



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

### SB 26-078: CHANGES TO INSTITUTIONS OF HIGHER ED STATUTES

**Prime Sponsors:**

Sen. Amabile; Kirkmeyer  
Rep. Smith; Taggart

**Fiscal Analyst:**

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**Fiscal note status:** This fiscal note reflects the introduced bill.

#### Summary Information

**Overview.** The bill makes several changes to higher education statutes related to data sharing, building maintenance, fiscal analyses, and capital construction.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

**Appropriations.** For FY 2026-27, the bill requires an appropriation of \$388,739 to the Department of Higher Education.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$470,301	\$295,114
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	3.5 FTE	2.5 FTE

Fund sources for these impacts are shown in the table below.

**Table 1A**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
General Fund	\$388,739	\$237,107
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$81,562	\$58,007
<b>Total Expenditures</b>	<b>\$470,301</b>	<b>\$295,114</b>
<b>Total FTE</b>	<b>3.5 FTE</b>	<b>2.5 FTE</b>

## **Summary of Legislation**

The bill makes several changes to higher education statutes related to data sharing, building maintenance, capital construction, fiscal analyses, and revenue bonds.

### **Data**

By July 1, 2026, the Department of Higher Education (CDHE) must create a data advisory group to develop policies regarding data collection from institutions of higher education (IHEs), and assist the department in decisions related to data management and sharing. The advisory group consists of representatives from the department and institutions, must begin meeting quarterly by September 30, 2026, and is charged with developing operational guidelines. Upon request, the CDHE must also provide institutions with access to de-identified statewide institutional and student data submitted to CDHE or another state agency, submitted by CDHE to a third party, or created by CDHE for funding allocation, legislative reports, or strategic planning.

The bill also expands the advisory committee to the Colorado Commission on Higher Education (CCHE) by one member, who works at a public IHE and is a member of the data advisory group.

### **Building Maintenance**

Under current law, the University of Colorado (CU) is restricted from performing certain electrical and plumbing work on specified owned or leased buildings. The bill removes these restrictions and allows CU to perform maintenance activities on any building the university owns or leases on its campuses.

### **Capital Construction**

Under current law, IHEs submit capital construction and capital renewal project plans to the CCHE, the Capital Development Committee, and the Joint Budget Committee for review and approval, with certain exemptions. One exemption applies to new capital construction projects

funded solely from cash funds and requiring \$2.0 million or less in capital. The bill increases this threshold to \$5.0 million. The bill also exempts cash-funded capital construction projects from review when funds are not derived from student fees and the institution has not participated in the higher education revenue bond intercept program within the preceding five years.

## **Fiscal Note Responses**

The bill requires the CDHE to provide IHEs with the department's official fiscal impact response to the Legislative Council Staff within three days of it being submitted.

## **Bond Requirements**

Lastly, the bill modifies revenue bond requirements and procedures for CU to conform statute with existing practice.

## **Background**

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The Data, Research, and Policy Division in the CDHE currently facilitates an informal data advisory group that oversees data collection requirements and procedures, and ensures that institutions of higher education are provided with information collected by the department. The division further manages student-level data for over 40 institutions, supports CCHE reporting, and handles data governance and sharing.

The CDHE currently receives approximately 30 data requests from IHEs per year, of which they fulfill about half due to limited resources and lack of data requested. Each request takes, on average, six months to complete.

## **Assumptions**

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The fiscal note makes the following assumptions about the CDHE's data request process under the bill, based on current practice and future estimates:

- the number of data sharing agreements between the department and IHEs, state agencies, and governing boards will increase from about 10 to 39;
- the number of data requests from IHEs will increase from 30 to 60 per year;
- data requests will take six months to process and complete;
- the amount of data that the CDHE must collect, manage, and share will increase from about 41 collections from the IHEs to all student and institution-level data submitted to any state agency and all CDHE work product that uses collected data;

- the existing data advisory group will dissolve and resources currently used to manage this informal group will be reallocated to the new group; and
- the number of participants on the data advisory group will increase from about 31 to an estimated 50.

If these assumptions change, expenditures may shift to accommodate increased or decreased workload.

## **State Expenditures**

The bill increases state expenditures in the CDHE by about \$470,000 in FY 2026-27 and \$295,000 in FY 2027-28 and future years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the Legislative Department and the IHEs.

**Table 2**  
**State Expenditures**  
**Department of Higher Education**

<b>Cost Component</b>	<b>Budget Year FY 2026-27</b>	<b>Out Year FY 2027-28</b>
Personal Services	\$331,259	\$233,907
Operating Expenses	\$4,480	\$3,200
Capital Outlay Costs	\$28,000	\$0
Data Servers	\$25,000	\$0
Centrally Appropriated Costs	\$81,562	\$58,007
<b>Total Costs</b>	<b>\$470,301</b>	<b>\$295,114</b>
<b>Total FTE</b>	<b>3.5 FTE</b>	<b>2.5 FTE</b>

## **Department of Higher Education**

Starting in FY 2026-27, the CDHE will have ongoing staff and one-time data server costs to implement the bill.

### **Staff**

In FY 2026-27, the CDHE requires 3.5 FTE to facilitate the new structure and requirements of the data advisory group, and meet data sharing obligations under the bill. In future years, staff is reduced to 2.5 FTE for ongoing administrative maintenance and data requests. Specifically, the department requires:

- 1.0 FTE Administrator IV to manage the data advisory group and data policy development, fulfill data sharing requests from institutions, convene quarterly meetings, and coordinate with other state agencies. After initial workload in the first year, this role is reduced to 0.5 FTE.

- 1.0 IT Business Analyst V to ensure compliance with federal and state privacy laws, and manage all data sharing agreements and privacy related policies across institutions. After initial workload in the first year, this role is reduced to 0.5 FTE.
- 1.0 FTE Data Management V to build and maintain data processes and quality controls, fulfill statewide de-identified data requests and support implementation of data governance policies.
- 0.5 FTE IT Support Services III to manage secure access to statewide data systems, including identity management and access controls and logging for audit purposes.

Staff costs and FTE assume a July 1, 2026 start date, and include standard operating and capital outlays costs. If the number of data requests, advisory group participants, or data sharing agreements materially increases beyond the estimates made in the Assumptions section above, staff costs will increase to accommodate the workload.

## **Data Servers**

In FY 2026-27 only, the CDHE requires \$25,000 for two additional data servers and software licensing to manage an increased scope of data collected and processed for requests.

## **Centrally Appropriated Costs**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

## **Other Agency Impacts**

### **Legislative Department**

Workload in the Legislative Department will minimally decrease for the Capital Development Committee, Joint Budget Committee, and Legislative Council Staff to review fewer capital construction requests from IHEs that meet the new exemptions.

### **Institutions of Higher Education**

The bill minimally decreases workload for the IHEs that meet capital request exemptions due to fewer meetings and approvals required for funding. While the total amount of spending on these capital projects is not expected to change, the years in which they occur may adjust with shorter overall lead times between identifying needs and expenditures.

Additionally, expenditures for the University of Colorado to perform maintenance on newly unexempted buildings are expected to remain the same, with costs shifting from external contracts to internal staff. Any material changes to these expenditures will be addressed through the annual budget process.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State Appropriations**

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For FY 2026-27, the bill requires a General Fund appropriation of \$388,739 to the Department of Higher Education, and 3.5 FTE.

## **Departmental Difference**

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The Department of Higher Education estimates that the bill will increase state expenditures by about \$716,000 and 5.4 FTE in FY 2026-27 and \$650,000 and 5.4 FTE in FY 2027-28 and ongoing. This estimate assumes that the advisory group will have 350 participating members to manage, annual data requests will increase from 30 to several hundred, and indirect operating costs associated with human resources, accounting, and procurement for 4.5 FTE require an additional 0.9 FTE. The department also estimates ongoing workload for new staff.

While the fiscal note accounts for an increase in the number of participants and requests, it is assumed that growth will be more manageable and that resources allocated to the existing informal data advisory group will be reallocated to the new formal governing group. On an ongoing basis, the fiscal note estimates a reduced workload once policies are established, automated de-identification processes are developed, and initial data sharing agreements are completed.

## **State and Local Government Contacts**

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Higher Education	Legislative Council Staff
Joint Budget Committee Staff	Personnel
Law	State Auditor