised Statutes, 23-1-141, **amend** (1);
2 and **add** (5.5) and (6.5) as follows:

3 **23-1-141. Student success data system - student success data**
4 **transparency - access to data - appropriation - definitions.**

5 (1) As used in this section, unless the context otherwise requires:
6 (a) "Institution of higher education" or "institution" means the
7 state institutions, as defined in section 23-18-102 (10)(a), the local district
8 colleges, and the area technical colleges.

9 (b) (I) "STATEWIDE INSTITUTIONAL AND STUDENT DATA" MEANS
10 DATA PROVIDED BY AN INSTITUTION OF HIGHER EDUCATION TO THE
11 DEPARTMENT OR ANOTHER STATE AGENCY.

12 (II) "STATEWIDE INSTITUTIONAL AND STUDENT DATA" INCLUDES:

13 (A) ALL DATA SUBMISSIONS FROM AN INSTITUTION OF HIGHER
14 EDUCATION TO THE DEPARTMENT;

15 (B) DATA, IN ANY FORMAT, CREATED BY THE DEPARTMENT FOR
16 FUNDING OR RESOURCE ALLOCATION, LEGISLATIVE REPORTS, OR
17 STRATEGIC PLANNING AND ANALYSIS; AND

18 (C) DATA, IN ANY FORMAT, SHARED BY THE DEPARTMENT WITH A
19 THIRD PARTY.

20 (c) "INSTITUTIONAL DATA USERS" MEANS USERS OR CONSUMERS
21 OF DATA THAT ORIGINATES FROM AN INSTITUTION OF HIGHER EDUCATION,
22 INCLUDING AN INSTITUTION, THE DEPARTMENT, ANOTHER STATE AGENCY,
23 OR ANY PERSON THAT HAS ACCESS TO SUCH DATA.

24 (5.5) (a) THE DEPARTMENT SHALL, IN COLLABORATION WITH THE
25 GOVERNING BOARDS AND INSTITUTIONS OF HIGHER EDUCATION THAT
26 REPORT STUDENT DATA TO THE COMMISSION AND THE DEPARTMENT,
27 PROVIDE ACCESS TO DE-IDENTIFIED STATEWIDE INSTITUTIONAL AND

1 STUDENT DATA UPON REQUEST OF A GOVERNING BOARD OR INSTITUTION.

2 (b) THE DEPARTMENT SHALL ENSURE THAT ALL STATEWIDE
3 INSTITUTIONAL AND STUDENT DATA THAT IS SHARED WITH A GOVERNING
4 BOARD OR INSTITUTION IS SHARED THROUGH A SECURE MEANS THAT
5 COMPLIES WITH POLICIES, PROCEDURES, AND OTHER GUIDANCE
6 DEVELOPED BY THE DEPARTMENT AND THE DATA ADVISORY GROUP.

7 (6.5) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE DATA
8 ADVISORY GROUP, DEVELOP POLICIES TO ENSURE THAT INSTITUTIONAL
9 DATA USERS COMPLY WITH ALL STATE AND FEDERAL LAWS, REGULATIONS,
10 AND APPLICABLE GUIDELINES CONCERNING THE PRIVACY OF STUDENT
11 INFORMATION, INCLUDING THE FEDERAL "FAMILY EDUCATIONAL RIGHTS
12 AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

13 **SECTION 9.** In Colorado Revised Statutes, **add** 23-1-144 as
14 follows:

15 **23-1-144. Department directive - creation of data advisory
16 group - development of data policies - definition - repeal.**

17 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES, "INSTITUTIONS OF HIGHER EDUCATION" MEANS INSTITUTIONS
19 OF HIGHER EDUCATION THAT PARTICIPATE IN DATA COLLECTION FOR THE
20 COMMISSION OR THE DEPARTMENT.

21 (2) (a) AS EARLY AS PRACTICABLE BUT NO LATER THAN JULY 1,
22 2026, THE DEPARTMENT SHALL CREATE A DATA ADVISORY GROUP TO
23 DEVELOP POLICIES REGARDING DATA COLLECTION FROM THE GOVERNING
24 BOARDS AND INSTITUTIONS OF HIGHER EDUCATION.

25 (b) THE DATA ADVISORY GROUP CONSISTS OF REPRESENTATIVES
26 FROM INSTITUTIONS OF HIGHER EDUCATION AND THE DEPARTMENT, WITH
27 NO GREATER THAN TWO VOTING MEMBERS FROM THE DEPARTMENT.

1 (3) (a) THE DATA ADVISORY GROUP SHALL:

2 (I) DEVELOP, APPROVE, AND MAINTAIN POLICIES AND PROCEDURES
3 FOR THE COLLECTION, STORAGE, AND USE OF DATA FROM INSTITUTIONS OF
4 HIGHER EDUCATION BY THE DEPARTMENT, STATE AGENCIES, AND THIRD
5 PARTIES;

6 (II) DETERMINE HOW TO APPROACH NEW DATA REPORTING
7 REQUIREMENTS RESULTING FROM LEGISLATION; AND

24 (b) To ACCOMPLISH ITS DUTIES, THE DATA ADVISORY GROUP
25 SHALL MEET AT LEAST QUARTERLY

26 (c) (I) THE DATA ADVISORY GROUP SHALL HOLD ITS FIRST MEETING
27 AS SOON AS PRACTICABLE BUT NO LATER THAN SEPTEMBER 30, 2026.

(II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2027.

2 **SECTION 10.** In Colorado Revised Statutes, 23-20-129.5,
3 **amend** (2) as follows:

23-20-129.5. Enterprise auxiliary facility bonds.

5 (2) The policies and procedures adopted pursuant to subsection (1)
6 of this section shall ~~MUST~~ include ~~but need not be limited to~~, the
7 following requirements:

21 (c) That the university shall annually review the revenue sources
22 identified under ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF
23 THIS SECTION to determine if the financial analysis required in ~~paragraph~~
24 ~~(b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION shows
25 sufficient revenues for payment of principal and interest on the revenue
26 bonds and, if the revenues are not sufficient, take such action as the board
27 of regents ~~and the state auditor shall require~~ REQUIRES to assure that

1 adequate revenues are available to pay the principal and interest on the
2 revenue bonds.

3 (d) ~~That the maximum annual debt service on all revenue bonds~~
4 ~~issued pursuant to section 23-5-102, except as provided for in sections~~
5 ~~23-5-101.8 and 23-5-103, outstanding at any time for the university shall~~
6 ~~not exceed ten percent of the university's unrestricted current fund~~
7 ~~expenditures plus mandatory transfers;~~

8 (e) ~~That the university shall establish and maintain such debt~~
9 ~~service reserves and such reserves for repair and replacement of any~~
10 ~~auxiliary facility or group of auxiliary facilities on behalf of which~~
11 ~~revenue bonds are issued pursuant to section 23-5-102 and as may be~~
12 ~~required by the terms of the resolution, indenture, or other document~~
13 ~~authorizing or executed in connection with the issuance of the revenue~~
14 ~~bonds and subject to review and approval by the state auditor; and~~

15 (f) ~~That the university shall annually report to the state auditor~~
16 ~~regarding compliance with the requirements specified in this subsection~~
17 ~~(2) and any additional requirements that may be imposed by the board of~~
18 ~~regents.~~

19 **SECTION 11. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.