

CHAPTER 219

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 99-203

BY SENATORS Arnold, Chlouber, Evans, and Hillman;
also REPRESENTATIVES Allen, Pfiffner, and Stengel.

AN ACT

CONCERNING RECOMMENDATIONS OF THE SENATE COMMITTEE ON EDUCATION RELATED TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES UNDER ARTICLE 60.5 OF TITLE 22 TO TITLE 23, COLORADO REVISED STATUTES.

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

SECTION 1. Repeal. 23-1-113 (2), Colorado Revised Statutes, is repealed as follows:

23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education. (2) ~~The commission shall report to the joint budget committee and the house and senate committees on education detailing specific changes in admission requirements in the categories of students described in subsection (1) of this section at each campus and institution of higher education when they occur.~~

SECTION 2. Repeal. 23-1-119 (5), Colorado Revised Statutes, is repealed as follows:

23-1-119. Commission directive - transition between K-12 education system and postsecondary education system. (5) ~~On or before March 1, 1993, the commission shall report to the house and senate education committees on the necessary policies, procedures, and progress of activities initiated to facilitate student transition between the secondary and postsecondary educational systems.~~

SECTION 3. 23-3.1-109, Colorado Revised Statutes, is amended to read:

23-3.1-109. Subject to audit. The student loan program shall be audited annually by the state auditor. ~~The division shall report annually on its condition to the joint~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~budget committee and such report shall include the most recent report of the state auditor. The report shall be made on or before January 1 and shall reflect the condition of the program as of June 30 of the preceding fiscal year.~~

SECTION 4. 23-3.3-102 (7), Colorado Revised Statutes, is amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (7) Each annual budget request submitted by the commission shall provide information on the proposed distribution of moneys among the programs developed under this article. Subsequent to final appropriation, the commission shall provide to the joint budget committee an allocation proposal specifically identifying the distributions among programs for the coming year. ~~On or before December 30 of the following year, the commission shall provide to the joint budget committee a report of expenditures in the various programs.~~ Expenditures in any program shall not exceed the allocation for that program by more than ten percent of such allocation, and the total appropriation for all student aid programs shall not be exceeded. The commission may require such reports from institutions as are necessary to fulfill the reporting requirements of this subsection (7) and to perform other administrative tasks.

SECTION 5. Repeal. 23-3.3-701 (4), Colorado Revised Statutes, is repealed as follows:

~~**23-3.3-701. Colorado nursing scholarship program - repeal.** (4) As part of the report of expenditures required pursuant to section 23-3.3-102 (7), the commission shall annually report to the joint budget committee on the Colorado nursing scholarship program.~~

SECTION 6. 23-5-121 (2), Colorado Revised Statutes, is amended to read:

23-5-121. Governing boards - Colorado advanced technology institute commission - authority to establish nonprofit corporations for developing discoveries and technology. (2) The governing board of any state-supported institution of higher education or the Colorado advanced technology institute commission, referred to in this section as the "commission", may incorporate one or more private nonprofit corporations under articles 121 to 137 of title 7, C.R.S., for the purpose of developing discoveries and technology resulting from science and technology research at such state-supported institution of higher education or the Colorado advanced technology institute, as appropriate. Such a corporation shall have all rights and powers of a private nonprofit corporation organized under the laws of this state and shall not be an agency of state government or a department or political subdivision thereof and shall not be subject to any provisions of law affecting only governmental or public entities; except that provisions as provided for in section 23-1-108 (1) (f) regarding affirmative action shall be followed. Any nonprofit corporation incorporated pursuant to the provisions of this subsection (2) by the Colorado advanced technology institute shall annually file with the ~~general assembly~~ STATE AUDITOR a copy of the corporation's annual report.

SECTION 7. Repeal. 23-7-103 (1) (c) (III), Colorado Revised Statutes, is repealed as follows:

23-7-103. Presumptions and rules for determination of status. (1) Unless the

contrary appears to the satisfaction of the registering authority of the institution at which a student is registering, it shall be presumed that:

~~(c) (III) (A) The governing board of each institution of higher education granting in-state tuition status to members of the armed forces or their dependents pursuant to the criteria set forth in subparagraph (I) of this paragraph (c) shall report on or before February 1, 1987, through the Colorado commission on higher education to the joint budget committee any negative fiscal impact to the institution resulting from the granting of such in-state tuition status.~~

~~(B) The joint budget committee, subject to available funds, shall consider restoring to the affected institutions any amounts reported as a negative fiscal impact pursuant to sub-subparagraph (A) of this subparagraph (II).~~

SECTION 8. 23-11-106 (3), Colorado Revised Statutes, is amended to read:

23-11-106. Funding of the institute. (3) The state auditor shall have the authority to make regular performance and financial audits of the institute and any programs sponsored or supported in whole or in part by the institute. ~~and shall report the results of any such audit to the joint budget committee.~~

SECTION 9. Repeal. 23-11.5-106, Colorado Revised Statutes, is repealed as follows:

~~**23-11.5-106. Annual report.** Any program that receives funding under the grant and revolving loan program shall submit an annual report to the committee that shows, at a minimum, achievement of the criteria specified in section 23-11.5-103. The committee shall provide a summary of the annual reports to the general assembly on or before January 30, 1998, and on or before January 30 each year thereafter.~~

SECTION 10. 23-15-127, Colorado Revised Statutes, is amended to read:

23-15-127. Account of activities and receipts for expenditures - report - audit. The authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually, in the month of January, make a report thereof to its members ~~to the governor, to the house and senate committees on education,~~ and to the state auditor, such reports to be in a form prescribed by the state auditor. 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 purpose of the authority. The state auditor may investigate the affairs of the authority, may severally examine the properties and records of the authority, and may prescribe methods of accounting and the rendering of periodical reports in relation to facilities undertaken by the authority.

SECTION 11. 23-20-124, Colorado Revised Statutes, is amended to read:

23-20-124. Research building revolving fund - appropriation of fund. There is established in the office of the treasurer of the university a fund to be known as the university of Colorado research building revolving fund. There shall be credited to said fund the user charges or rents authorized by section 23-20-123 and imposed by the board of regents of the university of Colorado, specific appropriations or grants

or gifts made to said fund, and the proceeds of the sale of anticipation warrants authorized by sections 23-20-123 to 23-20-125. No payments from student fees, tuition receipts, or general funds shall be deposited in the research building revolving fund or used for said programs. All interest accumulated in this fund shall follow the fund. All such moneys so credited to said fund are appropriated to the university of Colorado for the payment of maintenance and operating costs for its research buildings and facilities and for the planning, construction, and equipping of additional research buildings and facilities for the university of Colorado. ~~An annual report of activities and the condition of the fund shall be made to the governor and the joint budget and capital development committees of the general assembly as a part of the university of Colorado's annual budget submission. Such report shall specify the amount, debt service, and purpose of any bonds issued pursuant to section 23-20-129.~~

SECTION 12. 23-21-521, Colorado Revised Statutes, is amended to read:

23-21-521. Annual report. The authority shall submit to the governor and the ~~general assembly~~ 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 13. 23-31-129, Colorado Revised Statutes, is amended to read:

23-31-129. Research building revolving fund - appropriation of fund. There is established in the office of the state treasurer a fund to be known as the Colorado state university research building revolving fund, and there shall be credited to said fund the user charges or rents authorized by section 23-31-128 and imposed by the state board of agriculture, specific appropriations or grants or gifts made to said fund, the proceeds of the sale of anticipation warrants authorized by sections 23-31-128 to 23-31-130, and the proceeds from the issuance and sale of bonds pursuant to section 23-31-134. No payments from student fees, tuition receipts, or general funds shall be deposited in the research building revolving fund. All interest earned on the investment of moneys in the fund shall be credited to the fund and shall be a part of the fund, and such moneys shall not be transferred or credited to the general fund or to any other fund. All such moneys so credited to said fund are appropriated to Colorado state university for the payment of maintenance and operating costs for its research buildings and facilities and for planning, constructing, acquiring, renovating, and equipping research buildings and facilities, wherever located in the state of Colorado, for Colorado state university. Any such buildings and facilities shall be related to the research mission of the university. ~~An annual report of activities and condition of the fund shall be made to the governor and to the joint budget and capital development committees of the general assembly as a part of Colorado state university's annual budget submission. Such report shall specify the amount of any bonds issued pursuant to section 23-31-134, the amount of the debt service on such bonds, and the purpose of such bonds.~~

SECTION 14. Repeal. 23-35-101 (4) (c), Colorado Revised Statutes, is repealed as follows:

23-35-101. Colorado water resources research institute - creation. (4) It is

the duty of the institute to:

~~(c) Report to the governor and appropriate committees of the general assembly each year on the progress and findings of research projects;~~

SECTION 15. 23-41-117, Colorado Revised Statutes, is amended to read:

23-41-117. Research building revolving fund - appropriation of fund. There is established in the office of the state treasurer the Colorado school of mines research building revolving fund, and there shall be credited to said fund the user charges or rents authorized by section 23-41-116 and imposed by the board of trustees, specific appropriations or grants or gifts made to said fund, and the proceeds of the sale of anticipation warrants authorized by section 23-41-118. All such moneys so credited to said fund are appropriated to the Colorado school of mines for the planning, constructing, and equipping of additional research buildings and facilities for the Colorado school of mines. ~~An annual report of activities and condition of the fund shall be made to the governor and the capital development committee as a part of the Colorado school of mines annual budget submission.~~

SECTION 16. 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 17. 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 24, 1999