

## CHAPTER 253

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**EDUCATION - POSTSECONDARY**

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## HOUSE BILL 17-1251

BY REPRESENTATIVE(S) Nordberg, Arndt, Hooton, Thurlow, Buckner;  
also SENATOR(S) Moreno, Kerr, Martinez Humenik, Tate, Crowder.

## AN ACT

CONCERNING THE SCHEDULED REPEAL OF REPORTS BY HIGHER EDUCATION AGENCIES TO THE  
GENERAL ASSEMBLY.

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

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

**23-1-105.5. Duties and powers of the commission with respect to student fees - report.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before January 15, 2012, and on or before January 15 each year thereafter, the department shall report to the education committees of the house of representatives and the senate, or any successor committees, concerning the governing boards' fee policies and the collection and use of student fees.

**SECTION 2.** In Colorado Revised Statutes, 23-1-106, **amend** (7)(a) and (11)(b) as follows:

**23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning - legislative declaration - definitions - report.** (7) (a) The commission annually shall prepare a unified, five-year capital improvements report of projects to be constructed, but not including those capital construction or capital renewal projects to be undertaken pursuant to subsection (9) of this section, coordinated with education plans. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission shall transmit the report to the office of state planning and budgeting, the office of the state architect, the capital development committee, and the joint budget committee, consistent with the executive budget timetable, together with a recommended priority of funding of capital construction or capital renewal projects for the system of public higher education. The commission shall annually transmit the recommended priority of funding of capital

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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.*

construction or capital renewal projects to the capital development committee no later than November 1 of each year.

(11) (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission shall submit a compilation of the projects to the office of the state architect and the capital development committee on or before December 1 of each year.

**SECTION 3.** In Colorado Revised Statutes, 23-1-108, **amend** (1.9)(b); and **repeal** (1)(g) as follows:

**23-1-108. Duties and powers of the commission with regard to systemwide planning - report.** (1) The commission, after consultation with the governing boards of institutions and as a part of the master planning process, shall have the authority to:

~~(g) Report not less than every four years to the education committees of the general assembly on the need for, advisability of, or progress toward reorganizing the structure of public higher education in Colorado;~~

(1.9) (b) After the 2016-17 state fiscal year, in each state fiscal year in which the general assembly appropriates the restored level of general fund appropriations for the state system of higher education, the commission, based on the performance-based funding plan adopted in the master plan, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), shall recommend to the joint budget committee the portion of the performance funding amount to be appropriated to each governing board, including the governing boards for the junior colleges and the area technical colleges, based on the demonstrated performance of the institutions that are under the governing board's control in meeting the institutions' goals and expectations specified in the institutions' respective performance contracts.

**SECTION 4.** In Colorado Revised Statutes, 23-1-113, **amend** (9) as follows:

**23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education - policy - report - definitions.** (9) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before February 15, 2012, and on or before February 15 each year thereafter, the department of higher education shall submit to the state board of education, the department of education, and the education committees of the house of representatives and the senate, or any successor committees, a report, subject to available data, concerning the enrollment, placement and completion of basic skills courses, first-year college grades, and types of academic certificates and degrees attained at all postsecondary institutions in Colorado and the United States for the high school graduating classes of the preceding six academic years. The department of higher education shall report the information disaggregated by high school and school district of graduation, to the extent practicable, and by ethnicity, gender, financial aid status, and any other characteristic deemed relevant by the commission. The department of higher education and the department of education shall also make the report available on their respective websites.

**SECTION 5.** In Colorado Revised Statutes, 23-1-113.3, **amend** (4)(a) introductory portion as follows:

**23-1-113.3. Commission directive - basic skills courses - report.**

(4) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the department shall transmit annually to the education committees of the senate and the house of representatives, or any successor committees, the joint budget committee, the commission, and the department of education an analysis of the data:

**SECTION 6.** In Colorado Revised Statutes, 23-3.1-206.9, **amend** (4) as follows:

**23-3.1-206.9. Colorado collegeinvest scholarship program - administration - fund - policies.** (4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before February 1 of each year, the board shall report to the education committees of the senate and the house of representatives, or any successor committees, on the status of the Colorado collegeinvest scholarship program. The report shall include, but need not be limited to, the financial status of the Colorado collegeinvest scholarship trust fund, the amount of money annually spent on administration, the average scholarship award amount, and the number of students participating in the Colorado collegeinvest scholarship program.

**SECTION 7.** In Colorado Revised Statutes, 23-5-129, **amend** (5)(a) and (5)(b) as follows:

**23-5-129. Governing boards - performance contract - authorization - operations - reports - definitions.** (5) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), beginning January 2006, and each January thereafter, the department of higher education shall report to the members of the education committees of the senate and the house of representatives and the members of the joint budget committee of the general assembly the financial effect of the provisions of each performance contract with regard to funding for the affected governing board of a state institution of higher education and overall funding for the statewide system of higher education and a review of each state or private institution's operations under the institution's performance contract. The term of a performance contract may be up to ten years. The department of higher education may renew a performance contract at its discretion, with the agreement of the governing board.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), beginning January 2006, and each January thereafter, data collected and used to measure a state or private institution of higher education's progress towards the goals set forth in the institution's performance contract with the department of higher education shall be made available to the members of the education committees of the house of representatives and the senate, members of the joint budget committee, each governing board, and each institution of higher education covered by a performance contract. The department of higher education shall also provide copies of the data to other members of the general assembly and members of the public on request.

**SECTION 8.** In Colorado Revised Statutes, 23-8-104, **amend** (2) introductory portion as follows:

**23-8-104. Reports.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before February 28, 2009, and on or before February 28 each year thereafter, the board shall submit a report to the joint budget committee and to the education committees of the house of representatives and the senate, or any successor

committees, on the implementation and results of programs funded pursuant to this ~~article~~ ARTICLE 8, including:

**SECTION 9.** In Colorado Revised Statutes, 23-18-202, **amend** (2)(c) and (2)(d) as follows:

**23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - report.** (2) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission shall forward to the general assembly and governor, by November 1 of each year, a list of institutions eligible to receive stipends on behalf of eligible undergraduate students under the program. The commission shall annually request that the general assembly adjust the amount appropriated to the Colorado student loan program for the stipends, which amount may reflect inflation and enrollment growth in the state institutions of higher education.

(d) Beginning with the state fiscal year commencing July 1, 2006, the commission, in consultation with the governing boards and any participating private institutions of higher education, shall review annually the amount of the stipend per credit hour established pursuant to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION. Following the review, AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission, in consultation with the governing boards and participating private institutions, shall annually make recommendations regarding possible adjustments to the amount of the stipend per credit hour to the governor, and the joint budget committee of the general assembly for consideration in preparing the annual general appropriations act.

**SECTION 10.** In Colorado Revised Statutes, 23-20-119, **amend** (2) as follows:

**23-20-119. Corporate stock in name of nominee authorized.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), a report shall be made by the regents of the university of Colorado, to the general assembly at each regular session, of the investments made and the interest derived therefrom under the provisions of this section and section 23-20-118.

**SECTION 11.** In Colorado Revised Statutes, **amend** 23-21-521 as follows:

**23-21-521. Annual report.** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the authority shall submit to the governor and the joint budget committee within six months after the end of the fiscal year a report which shall set forth a complete and detailed operating and financial statement of the authority during such year. Also included in the report shall be any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the authority.

**SECTION 12.** In Colorado Revised Statutes, 23-30-122, **amend** (3) as follows:

**23-30-122. Corporate stock in nominee authorized.** (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the board shall report to the joint budget committee of the general assembly at each regular session regarding the investments made and the earnings or losses derived therefrom under the provisions of this section and section 23-30-121. The report shall include information indicating the extent to which the

investment managers hired by the board have achieved or failed to achieve the performance benchmarks established pursuant to section 23-30-123 (1)(b).

**SECTION 13.** In Colorado Revised Statutes, 23-30-123, **amend** (3) as follows:

**23-30-123. Investment policy - fiduciary responsibility - annual financial statements.** (3) If the board of governors votes to invest assets of the Colorado state university system pursuant to sections 23-30-121 and 23-30-122, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the board shall require annual financial statements to be submitted to the board of governors, the state treasurer, the state auditor, and the joint budget committee of the general assembly. The financial statements shall include, at a minimum, information concerning investment income, gains, and losses, if any, of the Colorado state university system. The financial statements shall report the performance of investments on both a gross-of-fee and a net-of-fee basis.

**SECTION 14.** In Colorado Revised Statutes, 23-40-106, **amend** (4) as follows:

**23-40-106. Education innovation institute established - purposes - appropriations - report.** (4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before January 10, 2011, and on or before January 10 each year thereafter, the institute shall prepare and submit a report to the education committees of the house of representatives and the senate, or any successor committees, concerning the activities of the institute in the previous calendar year. The report shall include, at a minimum, information concerning the efforts of the institute to fulfill its purposes as described in subsection (2) of this section.

**SECTION 15.** In Colorado Revised Statutes, 23-60-306, **amend** (3)(m) as follows:

**23-60-306. Colorado customized training program - creation - policy - functions of the state board for community colleges and occupational education.** (3) (m) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), beginning January 1, 1985, and each January 1 thereafter, the state board for community colleges and occupational education shall report to the joint budget committee and the legislative audit committee on the cost-effectiveness of the Colorado customized training program in assisting economic development in Colorado.

**SECTION 16.** In Colorado Revised Statutes, 24-77-103, **amend** (7) as follows:

**24-77-103. Limitation on state fiscal year spending - legislative declaration - report.** (7) For purposes of complying with the limitation on state fiscal year spending set forth in subsection (1) of this section, AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), each state institution of higher education shall prepare a written report for each quarter of the fiscal year, which shall include the total amount of net revenues generated during such period from any facility, activity, or operation managed by such state institution of higher education ~~which~~ THAT is an enterprise and the total amount of such net revenues and any other thing of value received by such state institution of higher education from such enterprises. ~~Such~~ THE report shall be filed with the president of the senate, the speaker of the house of representatives, and the ~~chairman~~ CHAIR of the joint budget committee no later than

thirty days after the close of such period.

**SECTION 17. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Sections 1 and 7 of this act take effect only if Senate Bill 17-297 does not become law.

(b) Section 23-1-108 (1.9)(b), Colorado Revised Statutes, as amended in section 3 of this act, takes effect only if Senate Bill 17-297 does not become law.

Approved: May 25, 2017