

CHAPTER 226

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 99-1359

BY REPRESENTATIVES Allen, May, Dean, Gotlieb, King, McKay Alexander, George, Lee, Paschall, Spence, and Stengel;
also SENATORS Lacy and Blickensderfer.

AN ACT

CONCERNING THE ASSUMPTION OF CERTAIN FUNCTIONS RELATING TO ADVANCED TECHNOLOGY PROGRAMS BY THE COLORADO COMMISSION ON HIGHER EDUCATION, AND, IN CONNECTION THEREWITH, ABOLISHING THE COLORADO ADVANCED TECHNOLOGY INSTITUTE AND THE COLORADO ADVANCED TECHNOLOGY INSTITUTE COMMISSION AND TRANSFERRING MONEYS APPROPRIATED TO THE INSTITUTE FOR THE 1999-2000 FISCAL YEAR TO THE COLORADO COMMISSION ON HIGHER EDUCATION AND THE GOVERNOR'S OFFICE.

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

SECTION 1. Repeal - relocation of certain sections. Article 11 of title 23, Colorado Revised Statutes, is repealed with sections 23-11-104 and 23-11-105 being relocated in this act as sections 23-1-106.5 and 23-1-106.7, Colorado Revised Statutes.

SECTION 2. Repeal. 24-1-114 (2.5), Colorado Revised Statutes, is repealed as follows:

24-1-114. Department of higher education - creation. (2.5) ~~The Colorado advanced technology institute, created by article 11 of title 23, C.R.S., shall exercise its powers and perform its duties and functions under the department of higher education as if the same were transferred by a~~ **type 1** transfer.

SECTION 3. Part 1 of article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

23-1-106.5. [Formerly 23-11-104] Duties and powers of the commission with regard to advanced technology. (1) The commission, IN CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS OF HIGHER EDUCATION AND THE OFFICE OF

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

INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, shall:

(a) Establish priorities for the distribution of equipment and moneys available to the ~~institute~~ INSTITUTIONS OF HIGHER EDUCATION according to its assessment of the long-range goals and capabilities of ~~state~~ SUCH institutions; ~~of higher education;~~

(b) ~~Establish a system to determine~~ INTEGRATE the needs of advanced technology industries in THE state ~~institutions of higher education with a view to promoting and increasing technology transfer between academic research programs and advanced technology industries~~ WITH THE COMMISSION'S OVERALL MASTER PLAN PROCESS AND ACADEMIC PLANNING PROCESS;

(c) FACILITATE TECHNOLOGY TRANSFERS AND COOPERATION BETWEEN ACADEMIC RESEARCH PROGRAMS AND ADVANCED TECHNOLOGY INDUSTRIES;

~~(e)~~ (d) ~~Make distribution of~~ DISTRIBUTE equipment and moneys among ~~such~~ institutions OF HIGHER EDUCATION based upon ~~its established~~ priorities ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1);

~~(2) Additionally, the commission shall:~~

~~(a)~~ Administer the flow of equipment and moneys available to the institute by the use of individual institutional accounting structures;

~~(b)~~ (e) Receive annual reports from the various institutions of higher education on the use of allocated ~~funds and~~ equipment AND MONEYS.

(2) THE PRIORITIES ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL TAKE INTO ACCOUNT THE FOLLOWING OBJECTIVES:

(a) AVOIDING UNNECESSARY DUPLICATION OF PROGRAMS, PARTICULARLY AT THE GRADUATE LEVEL OF INSTRUCTION;

(b) ESTABLISHING CENTERS OF EXCELLENCE IN RESEARCH AND TEACHING FOR SPECIALTIES AT VARIOUS CAMPUSES OF THE INSTITUTIONS OF HIGHER EDUCATION, SUBJECT TO AVAILABLE APPROPRIATIONS;

(c) CONSIDERING INDUSTRY NEEDS FOR TECHNICAL TRAINING AT THE ASSOCIATE, BACCALAUREATE, AND GRADUATE LEVELS AND FOR IN-SERVICE AND CONTINUING EDUCATION;

(d) ENCOURAGING COOPERATION AMONG INSTITUTIONS OF HIGHER EDUCATION AND LOCAL COMMUNITIES AND OTHER GOVERNMENTAL ENTITIES;

(e) DEVELOPING THE NECESSARY INFRASTRUCTURE TO SUPPORT DISTANCE LEARNING, TELEMEDICINE, ECONOMIC DEVELOPMENT, AND ENHANCED CITIZEN ACCESS. THE COMMISSION SHALL WORK COOPERATIVELY WITH THE CHIEF TECHNOLOGY OFFICER IN THE OFFICE OF INNOVATION AND TECHNOLOGY IN THE DEVELOPMENT OF SUCH NECESSARY INFRASTRUCTURE.

(f) INCREASING EFFICIENCY IN FUNDING THROUGH ELIMINATION OF COSTLY

DUPLICATION AND GAPS IN INFRASTRUCTURE THAT CAUSE THE MISUSE OF STATE RESOURCES.

(3) In conjunction with institutions of higher education, the commission ~~shall~~ MAY promote and establish research centers and, in connection with the administration and operation of any such centers established in cooperation with institutions of higher education, the commission may:

(a) Enter into any contract or agreement not inconsistent with this article for the benefit of the centers;

(b) ~~With the approval of the Colorado commission on higher education,~~ Purchase, lease, trade, or otherwise hold real or personal property, whether tangible or intangible;

(c) In conjunction with institutions of higher education, appoint professional and support staff to work in and administer the centers OR JOINTLY ADMINISTER SUCH CENTERS; AND

(d) Procure insurance.

~~(e) Jointly administer and govern established centers in conjunction with institutions of higher education.~~

(4) (a) The commission is specifically empowered to receive and expend grants, gifts, and bequests, specifically including state and federal funds and other funds available, ~~to the institute~~ and to contract with the United States and any other legal entities with respect thereto. ~~The commission, may accept or provide, within the limitations of its budget, matching funds wherever grants, gifts, bequests, and contractual assistance are available on such basis.~~

(b) Contributions of advanced technology equipment, grants, gifts, or bequests from private sources, including but not limited to advanced technology companies, individuals, and foundations, ~~to the institute~~ may be designated BY THE COMMISSION to a specific institution of higher education or may be nondesignated.

(c) Any nondesignated equipment, grants, gifts, or bequests received ~~by the institute~~ may be utilized for advanced technology research at institutions of higher education and for maintaining state-of-the-art laboratory equipment at such institutions.

(d) Contributions of advanced technology equipment, grants, gifts, or bequests from private sources, including but not limited to advanced technology companies, individuals, and foundations, ~~to the institute~~ may be designated BY THE COMMISSION to research centers in the fields of advanced technology research. ~~set forth in section 23-11-102(2).~~

~~(5) The priorities established pursuant to paragraph (c) of subsection (1) of this section shall take into account the following objectives:~~

~~(a) The avoidance of unnecessary duplication of programs, particularly at the~~

graduate level of instruction;

~~(b) The establishment of centers of excellence in research and teaching for specialties at various campuses of the institutions, subject to available appropriations;~~

~~(c) The consideration of industry needs for technical training and associate degree, baccalaureate level, and graduate level training and for in-service and continuing education provided by postsecondary education.~~

~~(d) The determination of the types of equipment needed for developing the electronics engineering and computer science phase of the institute, where various types of equipment should be located, and whether the equipment will need to be purchased by the state or whether industry will be willing to provide such equipment;~~

~~(e) The coordination of proposals emerging from the role and mission of the institute with the program approval process of the Colorado commission on higher education.~~

~~(f) The primary importance of the creation of research centers pursuant to section 23-11-102 (2).~~

~~(6)~~ (5) The commission may appoint advisory committees or individuals to advise and assist the commission and suggest solutions for the problems and needs of advanced technology industries and institutions of higher education.

~~(7)~~ (6) The commission shall ~~cooperate~~ WORK COOPERATIVELY WITH THE CHIEF TECHNOLOGY OFFICER IN THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR AND with the state board for community colleges and occupational education to promote the development and use of the Colorado customized training program created in section 23-60-306 to provide the skilled labor force required by advanced technology businesses establishing or expanding facilities in Colorado. No special appropriation shall be made for the purposes of this ~~subsection (7)~~ SUBSECTION (6) which shall be funded only through ~~general~~ appropriations to the ~~Colorado advanced technology institute~~ COMMISSION FOR ADVANCED TECHNOLOGY PROGRAMS.

(7) (a) ON JULY 1, 1999, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE COLORADO ADVANCED TECHNOLOGY INSTITUTE AND THE COLORADO ADVANCED TECHNOLOGY COMMISSION ARE TRANSFERRED TO THE COLORADO COMMISSION ON HIGHER EDUCATION.

(b) ON AND AFTER JULY 1, 1999, WHENEVER THE COLORADO ADVANCED TECHNOLOGY INSTITUTE OR THE COLORADO ADVANCED TECHNOLOGY COMMISSION IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE COLORADO COMMISSION ON HIGHER EDUCATION. ALL CONTRACTS ENTERED INTO BY SAID INSTITUTE OR COMMISSION PRIOR TO JULY 1, 1999, ARE HEREBY VALIDATED, WITH THE COLORADO COMMISSION ON HIGHER EDUCATION SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY APPROPRIATION OF FUNDS TO SAID INSTITUTE FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS UNDER SUCH

CONTRACTS SHALL BE TRANSFERRED AND APPROPRIATED TO THE COLORADO COMMISSION ON HIGHER EDUCATION FOR THE PAYMENT OF SUCH OBLIGATIONS.

~~(8) In cooperation with the governing boards of state institutions of higher education the commission shall work to establish a network among institutional departments and programs having expertise in matters related to statewide economic development with a view to the development of advanced technology industries in locations severely depressed as a result of the decline in traditional agricultural and natural resource industries. Through the network established pursuant to this subsection (8), the commission, in cooperation with the governing boards, shall encourage and coordinate programs of research and training in advanced technology fields for the benefit of economically depressed areas of the state.~~

~~(9) Pursuant to the provisions of section 23-5-121, 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 the institute.~~

23-1-106.7. [Formerly 23-11-105] Duties and powers of the commission with respect to technology transfers. (1) The commission, IN CONSULTATION WITH THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, shall:

(a) In all its program efforts, endeavor to facilitate the transfer of newly created technologies from the laboratory to the private sector for the start-up of new businesses, to add product lines to established firms, or to introduce technologies into mature industries in order to strengthen the state's existing economic base; AND

~~(b) The commission shall~~ Assess the technology transfer potential of all academic programs targeted for investment and development.

(2) No special appropriation shall be made for the purposes of this section, which shall be funded only through ~~general~~ appropriations to the ~~Colorado advanced technology institute~~ COMMISSION FOR ADVANCED TECHNOLOGY PROGRAM COSTS.

SECTION 4. 23-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-102. Commission abolished - commission reestablished - terms of office - repeal. (8) (a) NOTWITHSTANDING OTHER PROVISIONS OF THIS SECTION, ON OR AFTER JULY 1, 1999, THE GOVERNOR, WITH THE CONSENT OF THE SENATE, SHALL APPOINT TWO ADDITIONAL MEMBERS TO THE COMMISSION FOR TERMS ENDING ON JUNE 30, 2002; EXCEPT THAT ONE OF THE TWO ADDITIONAL MEMBERS SHALL BE APPOINTED FROM THE MEMBERSHIP OF THE COLORADO ADVANCED TECHNOLOGY INSTITUTE COMMISSION AS SUCH COMMISSION EXISTED PRIOR TO ITS ABOLITION ON JULY 1, 1999.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 5. 23-1-110 (2), Colorado Revised Statutes, is amended to read:

23-1-110. Organization, meetings, and staff. (2) (a) The governor shall appoint, with the consent of the senate, an executive director qualified by substantial training and experience in the field of higher education. The executive director shall be the executive officer of the commission and the department of higher education, shall serve at the pleasure of the governor, and shall receive compensation commensurate with the duties of the office as determined by the governor. The duties and responsibilities of the executive director shall be discharged in accordance with the policies, procedures, and directives of the commission. The executive director shall employ such professional and clerical personnel as deemed necessary to carry out the duties and functions of the commission. Offices held by the executive director and professional personnel are declared to be educational in nature and not under the state personnel system.

(b) ON JULY 1, 1999, CERTAIN EMPLOYEES OF THE COLORADO ADVANCED TECHNOLOGY INSTITUTE PRIOR TO SAID DATE SHALL BE TRANSFERRED TO AND BECOME EMPLOYEES OF THE COMMISSION. ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM AT THE TIME OF THE TRANSFER SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS. THE TRANSFER OF EMPLOYEES PURSUANT TO THIS PARAGRAPH (b) SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12 OF HOUSE BILL 99-1359, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

SECTION 6. 22-84-101, Colorado Revised Statutes, is amended to read:

22-84-101. Legislative declaration. The Colorado general assembly finds that the state in recent years has made a concerted effort to improve educational needs in the areas of mathematics, science, and technology through the "Pre-K-16 Mathematics, Science, and Technology Improvement Act of 1990", ~~the Colorado advanced technology institute~~, the telecommunications advisory commission, programs for gifted and talented students, and standards-based education. The general assembly finds that, despite these programs, many of the state's best and brightest secondary school students go unchallenged in the areas of mathematics, science, and technology, which areas are critical to this state's future. The general assembly further finds that the traditional methods of providing education in mathematics, science, and technology may no longer be adequate to equip Colorado's students with the skills necessary to take advantage of the wide range of options available to them and the growing technological needs of the state. The general assembly therefore concludes that a magnet school for mathematics, science, and technology that develops as a cooperative effort between the public and private sectors and that utilizes advanced educational methods, including distance learning, may provide an environment in which all of Colorado's students could obtain the tools to take advantage of the growing range of opportunities available to them.

SECTION 7. 22-84-102 (2), Colorado Revised Statutes, is amended to read:

22-84-102. Magnet school planning board - created - terms - compensation - sunset review - repeal. (2) The magnet school planning board shall consist of

~~eight~~ SEVEN members as follows:

- (a) The executive director of the Colorado commission on higher education or the executive director's designee;
- (b) The executive director of the Colorado department of education or the executive director's designee;
- (c) The executive officer of the state board for community colleges and occupational education or the executive officer's designee;
- (d) The director of the systemic science initiative or the director's designee;
- (e) One member appointed by the state board of education from the state special education advisory committee;
- (f) One public secondary school classroom teacher appointed by the state board of education; AND
- ~~(g) One member appointed by the state board of education from the Colorado advanced technology institute commission who is employed in the private sector; and~~
- (h) One member appointed by the state board of education from the telecommunications advisory commission who is employed in the private sector.

SECTION 8. 23-1-118 (6) (b), Colorado Revised Statutes, is amended to read:

23-1-118. Commission directive - programs of excellence. (6) (b) As to programs of excellence which relate to advanced technology, the commission, ~~after consultation with the Colorado advanced technology institute commission established under section 23-11-103 and~~ subject to available appropriations, shall allocate funds to the governing boards. The ~~Colorado~~ commission ~~on higher education~~ shall determine the proportion of the total appropriation made pursuant to paragraph (a) of this subsection (6) that shall be allocated to programs of excellence concerned with advanced technology.

SECTION 9. 23-5-121, Colorado Revised Statutes, is amended to read:

23-5-121. Governing boards - authority to establish nonprofit corporations for developing discoveries and technology. (1) The general assembly recognizes that the transfer of newly created technologies from university research to the private sector and the resulting potential creation and expansion of Colorado companies are essential to the economic growth of this state, promote the public good, and should be encouraged. The general assembly further recognizes that a valid public purpose will be furthered and a commitment to the economic growth of this state demonstrated by empowering the governing boards of the state-supported institutions of higher education ~~and the Colorado advanced technology institute commission~~ to establish nonprofit corporations to effect such a transfer and development and by empowering the governing boards of the state-supported institutions of higher education to cooperate with ~~such entities as the Colorado advanced technology institute~~ THE PRIVATE SECTOR.

(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 a copy of the corporation's annual report.~~

(3) The governing board of any state-supported institution of higher education ~~or the commission~~ may transfer to a corporation incorporated pursuant to subsection (2) of this section all rights to discoveries and technologies resulting from science and technology research at such state-supported institution of higher education. ~~or at the Colorado advanced technology institute, as appropriate.~~ Such transfer may be made in consideration of the corporation's undertaking to develop the technology for the benefit of the state-supported institution of higher education ~~or the Colorado advanced technology institute, as appropriate,~~ and the state. Any such rights to discoveries and technologies ~~which~~ THAT are transferred to the corporation by a governing board ~~or by the commission~~ shall not be further transferred by the corporation without adequate consideration being received therefor.

(4) Prior to the transfer to a corporation incorporated pursuant to subsection (2) of this section of all rights to discoveries and technologies resulting from science and technology research at any state-supported institution of higher education, ~~or the Colorado advanced technology institute~~ the governing board of such state-supported institution of higher education ~~or the commission, as appropriate,~~ shall enter into an agreement with said corporation ~~which~~ THAT shall include the terms of financial remuneration due the institution.

(5) As a means of carrying out the purposes stated in this section, the governing board of any state-supported institution of higher education ~~or the commission~~ may, through one or more corporations incorporated pursuant to subsection (2) of this section:

(a) Own and license rights to products, technology, and scientific information;

(b) Own shares in corporations engaged in the development, manufacture, or marketing of products, technology, or scientific information under a license from the governing board ~~or the commission~~ or a corporation incorporated pursuant to subsection (2) of this section;

(c) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation formed for that purpose, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or

marketing of products, technology, or scientific information under a license from the board ~~or the commission~~ or a corporation incorporated pursuant to subsection (2) of this section; except that the governing board ~~and the commission~~ shall be subject to the provisions of section 24-113-104, C.R.S., regarding competition with private enterprise by institutions of higher education;

(d) Develop economic incentives for faculty members and other employees of the state-supported institution of higher education ~~or the Colorado advanced technology institute~~ in order to encourage development of technology, which may include assignment of a share of the royalty payments, payment of supplemental compensation, or such other economic incentives as will in the judgment of the governing board ~~or the commission~~ best promote the purposes of this section;

(e) In the case of a governing board of a state-supported institution of higher education, cooperate with the ~~Colorado advanced technology institute and the commission~~ AND THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR in technology transfers pursuant to ~~section 23-11-105~~ SECTION 23-1-106.7;

(f) Carry on such other activities as the governing board ~~or the commission~~ may deem appropriate for achieving the purposes of this section.

(6) At the discretion of the governing board of the state-supported institution of higher education, ~~or the commission~~ research facilities and personnel at their own institutions or campuses may be utilized to achieve the purposes of this section.

(7) The state of Colorado or state-supported institution ~~or the Colorado advanced technology institute~~ shall not be held responsible for any debt or liability incurred by the corporation created pursuant to subsection (2) of this section.

SECTION 10. 24-32-114 (1) (a) (II), Colorado Revised Statutes, is amended to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal.

(1) (a) Commencing July 1, 1998, the director, in consultation with the executive director of the department of local affairs, shall expend moneys allocated to the division pursuant to section 25-17-202 (3), C.R.S., in the manner set forth in this section as follows:

(II) (A) An amount of up to five percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be allocated to the ~~Colorado advanced technology institute created in section 23-11-102, C.R.S.~~ COMMISSION ON HIGHER EDUCATION CREATED IN SECTION 23-1-102, C.R.S., for the purpose of evaluating potential uses for recycled material from motor vehicle waste tires. The ~~institute~~ COMMISSION shall, if possible, utilize such moneys to obtain matching funds from federal or private sources.

(B) The Colorado ~~advanced technology institute~~ COMMISSION ON HIGHER EDUCATION shall annually inform the division regarding the progress that the institute has made in the evaluation of waste tire uses.

SECTION 11. Part 1 of article 20 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-20-110. Transfer of employees to office of innovation and technology. ON JULY 1, 1999, CERTAIN EMPLOYEES OF THE COLORADO ADVANCED TECHNOLOGY INSTITUTE PRIOR TO SAID DATE SHALL BE TRANSFERRED TO AND BECOME EMPLOYEES OF THE OFFICE OF TECHNOLOGY AND INNOVATION CREATED IN THE OFFICE OF THE GOVERNOR. ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM AT THE TIME OF THE TRANSFER SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS. THE TRANSFER OF EMPLOYEES PURSUANT TO THIS SECTION SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12 OF HOUSE BILL 99-1359, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

SECTION 12. Transfer of appropriation in 1999 long bill. (1) As a result of the repeal of statutory provisions creating the Colorado advanced technology institute and the Colorado advanced technology commission pursuant to sections 1 and 2 of this act, the cash funds exempt appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1999, to the department of higher education, Colorado advanced technology institute, and the corresponding FTE, are hereby transferred as follows:

(a) Two million eight hundred fifty-five thousand eight hundred sixty-five dollars (\$2,855,865) and 2.8 FTE to the department of higher education, Colorado commission on higher education for advanced technology program costs; except that all expenditures by the commission must be consistent with the advanced technology purposes outlined in sections 23-1-106.5 and 23-1-106.7, Colorado Revised Statutes;

(b) Three hundred seventy-one thousand two hundred twenty-five dollars (\$371,225) and 4.0 FTE to the governor's office for allocation to the office of innovation and technology. The dollar amount transferred shall not be greater than the salaries and benefit amount attributable to the 4.0 FTE being transferred to the governor's office.

(2) Footnotes 75 and 76 of the annual general appropriation act for the fiscal year beginning July 1, 1999, for the department of higher education, Colorado advanced technology institute, are repealed.

SECTION 13. Effective date. This act shall take effect July 1, 1999.

SECTION 14. 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