

CHAPTER 149

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 06-1269

BY REPRESENTATIVE(S) Cloer, Butcher, Benefield, Carroll T., Gardner, Hefley, Larson, Lundberg, Merrifield, Riesberg, Todd, White, Berens, Borodkin, Boyd, Gallegos, Kerr J., Liston, Solano, Stafford, and Vigil;
also SENATOR(S) Tochtrop, Bacon, Dyer, Jones, Kester, Mitchell, Shaffer, Teck, Traylor, Williams, and Windels.

AN ACT**CONCERNING CREATION OF A NURSING FACULTY FELLOWSHIP PROGRAM.**

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

SECTION 1. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 19
Nursing Faculty Fellowship Program

23-19-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION.
- (2) "FUND" MEANS THE NURSING FACULTY FELLOWSHIP PROGRAM FUND CREATED PURSUANT TO SECTION 23-19-103.
- (3) "NURSING SCHOOL" MEANS A SCHOOL OF NURSING APPROVED BY THE STATE BOARD OF NURSING, CREATED PURSUANT TO SECTION 12-38-104, C.R.S., AND LOCATED IN COLORADO.
- (4) "PROGRAM" MEANS THE NURSING FACULTY FELLOWSHIP PROGRAM CREATED PURSUANT TO SECTION 23-19-102.
- (5) "QUALIFIED POSITION" MEANS A PART-TIME OR FULL-TIME NURSING SCHOOL TEACHING POSITION THAT REQUIRES A MASTER'S OR DOCTORATE DEGREE IN NURSING OR RELATED FIELD.

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

23-19-102. Nursing faculty fellowship program - creation - administration - conditions. (1) (a) THERE IS HEREBY CREATED THE NURSING FACULTY FELLOWSHIP PROGRAM TO PROVIDE MONEYS TO NURSING SCHOOLS TO FUND FELLOWSHIPS FOR PERSONS EMPLOYED IN QUALIFIED POSITIONS ON THE NURSING FACULTY. THE PROGRAM SHALL BE DESIGNED TO HELP NURSING SCHOOLS FILL VACANCIES IN QUALIFIED POSITIONS THROUGHOUT COLORADO. THE PROGRAM MAY PROVIDE FOR AN ANNUAL PAYMENT OF UP TO TEN THOUSAND DOLLARS PER YEAR FOR UP TO THREE YEARS FOR A QUALIFIED POSITION IN A NURSING SCHOOL, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, SUBJECT TO AVAILABLE GIFTS, GRANTS, AND DONATIONS.

(b) PROGRAM MONEYS SHALL BE USED TO FUND EXISTING QUALIFIED POSITIONS THAT ARE UNFILLED AT THE TIME OF APPLICATION. IN THE EVENT THAT THE FACULTY MEMBER WHO IS RECEIVING A FELLOWSHIP LEAVES THE QUALIFIED POSITION, THE NURSING SCHOOL SHALL ALLOCATE ANY REMAINING AWARDED PROGRAM MONEYS TO FUNDING THE QUALIFIED POSITION, IF IT IS FILLED IMMEDIATELY, OR TO FUNDING ANOTHER VACANT QUALIFIED POSITION IN THE NURSING SCHOOL. IF THE POSITION IS NOT FILLED IMMEDIATELY OR ANOTHER VACANT QUALIFIED POSITION DOES NOT EXIST, THE NURSING SCHOOL SHALL RETURN ANY UNEXPENDED PROGRAM MONEYS TO THE COMMISSION.

(2) THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE COMMISSION TO DEVELOP AND ADMINISTER THE PROGRAM. THE COMMISSION SHALL IMPLEMENT THE PROGRAM BEGINNING IN THE FALL SEMESTER OF THE 2007-08 ACADEMIC YEAR, SUBJECT TO AVAILABLE GIFTS, GRANTS, AND DONATIONS RECEIVED. IF THE AMOUNT OF GIFTS, GRANTS, AND DONATIONS DOES NOT COVER THE COSTS OF THE PROGRAM, THE COMMISSION SHALL NOT IMPLEMENT THE PROGRAM.

(3) THE COMMISSION, WORKING IN CONJUNCTION WITH NURSING SCHOOLS IN THE STATE, SHALL DEVELOP A DISTRIBUTION FORMULA AND SHALL AWARD NO MORE THAN THIRTY PERCENT OF THE AVAILABLE FUNDS TO A SINGLE NURSING SCHOOL; EXCEPT THAT THE AMOUNT OF ANY SPECIFIC GIFT, GRANT, OR DONATION DIRECTED TO A SPECIFIC NURSING SCHOOL AND RECEIVED PURSUANT TO SECTION 23-19-103 MAY EXCEED THIS LIMIT. ANY SPECIFIC GIFT, GRANT, OR DONATION DIRECTED TO A SPECIFIC NURSING SCHOOL AND RECEIVED PURSUANT TO SECTION 23-19-103 MAY BE AWARDED IN THE AMOUNT STIPULATED BY THE DONOR AND EXCEED THE LIMIT OF AN ANNUAL FELLOWSHIP AWARD OF UP TO TEN THOUSAND DOLLARS PER YEAR FOR UP TO THREE YEARS. NURSING SCHOOLS SHALL APPLY TO THE COMMISSION TO BE AWARDED FELLOWSHIP MONEYS FROM THE PROGRAM. IN AWARDED FELLOWSHIPS TO NURSING SCHOOLS, THE COMMISSION SHALL CONSIDER THE FOLLOWING CRITERIA:

(a) THE QUALIFIED POSITIONS AVAILABLE AT THE NURSING SCHOOL AND THE LENGTH OF TIME THE OPENINGS HAVE GONE UNFILLED;

(b) DOCUMENTED RECRUITING EFFORTS BY THE NURSING SCHOOL;

(c) THE GEOGRAPHIC LOCATION OF THE NURSING SCHOOL; AND

(d) THE TYPE OF NURSING PROGRAM OR PROGRAMS OFFERED AT THE NURSING SCHOOL, INCLUDING ASSOCIATE, BACHELOR'S, MASTER'S, OR DOCTORAL DEGREE IN

NURSING, AND THE NEED FOR THOSE PROGRAMS IN THE STATE.

23-19-103. Nursing faculty fellowship program fund. THE COMMISSION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE, INCLUDING GIFTS, GRANTS, OR DONATIONS THAT INCLUDE STATED CONDITIONS OF USE; EXCEPT THAT A GIFT, GRANT, OR DONATION SHALL NOT BE ACCEPTED IF THE CONDITIONS ATTACHED TO THE GIFT, GRANT, OR DONATION REQUIRE ITS EXPENDITURE IN A MANNER CONTRARY TO LAW. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE NURSING FACULTY FELLOWSHIP PROGRAM FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. THE COMMISSION MAY EXPEND UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE PROGRAM. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

23-19-104. Reporting requirements. (1) ON OR BEFORE NOVEMBER 1, 2007, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL PREPARE AN ANNUAL REPORT THAT INCLUDES, AT A MINIMUM, THE FOLLOWING INFORMATION FOR THE PRECEDING FISCAL YEAR:

(a) THE NUMBER OF NURSING SCHOOLS THAT RECEIVE MONEYS FROM THE PROGRAM;

(b) THE NUMBER OF PERSONS IN QUALIFIED POSITIONS THAT RECEIVE FELLOWSHIPS FROM THE PROGRAM;

(c) THE SOURCE OF INCOME TO THE FUND; AND

(d) THE AMOUNT OF UNENCUMBERED AND UNEXPENDED MONEYS IN THE FUND AS OF JUNE 30 OF THE PRECEDING FISCAL YEAR.

(2) THE COMMISSION SHALL PROVIDE NOTICE TO THE EDUCATION COMMITTEES AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE NURSING SCHOOLS THAT THE REPORT IS AVAILABLE UPON REQUEST.

SECTION 2. 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 24, 2006