

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0859.04 Brita Darling x2241

SENATE BILL 17-297

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

HOUSE SPONSORSHIP

Hamner, Young, Rankin

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REVISING HIGHER EDUCATION PERFORMANCE**
102 **REQUIREMENTS.**

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 repeals a performance-based funding plan for institutions of higher education (institutions) that was included in the master plan for Colorado postsecondary education. The performance-based funding plan was not implemented.

The bill repeals the statutory provision requiring performance contracts between the department of higher education (department) and

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.

each institution, except for performance contracts with the Colorado school of mines and private institutions participating in the college opportunity fund program. Instead, the department and the public institutions shall affirm annually the institutions' contribution toward meeting master plan goals. The department shall report annually to legislative committees concerning the institutions' progress towards those goals using data collected for state and federal reporting and state funding purposes. The department shall post the information on its website. The bill makes conforming amendments relating to the repeal.

The bill repeals a provision that allowed the Colorado commission on higher education (commission) to waive any provision of article 1 of title 23, Colorado Revised Statutes, for a governing board with a performance contract. The bill replaces this with provisions that modify statutory sections that are currently waived or modified for all the state higher education governing boards as part of their performance contracts. Specifically, the bill:

- ! Removes the requirement that an institution submit a proposal to obtain approval from the commission to create, modify, or discontinue an academic or vocational program, so long as the programs offered are consistent with the institution's statutory role and mission;
- ! Amends provisions relating to commission master plan approval and approval of capital construction projects. Under certain circumstances, and with the commission's approval, an institution is not required to seek facility master plan approval or approval of capital construction projects.
- ! Amends provisions related to student fees to enable the commission to waive fee policies.

The bill makes other changes to commission responsibilities, including repealing an obsolete program for designating institutions' programs of excellence, allowing the commission to waive provisions relating to its oversight of graduate program duplication, requiring a report on student fees to continue indefinitely and to address student tuition, and modifying the commission's responsibilities related to the development of cooperative programs among state-supported institutions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 23-1-105.5
3 as follows:

4 **23-1-105.5. Duties and powers of the commission with respect**

1 **to student fees - report on tuition and fees.** (1) (a) The commission
2 shall adopt policies concerning the collection and use of student fees by
3 the governing boards of the state institutions of higher education, as
4 defined in section 23-5-119.5. The policies may address, but need not be
5 limited to, the purposes for student fees categories of student fees, the
6 distinctions between tuition revenue and student fee revenue, accounting
7 for student fee revenue, student fee fund balances, the minimum level of
8 student involvement in the processes for establishing, reviewing,
9 changing the amount of, and discontinuing student fees, and student fees
10 that apply to a student concurrently enrolled pursuant to article 35 of title
11 22. ~~C.R.S.~~ In preparing the policies, the commission shall seek input from
12 the governing boards, the state institutions of higher education, and the
13 student representative to the advisory committee created pursuant to
14 section 23-1-103 and representatives of the student governments at the
15 state institutions of higher education.

16 (b) THE COMMISSION MAY WAIVE THE REQUIREMENTS OF THE
17 POLICIES ADOPTED PURSUANT TO THIS SUBSECTION (1).

18 (2) (a) On or before January 15, ~~2012~~ 2018, and on or before
19 January 15 each year thereafter, the department shall report to THE JOINT
20 BUDGET COMMITTEE AND the education committees of the house of
21 representatives and the senate, or any successor committees, concerning
22 the governing boards' fee policies, ~~and~~ the collection and use of student
23 fees, AND TUITION RATES.

24 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
25 (11)(a)(I) TO THE CONTRARY, THE REPORT REQUIRED PURSUANT TO
26 SUBSECTION (2)(a) OF THIS SECTION CONTINUES INDEFINITELY.

27 **SECTION 2.** In Colorado Revised Statutes, 23-1-106, **amend**

1 (7)(b); and **add** (14) and (15) as follows:

2 **23-1-106. Duties and powers of the commission with respect**
3 **to capital construction and long-range planning - legislative**
4 **declaration - definitions.** (7) (b) Except as provided in ~~subsection (5)~~
5 SUBSECTIONS (5) AND (15) of this section, it is the policy of the general
6 assembly to appropriate funds only for capital construction or capital
7 renewal projects approved by the commission.

8 (14) WITH THE COMMISSION'S APPROVAL, BEGINNING JULY 1, 2017,
9 A STATE INSTITUTION OF HIGHER EDUCATION IS NOT SUBJECT TO FACILITY
10 MASTER PLAN APPROVAL DESCRIBED IN SUBSECTIONS (3) AND (4) OF THIS
11 SECTION, SO LONG AS THE GOVERNING BOARD OF THE INSTITUTION
12 APPROVES EACH PLAN, NOTIFIES THE COMMISSION OF ITS APPROVAL, AND
13 MAKES THE PLAN AVAILABLE TO THE COMMISSION. SUCH INSTITUTION IS
14 ALSO EXEMPT FROM THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION
15 FOR A PROJECT THE COST OF WHICH DOES NOT EXCEED TWO MILLION
16 DOLLARS.

17 (15) WITH THE COMMISSION'S APPROVAL, BEGINNING JULY 1, 2017,
18 AND NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (7)(b) OF THIS
19 SECTION, A STATE INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED
20 TO SUBMIT PROJECTS FOR FACILITIES TO THE COMMISSION FOR APPROVAL
21 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION SO LONG AS THE
22 INSTITUTION ANNUALLY SUBMITS A REPORT TO THE CAPITAL
23 DEVELOPMENT COMMITTEE THAT IS SUBSTANTIALLY SIMILAR IN CONTENT
24 TO THE REPORT CONCERNING CAPITAL CONSTRUCTION PROJECTS
25 DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION.

26 **SECTION 3.** In Colorado Revised Statutes, 23-1-107, **amend** (1);
27 and **add** (3.5) as follows:

1 **23-1-107. Duties and powers of the commission with respect**
2 **to program approval, review, reduction, and discontinuance.**

3 ~~(1) (a) The commission shall define what constitutes an academic or~~
4 ~~career and technical education program and shall establish criteria or~~
5 ~~guidelines that define programs and procedures for approval of new~~
6 ~~programs~~ A GOVERNING BOARD OF A STATE-SUPPORTED INSTITUTION OF
7 HIGHER EDUCATION IS NOT REQUIRED TO SUBMIT A PROPOSAL TO OR
8 OBTAIN APPROVAL FROM THE COMMISSION TO CREATE, MODIFY, OR
9 DISCONTINUE ACADEMIC OR VOCATIONAL PROGRAMS OFFERED BY THE
10 INSTITUTION, SO LONG AS THE CREATION, MODIFICATION, OR
11 DISCONTINUANCE OF THE ACADEMIC OR VOCATIONAL PROGRAM IS
12 CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION.

13 ~~(b) An institution of higher education shall submit a proposal for~~
14 ~~a new program to the department. Within a reasonable time after receipt~~
15 ~~of a proposal for a new program, the department shall review and,~~
16 ~~consistent with the institutional role and mission and the statewide goals~~
17 ~~specified in section 23-1-108 and further articulated in the master plan~~
18 ~~adopted pursuant to section 23-1-108, make recommendations to the~~
19 ~~commission for appropriate action on a proposal for a new program.~~

20 ~~(c) An institution of higher education shall not establish a new~~
21 ~~program without first notifying and receiving approval from the~~
22 ~~commission.~~

23 ~~(d) The provisions of this subsection (1) shall not apply to an~~
24 ~~institution of higher education for which there is a performance contract~~
25 ~~in effect with the commission as an exemplary institution of higher~~
26 ~~education pursuant to section 23-41-104.6 or an institution of higher~~
27 ~~education for which there is a performance contract in effect with the~~

1 ~~department pursuant to section 23-5-129.~~

2 (3.5) THE COMMISSION MAY WAIVE THE PROVISIONS OF
3 SUBSECTIONS (2) AND (3) OF THIS SECTION.

4 **SECTION 4.** In Colorado Revised Statutes, 23-1-108, **amend**
5 (1.5)(f), (1.7), and (3); and **add** (14) as follows:

6 **23-1-108. Duties and powers of the commission with regard to**
7 **systemwide planning - reporting.** (1.5) (f) (I) (A) The commission, IN
8 COLLABORATION WITH THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION,
9 shall ensure that the master plan is implemented through ~~the performance~~
10 ~~contracts authorized pursuant to sections 23-5-129 and 23-41-104.6, by~~
11 ~~negotiating with the governing boards individualized goals and~~
12 ~~expectations for the public institutions of higher education, which goals~~
13 ~~and expectations support achievement of the statewide goals identified in~~
14 ~~paragraph (c) of this subsection (1.5) and in the master plan. The~~
15 ~~commission and the governing boards shall ensure that the institutions'~~
16 ~~renegotiated performance contracts are finalized no later than December~~
17 ~~1, 2012~~ THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION, INCLUDING
18 THROUGH FUNDING ALLOCATED PURSUANT TO PART 3 OF ARTICLE 18 OF
19 THIS TITLE 23 AND SECTION 23-41-104.6. THE DEPARTMENT SHALL SUBMIT
20 A BUDGET REQUEST PURSUANT TO SECTION 23-18-307 THAT SUPPORTS
21 MASTER PLAN GOALS.

22 (B) THE DEPARTMENT AND PUBLIC INSTITUTIONS OF HIGHER
23 EDUCATION SHALL ANNUALLY AFFIRM THE INSTITUTIONS' CONTRIBUTION
24 TOWARD MEETING THE GOALS OF THE COMMISSION'S MASTER PLAN
25 CREATED PURSUANT TO THIS SECTION. AN INSTITUTION'S CONTRIBUTIONS
26 TOWARD MEETING THE GOALS OF THE MASTER PLAN MUST BE OUTLINED IN
27 ACCORDANCE WITH THE INSTITUTION'S ROLE AND MISSION AND SHALL

1 INCLUDE, AT A MINIMUM, INCREASING CREDENTIAL COMPLETION,
2 INCREASING ANNUAL COMPLETIONS BY MINORITY AND LOW-INCOME
3 STUDENTS, AND IMPROVING PERSISTENCE AND RETENTION RATES. THE
4 DEPARTMENT SHALL MEASURE AN INSTITUTION'S CONTRIBUTIONS USING
5 DATA COLLECTED FOR STATE AND FEDERAL REPORTING PURPOSES AND FOR
6 POPULATING THE HIGHER EDUCATION FUNDING MODEL.

7 ~~(II) In fulfilling the requirements of paragraph (c) of subsection~~
8 ~~(1) of this section, the commission shall refer to each institution's role and~~
9 ~~mission and service area, as necessary, to interpret jointly with the~~
10 ~~institution's governing board the implications of the role and mission and~~
11 ~~service area on the academic, financial, and student services elements of~~
12 ~~each institution's performance contract~~ BEGINNING DECEMBER 1, 2017,
13 AND NO LATER THAN DECEMBER 1 OF EACH YEAR THEREAFTER, THE
14 DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE AND TO
15 THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF
16 THE SENATE, OR THEIR SUCCESSOR COMMITTEES, CONCERNING THE
17 MASTER PLAN GOALS AND EACH INSTITUTION'S PROGRESS TOWARD
18 MEETING THOSE GOALS. THE DEPARTMENT SHALL POST THE INFORMATION
19 CONTAINED IN THE REPORT ON THE DEPARTMENT'S WEBSITE.
20 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO
21 THE CONTRARY, THE DEPARTMENT'S REPORT CONTINUES INDEFINITELY.

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

1 ~~negotiating the performance contracts pursuant to sections 23-5-129 and~~
2 ~~23-41-104.6. The commission shall take into consideration the costs to~~
3 ~~the governing boards of collecting and reporting any data the commission~~
4 ~~may request from the governing boards or the institutions of higher~~
5 ~~education pursuant to this subsection (1.7).~~

6 (3) The commission, ~~shall develop~~, after consultation with the
7 governing boards of institutions, MAY SUPPORT THE DEVELOPMENT OF
8 cooperative programs among state-supported institutions of higher
9 education.

10 (14) PURSUANT TO SECTION 23-18-201 (2), THE COMMISSION
11 SHALL NEGOTIATE PERFORMANCE CONTRACTS WITH PRIVATE
12 INSTITUTIONS OF HIGHER EDUCATION THAT PARTICIPATE IN THE COLLEGE
13 OPPORTUNITY FUND PROGRAM.

14 **SECTION 5.** In Colorado Revised Statutes, **repeal** 23-1-108
15 (1.9).

16 **SECTION 6.** In Colorado Revised Statutes, 23-1-109.7, **amend**
17 (2) as follows:

18 **23-1-109.7. Duties and powers of the commission with regard**
19 **to the provision of educational services.** (2) Beginning July 1, 2005, the
20 commission is responsible for ensuring the provision of postsecondary
21 educational services pursuant to part 3 of article 18 of this ~~title~~ TITLE 23.
22 The department of higher education on behalf of the commission shall
23 annually enter into fee-for-service contracts with one or more governing
24 boards of institutions of higher education pursuant to section 23-18-303
25 to provide the higher education services specified in section 23-18-301.
26 ~~The department of higher education may contract with a governing board~~
27 ~~of an institution of higher education only to the extent that the contract~~

1 ~~remains consistent with any contract entered into pursuant to section~~
2 ~~23-5-129 with the governing board.~~

3 **SECTION 7.** In Colorado Revised Statutes, 23-1-113.2, **amend**
4 (3) as follows:

5 **23-1-113.2. Department directive - admission standards for**
6 **students holding international baccalaureate diplomas.** (3) The
7 provisions of this section shall not apply to ~~any institution of higher~~
8 ~~education that has entered into a performance contract with the~~
9 ~~commission as an exemplary institution of higher education~~ THE
10 COLORADO SCHOOL OF MINES WHILE THE INSTITUTION IS OPERATING
11 UNDER A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO SECTION
12 23-41-104.6.

13 **SECTION 8.** In Colorado Revised Statutes, **repeal** 23-1-118.

14 **SECTION 9.** In Colorado Revised Statutes, 23-1-104, **amend**
15 (3)(a); and **add** (3.5) as follows:

16 **23-1-104. Financing the system of postsecondary education -**
17 **report.** (3) (a) Notwithstanding the provisions of section 24-75-102,
18 ~~C.R.S.~~, the governing boards are authorized to retain all ~~moneys~~ MONEY
19 appropriated pursuant to this section ~~and section 23-1-118~~, or otherwise
20 generated from fiscal year to fiscal year.

21 (3.5) EACH GOVERNING BOARD SHALL REPORT TO THE COLORADO
22 COMMISSION ON HIGHER EDUCATION, USING APPROVED FORMS, THE
23 INSTITUTION'S PLANS FOR ANY TUITION OR OTHER PROPOSED INCREASES
24 FOR THE FOLLOWING FISCAL YEAR. THE COMMISSION SHALL REVIEW THE
25 PLANS AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY
26 DURING THE ANNUAL BUDGET PROCESS.

27 **SECTION 10.** In Colorado Revised Statutes, 23-2-103.8, **amend**

1 (1)(a) as follows:

2 **23-2-103.8. Financial integrity - surety.** (1) A private college
3 or university is exempt from the provisions of this section if:

4 (a) The private college or university is a party to a performance
5 contract with the commission ~~under section 23-5-129~~ PURSUANT TO
6 SECTION 23-18-201 (2); or

7 **SECTION 11.** In Colorado Revised Statutes, **repeal** 23-5-129.

8 **SECTION 12.** In Colorado Revised Statutes, 23-18-102, **amend**
9 the introductory portion and (8) as follows:

10 **23-18-102. Definitions.** As used in parts 1 and 2 of this ~~article~~
11 ARTICLE 18, unless the context otherwise requires:

12 (8) "Participating private institution of higher education" means
13 a private institution of higher education that enters into a performance
14 contract with the department pursuant to ~~section 23-5-129~~ SECTION
15 23-18-201 (2) and agrees to participate in the program.

16 **SECTION 13.** In Colorado Revised Statutes, 23-18-201, **amend**
17 (2) as follows:

18 **23-18-201. College opportunity fund program - creation -**
19 **eligibility - guidelines.** (2) A student of a private institution of higher
20 education shall be a beneficiary of the college opportunity fund and
21 eligible to participate in the college opportunity fund program only if the
22 private institution of higher education that the student attends has agreed
23 to participate in the program by establishing a performance contract with
24 the department. ~~pursuant to section 23-5-129.~~ THE PERFORMANCE
25 CONTRACT SHALL SPECIFY THE PERFORMANCE GOALS THE INSTITUTION
26 SHALL ACHIEVE DURING THE PERIOD THAT IT OPERATES UNDER THE
27 PERFORMANCE CONTRACT. The department shall include each

1 participating private institution of higher education and its students who
2 participate in the college opportunity fund program in the student unit
3 reporting data system, in order to enable the students of the participating
4 private institution of higher education to participate in the program. The
5 participating private institution of higher education shall reimburse the
6 department for the actual expenses associated with including the
7 institution in the student unit reporting data system.

8 **SECTION 14.** In Colorado Revised Statutes, 23-18-202, **amend**
9 (2)(e) and (5)(d)(I)(F) as follows:

10 **23-18-202. College opportunity fund - appropriations -**
11 **payment of stipends - reimbursement.** (2) (e) An eligible
12 undergraduate student who attends a participating private institution of
13 higher education may receive financial assistance under this part 2 in the
14 amount of fifty percent of the stipend amount. ~~except that the amount of~~
15 ~~the stipend under this paragraph (e) may increase in proportion to the~~
16 ~~percent of unfunded enrollment growth that is appropriated to the~~
17 ~~governing boards pursuant to section 23-5-129 (8).~~

18 (5) (d) (I) An eligible undergraduate student and an institution of
19 higher education shall not receive the payment of a stipend on behalf of
20 an eligible undergraduate student for:

21 (F) Off-campus, extended campus, or continuing education classes
22 that are not supported by state general fund ~~moneys~~ MONEY, except as
23 approved by the commission, and, on or after July 1, 2007, except for
24 classes or programs offered by an institution of higher education that ~~has~~
25 ~~entered into a performance contract with the department pursuant to~~
26 ~~section 23-5-129, and that~~ an eligible undergraduate student who is a
27 member of the armed forces or a dependent of a member of the armed

1 forces attends for credit on a military base; or

2 **SECTION 15.** In Colorado Revised Statutes, 23-18-304, **amend**
3 (2)(b) and (3)(b) as follows:

4 **23-18-304. Funding for specialty education programs - area**
5 **technical colleges - local district junior colleges.** (2) (b) ~~After~~
6 ~~considering the status of the performance contracts with the area technical~~
7 ~~colleges pursuant to section 23-5-129,~~ The commission may recommend
8 as part of its budget request that direct grants to area technical colleges
9 increase by a percentage that is greater than the percentage change in the
10 total state appropriation for the preceding state fiscal year or decrease by
11 a percentage that is less than the percentage change in the total state
12 appropriation for the applicable fiscal year from the total state
13 appropriation for the preceding state fiscal year.

14 (3) (b) ~~After considering the status of the performance contracts~~
15 ~~with Colorado mountain college and with Aims community college~~
16 ~~pursuant to section 23-5-129,~~ The commission may recommend as part
17 of its budget request FOR COLORADO MOUNTAIN COLLEGE AND AIMS
18 COMMUNITY COLLEGE that the direct grant to either or both institutions
19 increase by a percentage that is greater than the percentage change in the
20 total state appropriation for the preceding state fiscal year or decrease by
21 a percentage that is less than the percentage change in the total state
22 appropriation for the applicable fiscal year from the total state
23 appropriation for the preceding state fiscal year.

24 **SECTION 16.** In Colorado Revised Statutes, **repeal** 23-18-305
25 (4).

26 **SECTION 17.** In Colorado Revised Statutes, 23-41-104.6,
27 **amend** (3) introductory portion as follows:

1 **23-41-104.6. Performance contract - authorization -**
2 **operations.** (3) The board of trustees of the Colorado school of mines
3 shall negotiate AND SIGN a performance contract with the department of
4 higher education, subject to approval by the Colorado commission on
5 higher education, that ~~shall specify~~ SPECIFIES the performance goals that
6 the institution shall achieve during the period that it operates under the
7 performance contract. The specified goals ~~shall~~ MUST be measurable and
8 specific to the Colorado school of mines' role and mission and ~~shall~~
9 include at a minimum, the goals negotiated for the institution pursuant to
10 ~~sections 23-1-108 (1.5)(f) and 23-5-129~~ PROVISIONS RELATING TO MASTER
11 PLAN GOALS and MAY ALSO INCLUDE, BUT NEED NOT BE LIMITED TO, the
12 following issues:

13 **SECTION 18.** In Colorado Revised Statutes, 23-60-211, **amend**
14 (4) as follows:

15 **23-60-211. Degrees.** (4) ~~Notwithstanding the provisions of~~
16 ~~section 23-5-129 (6) (b),~~ Subject to the approval of the Colorado
17 commission on higher education pursuant to section 23-1-133, the board
18 may establish at community colleges within the state system technical,
19 career, and workforce development bachelor of applied science degree
20 programs. Nothing in this section shall be construed to allow for the
21 approval of bachelor of arts or bachelor of science degree programs.

22 **SECTION 19.** In Colorado Revised Statutes, 2-7-204, **amend**
23 (3)(a)(II)(A) as follows:

24 **2-7-204. Performance management systems.**
25 (3) (a) (II) (A) The department of higher education will satisfy the
26 requirements in this subsection (3) through the master plan for
27 postsecondary education that the Colorado commission on higher

1 education maintains as described in section 23-1-108 (1.5). ~~C.R.S., and~~
2 ~~any performance contracts that the Colorado commission on higher~~
3 ~~education negotiates and enters into with the governing boards of the state~~
4 ~~institutions of higher education as specified in section 23-5-129, C.R.S.~~
5 The department of higher education shall ensure that copies of the master
6 plan ~~and performance contracts be~~ ARE submitted to the joint budget
7 committee and the appropriate joint committee of reference as determined
8 pursuant to section 2-7-203, and shall post the master plan and ANY
9 performance contracts AND REPORTS to its official website and the official
10 website of the office of state planning and budgeting.

11 **SECTION 20.** In Colorado Revised Statutes, 2-7-205, **amend**
12 (1)(a)(II) as follows:

13 **2-7-205. Annual performance report.** (1) (a) (II) The office of
14 state planning and budgeting shall prepare the section of the annual
15 performance report for the department of higher education by reviewing
16 the institutions of higher education's progress towards the goals set forth
17 in the ~~institution of higher education's performance contract described in~~
18 ~~section 23-5-129, C.R.S., and the outcomes of the recommended~~
19 ~~performance funding plan required in section 23-1-108 (1.9)(b), C.R.S.~~
20 MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION, AS
21 DESCRIBED IN SECTION 23-1-108 (1.5) AND TAKING INTO ACCOUNT THE
22 DATA AND METRICS DESCRIBED IN SECTIONS 23-18-201 (2) AND PART 3 OF
23 ARTICLE 18 OF TITLE 23.

24 **SECTION 21.** In Colorado Revised Statutes, 24-1-114, **amend**
25 (5)(b) as follows:

26 **24-1-114. Department of higher education - creation.**
27 (5) (b) With respect to the Colorado commission on higher education and

1 the universities, colleges, and boards specified in subsection (4) of this
2 section, the executive director ~~shall have~~ HAS only those powers, duties,
3 and functions prescribed in article 1 of title 23; ~~C.R.S.~~; except that the
4 executive director of the Colorado commission on higher education is
5 authorized to negotiate, implement, and monitor contracts, as described
6 in ~~sections 23-5-129 and~~ SECTIONS 23-18-201 (2), 23-18-303, 23-18-304,
7 AND 23-41-104.6, ~~C.R.S.~~; with universities, colleges, and boards, in
8 consultation with the Colorado commission on higher education.

9 **SECTION 22. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2018 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.