

CHAPTER 115

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 04-042

BY SENATOR(S) Arnold, Entz, Groff, Phillips, and Tapia;
also REPRESENTATIVE(S) Mitchell, Carroll, and Rose.

AN ACT**CONCERNING THE STUDENT LOAN ADVISORY COMMITTEE.**

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

SECTION 1. 23-3.1-105, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-3.1-105. Advisory committee established - duties - membership - repeal.

(1) EFFECTIVE JUNE 30, 2004, THE ADVISORY COMMITTEE ON STUDENT LOANS IS ABOLISHED. THE TERMS OF MEMBERS OF THE ADVISORY COMMITTEE SERVING AS SUCH AS OF SAID DATE ARE TERMINATED.

(2) (a) EFFECTIVE JULY 1, 2004, THERE IS HEREBY ESTABLISHED AN ADVISORY COMMITTEE ON STUDENT LOANS, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL ADVISE THE DIRECTOR ON THE ADMINISTRATION OF THIS ARTICLE, SHALL PERFORM SUCH OTHER FUNCTIONS AS ARE DELEGATED TO IT BY THE DIRECTOR THROUGH BYLAWS, AND SHALL MAINTAIN LIAISON WITH THE GENERAL ASSEMBLY, LENDERS, AND INSTITUTIONS OF HIGHER EDUCATION.

(b) THE COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS, TO BE APPOINTED BY JULY 1, 2004, IN THE FOLLOWING MANNER:

(I) THE GOVERNOR SHALL APPOINT, WITH THE CONSENT OF THE SENATE, SEVEN VOTING MEMBERS, ONE FROM EACH CONGRESSIONAL DISTRICT IN THE STATE. THE TERM OF OFFICE OF EACH MEMBER SHALL BE FOUR YEARS; EXCEPT THAT OF THE VOTING MEMBERS FIRST APPOINTED, FOUR MEMBERS SHALL SERVE FOR TERMS OF TWO YEARS, AND THREE MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS. EACH MEMBER SHALL SERVE UNTIL HIS OR HER SUCCESSOR HAS BEEN APPOINTED BY THE GOVERNOR, AND EACH MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT.

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

(II) FOUR NONVOTING MEMBERS OF THE COMMITTEE SHALL BE MEMBERS OF THE GENERAL ASSEMBLY. THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS, ONE FROM EACH MAJOR POLITICAL PARTY. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO REPRESENTATIVES, ONE FROM EACH MAJOR POLITICAL PARTY. THE FOUR MEMBERS SHALL BE APPOINTED FOR TERMS OF TWO YEARS, AND THEIR SUCCESSORS SHALL BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL MEMBERS.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON SEEKING APPOINTMENT BY THE GOVERNOR TO THE COMMITTEE SHALL DISCLOSE ANY AFFILIATION THE PERSON MAY HAVE WITH ANY ENTITY THAT HAS AN AGREEMENT WITH THE UNITED STATES SECRETARY OF EDUCATION TO ACT AS A GUARANTOR PURSUANT TO SECTION 428 (b) (1) OF THE FEDERAL "HIGHER EDUCATION ACT OF 1965", AS AMENDED. AN APPOINTING AUTHORITY SHALL NOT APPOINT A PERSON TO THE ADVISORY COMMITTEE WHO IS EMPLOYED, DIRECTLY OR INDIRECTLY, BY AN ENTITY THAT PROVIDES PRODUCTS OR SERVICES THAT ARE IN COMPETITION WITH THOSE PROVIDED BY THE DIVISION TO ITS CUSTOMERS OR WHO IS EMPLOYED DIRECTLY OR INDIRECTLY BY AN ENTITY UTILIZING PRODUCTS OR SERVICES COMPETITIVE TO THOSE PROVIDED BY THE DIVISION TO ITS CUSTOMERS.

(3) (a) ON OR BEFORE JULY 15, 2004, A MEMBER OF THE COMMITTEE DESIGNATED BY THE DIRECTOR SHALL CALL AND CONVENE THE INITIAL ORGANIZATIONAL MEETING OF THE COMMITTEE, AND SHALL SERVE AS ITS CHAIRPERSON PRO TEMPORE. AT THE MEETING, APPROPRIATE BYLAWS SHALL BE PRESENTED FOR ADOPTION. THE BYLAWS MAY PROVIDE FOR THE DELEGATION OF CERTAIN POWERS AND DUTIES AND SUCH OTHER MATTERS AS THE DIRECTOR DEEMS PROPER. AT THE FIRST MEETING, AND ANNUALLY THEREAFTER, THE COMMITTEE SHALL ELECT ONE OF ITS MEMBERS AS CHAIRPERSON AND ONE OF ITS MEMBERS AS VICE-CHAIRPERSON.

(b) THE DIRECTOR OR ANY OTHER PERSON DESIGNATED BY THE COMMITTEE SHALL KEEP A RECORD OF THE PROCEEDINGS OF THE COMMITTEE AND THE MINUTE BOOKS OR JOURNALS OF THE COMMITTEE. THE DIRECTOR OR OTHER PERSON MAY CAUSE COPIES TO BE MADE OF ALL MINUTES AND OTHER RECORDS AND DOCUMENTS OF THE COMMITTEE AND MAY GIVE CERTIFICATES TO THE EFFECT THAT THE COPIES ARE TRUE COPIES.

(c) A MEMBER OF THE COMMITTEE SHALL DISQUALIFY HIMSELF OR HERSELF FROM VOTING ON ANY ISSUE IN WHICH HE OR SHE HAS A CONFLICT OF INTEREST, UNLESS THE MEMBER HAS DISCLOSED SUCH CONFLICT OR INTEREST IN COMPLIANCE WITH SECTION 18-8-308, C.R.S.

(4) (a) A MAJORITY OF THE SEVEN VOTING MEMBERS OF THE COMMITTEE SHALL CONSTITUTE A QUORUM OF THE COMMITTEE. THE COMMITTEE MAY TAKE ACTION UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THOSE PRESENT. A VACANCY IN THE MEMBERSHIP OF THE COMMITTEE SHALL NOT IMPAIR THE RIGHT OF A QUORUM TO EXERCISE ALL THE RIGHTS AND PERFORM ALL THE DUTIES OF THE COMMITTEE.

(b) PURSUANT TO THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., EACH MEETING OF THE COMMITTEE SHALL BE OPEN TO THE PUBLIC. NOTICE OF MEETINGS SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE LAW. MEMBERS

OF THE COMMITTEE MAY PARTICIPATE IN ANY COMMITTEE MEETING AND VOTING MEMBERS MAY VOTE ON RESOLUTIONS THROUGH THE USE OF TELECOMMUNICATIONS DEVICES, INCLUDING BUT NOT LIMITED TO THE USE OF A CONFERENCE TELEPHONE OR SIMILAR COMMUNICATIONS EQUIPMENT. PARTICIPATION THROUGH TELECOMMUNICATIONS DEVICES SHALL CONSTITUTE PRESENCE IN PERSON AT THE MEETING. USE OF TELECOMMUNICATIONS SHALL NOT SUPERCEDE ANY REQUIREMENTS FOR PUBLIC HEARING OTHERWISE PROVIDED BY LAW. RESOLUTIONS NEED NOT BE PUBLISHED OR POSTED, BUT RESOLUTIONS AND ALL PROCEEDINGS AND OTHER ACTS OF THE COMMITTEE SHALL BE A PUBLIC RECORD.

(5) MEMBERS OF THE COMMITTEE SHALL RECEIVE NO COMPENSATION FOR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES, INCLUDING TRAVEL AND LODGING EXPENSES, INCURRED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES. ANY PAYMENTS FOR EXPENSES SHALL BE PAID FROM FUNDS OF THE OPERATING ACCOUNT CREATED IN SECTION 23-3.1-107 (1) (a) (II).

(6) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) PRIOR TO ITS REPEAL, THE ADVISORY COMMITTEE ON STUDENT LOANS SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(aa) JULY 1, 2014:

(I) THE ADVISORY COMMITTEE ON STUDENT LOANS CREATED IN SECTION 23-3.1-105, C.R.S.

SECTION 3. 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: April 8, 2004