

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0887.01 Kip Kolkmeier & Kristen Forrestal x4217

HOUSE BILL 17-1251

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A BILL FOR AN ACT

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

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Statutory Revision Committee.** Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses the reporting

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

requirements of higher education agencies.

**Sections 3, 7, 8, and 13** of the bill repeal reports that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Section 3 of the bill also adds a repeal date in the organic statute that coincides with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

**Sections 1, 2, 4 through 6, 9 through 12, and 14 through 16** of the bill amend the organic statute to continue indefinitely the reporting requirements to send a report to the general assembly notwithstanding the repeal date specified in section 24-1-136 (11)(a)(I).

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

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

4 **23-1-105.5. Duties and powers of the commission with respect**  
5 **to student fees - report.** (2) NOTWITHSTANDING SECTION 24-1-136  
6 (11)(a)(I), on or before January 15, 2012, and on or before January 15  
7 each year thereafter, the department shall report to the education  
8 committees of the house of representatives and the senate, or any  
9 successor committees, concerning the governing boards' fee policies and  
10 the collection and use of student fees.

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

13 **23-1-106. Duties and powers of the commission with respect**  
14 **to capital construction and long-range planning - legislative**  
15 **declaration - definitions - report.** (7) (a) The commission annually shall  
16 prepare a unified, five-year capital improvements report of projects to be  
17 constructed, but not including those capital construction or capital  
18 renewal projects to be undertaken pursuant to subsection (9) of this  
19 section, coordinated with education plans. NOTWITHSTANDING SECTION

1 24-1-136 (11)(a)(I), the commission shall transmit the report to the office  
2 of state planning and budgeting, the office of the state architect, the  
3 capital development committee, and the joint budget committee,  
4 consistent with the executive budget timetable, together with a  
5 recommended priority of funding of capital construction or capital  
6 renewal projects for the system of public higher education. The  
7 commission shall annually transmit the recommended priority of funding  
8 of capital construction or capital renewal projects to the capital  
9 development committee no later than November 1 of each year.

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

14 **SECTION 3.** In Colorado Revised Statutes, 23-1-108, **amend**  
15 (1.9)(b); and **repeal** (1)(g) as follows:

16 **23-1-108. Duties and powers of the commission with regard to**  
17 **systemwide planning - report - repeal.** (1) The commission, after  
18 consultation with the governing boards of institutions and as a part of the  
19 master planning process, shall have the authority to:

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

24 (1.9) (b) (I) After the 2016-17 state fiscal year, in each state fiscal  
25 year in which the general assembly appropriates the restored level of  
26 general fund appropriations for the state system of higher education, the  
27 commission, based on the performance-based funding plan adopted in the

1 master plan, shall recommend to the joint budget committee the portion  
2 of the performance funding amount to be appropriated to each governing  
3 board, including the governing boards for the junior colleges and the area  
4 technical colleges, based on the demonstrated performance of the  
5 institutions that are under the governing board's control in meeting the  
6 institutions' goals and expectations specified in the institutions' respective  
7 performance contracts.

8 (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION  
9 (1.9)(b) IS REPEALED, EFFECTIVE JULY 1, 2019.

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

12 **23-1-113. Commission directive - admission standards for**  
13 **baccalaureate and graduate institutions of higher education - policy**  
14 **- report - definitions.** (9) NOTWITHSTANDING SECTION 24-1-136  
15 (11)(a)(I), on or before February 15, 2012, and on or before February 15  
16 each year thereafter, the department of higher education shall submit to  
17 the state board of education, the department of education, and the  
18 education committees of the house of representatives and the senate, or  
19 any successor committees, a report, subject to available data, concerning  
20 the enrollment, placement and completion of basic skills courses,  
21 first-year college grades, and types of academic certificates and degrees  
22 attained at all postsecondary institutions in Colorado and the United  
23 States for the high school graduating classes of the preceding six  
24 academic years. The department of higher education shall report the  
25 information disaggregated by high school and school district of  
26 graduation, to the extent practicable, and by ethnicity, gender, financial  
27 aid status, and any other characteristic deemed relevant by the

1 commission. The department of higher education and the department of  
2 education shall also make the report available on their respective  
3 websites.

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

6 **23-1-113.3. Commission directive - basic skills courses -**  
7 **report.** (4) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the  
8 department shall transmit annually to the education committees of the  
9 senate and the house of representatives, or any successor committees, the  
10 joint budget committee, the commission, and the department of education  
11 an analysis of the data:

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

14 **23-3.1-206.9. Colorado collegeinvest scholarship program -**  
15 **administration - fund - policies.** (4) NOTWITHSTANDING SECTION  
16 24-1-136 (11)(a)(I), on or before February 1 of each year, the board shall  
17 report to the education committees of the senate and the house of  
18 representatives, or any successor committees, on the status of the  
19 Colorado collegeinvest scholarship program. The report shall include, but  
20 need not be limited to, the financial status of the Colorado collegeinvest  
21 scholarship trust fund, the amount of money annually spent on  
22 administration, the average scholarship award amount, and the number of  
23 students participating in the Colorado collegeinvest scholarship program.

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

26 **23-5-129. Governing boards - performance contract -**  
27 **authorization - operations - definitions.** (5) (a) ~~Beginning January~~

1     ~~2006, and each January thereafter, the department of higher education~~  
2     ~~shall report to the members of the education committees of the senate and~~  
3     ~~the house of representatives and the members of the joint budget~~  
4     ~~committee of the general assembly the financial effect of the provisions~~  
5     ~~of each performance contract with regard to funding for the affected~~  
6     ~~governing board of a state institution of higher education and overall~~  
7     ~~funding for the statewide system of higher education and a review of each~~  
8     ~~state or private institution's operations under the institution's performance~~  
9     ~~contract. The term of a performance contract may be up to ten years. The~~  
10    ~~department of higher education may renew a performance contract at its~~  
11    ~~discretion, with the agreement of the governing board.~~

12           ~~(a.5) Notwithstanding any provision of paragraph (a) of this~~  
13    ~~subsection (5) to the contrary, The performance contracts in effect as of~~  
14    ~~July 1, 2010, shall remain in effect until renegotiated as provided in~~  
15    ~~section 23-1-108 (1.5) no later than December 1, 2012.~~

16           ~~(b) Beginning January 2006, and each January thereafter, data~~  
17    ~~collected and used to measure a state or private institution of higher~~  
18    ~~education's progress towards the goals set forth in the institution's~~  
19    ~~performance contract with the department of higher education shall be~~  
20    ~~made available to the members of the education committees of the house~~  
21    ~~of representatives and the senate, members of the joint budget committee,~~  
22    ~~each governing board, and each institution of higher education covered~~  
23    ~~by a performance contract. The department of higher education shall also~~  
24    ~~provide copies of the data to other members of the general assembly and~~  
25    ~~members of the public on request.~~

26           **SECTION 8.** In Colorado Revised Statutes, **repeal** 23-8-104 as  
27    follows:

1           **23-8-104. Reports.** ~~(1) (Deleted by amendment, L. 2008, p. 311,~~  
2           ~~§ 1, effective August 5, 2008.)~~

3           ~~(2) On or before February 28, 2009, and on or before February 28~~  
4           ~~each year thereafter, the board shall submit a report to the joint budget~~  
5           ~~committee and to the education committees of the house of~~  
6           ~~representatives and the senate, or any successor committees, on the~~  
7           ~~implementation and results of programs funded pursuant to this article,~~  
8           ~~including:~~

9           ~~(a) The types of programs funded;~~

10          ~~(b) The numbers of students and full-time equivalent students~~  
11          ~~served;~~

12          ~~(c) The total cost and the full-time equivalent student cost;~~

13          ~~(d) The placement of those students who completed the programs,~~  
14          ~~including job placement and continuing education; and~~

15          ~~(e) Other aspects of the programs that will enable the general~~  
16          ~~assembly to evaluate the results, cost effectiveness, and viability of the~~  
17          ~~approved programs and to determine whether or not this article should be~~  
18          ~~extended.~~

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

21           **23-18-202. College opportunity fund - appropriations -**  
22           ~~**payment of stipends - reimbursement - report.**~~

23           ~~(2) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission~~  
24           ~~shall forward to the general assembly and governor, by November 1 of~~  
25           ~~each year, a list of institutions eligible to receive stipends on behalf of~~  
26           ~~eligible undergraduate students under the program. The commission shall~~  
27           ~~annually request that the general assembly adjust the amount appropriated~~

1 to the Colorado student loan program for the stipends, which amount may  
2 reflect inflation and enrollment growth in the state institutions of higher  
3 education.

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

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

18 **23-20-119. Corporate stock in name of nominee authorized.**  
19 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), a report shall be  
20 made by the regents of the university of Colorado, to the general assembly  
21 at each regular session, of the investments made and the interest derived  
22 therefrom under the provisions of this section and section 23-20-118.

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

25 **23-21-521. Annual report.** NOTWITHSTANDING SECTION 24-1-136  
26 (11)(a)(I), the authority shall submit to the governor and the joint budget  
27 committee within six months after the end of the fiscal year a report



1 which shall set forth a complete and detailed operating and financial  
2 statement of the authority during such year. Also included in the report  
3 shall be any recommendations with reference to additional legislation or  
4 other action that may be necessary to carry out the purposes of the  
5 authority.

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

8 **23-30-122. Corporate stock in nominee authorized.**

9 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the board shall  
10 report to the joint budget committee of the general assembly at each  
11 regular session regarding the investments made and the earnings or losses  
12 derived therefrom under the provisions of this section and section  
13 23-30-121. The report shall include information indicating the extent to  
14 which the investment managers hired by the board have achieved or failed  
15 to achieve the performance benchmarks established pursuant to section  
16 23-30-123 (1)(b).

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

19 **23-30-123. Investment policy - fiduciary responsibility.** (3) If  
20 ~~the board of governors votes to invest assets of the Colorado state~~  
21 ~~university system pursuant to sections 23-30-121 and 23-30-122, the~~  
22 ~~board shall require annual financial statements to be submitted to the~~  
23 ~~board of governors, the state treasurer, the state auditor, and the joint~~  
24 ~~budget committee of the general assembly. The financial statements shall~~  
25 ~~include, at a minimum, information concerning investment income, gains,~~  
26 ~~and losses, if any, of the Colorado state university system. The financial~~  
27 ~~statements shall report the performance of investments on both a~~

1 ~~gross-of-fee and a net-of-fee basis.~~

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

4           **23-40-106. Education innovation institute established -**  
5 **purposes - appropriations - report.** (4) NOTWITHSTANDING SECTION  
6 24-1-136 (11)(a)(I), on or before January 10, 2011, and on or before  
7 January 10 each year thereafter, the institute shall prepare and submit a  
8 report to the education committees of the house of representatives and the  
9 senate, or any successor committees, concerning the activities of the  
10 institute in the previous calendar year. The report shall include, at a  
11 minimum, information concerning the efforts of the institute to fulfill its  
12 purposes as described in subsection (2) of this section.

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

15           **23-60-306. Colorado customized training program - creation**  
16 **- policy - functions of the state board for community colleges and**  
17 **occupational education.** (3) (m) NOTWITHSTANDING SECTION 24-1-136  
18 (11)(a)(I), beginning January 1, 1985, and each January 1 thereafter, the  
19 state board for community colleges and occupational education shall  
20 report to the joint budget committee and the legislative audit committee  
21 on the cost-effectiveness of the Colorado customized training program in  
22 assisting economic development in Colorado.

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

25           **24-77-103. Limitation on state fiscal year spending - legislative**  
26 **declaration - report.** (7) For purposes of complying with the limitation  
27 on state fiscal year spending set forth in subsection (1) of this section,

1 AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), each state  
2 institution of higher education shall prepare a written report for each  
3 quarter of the fiscal year, which shall include the total amount of net  
4 revenues generated during such period from any facility, activity, or  
5 operation managed by such state institution of higher education ~~which~~  
6 THAT is an enterprise and the total amount of such net revenues and any  
7 other thing of value received by such state institution of higher education  
8 from such enterprises. ~~Such~~ THE report shall be filed with the president  
9 of the senate, the speaker of the house of representatives, and the  
10 ~~chairman~~ CHAIR of the joint budget committee no later than thirty days  
11 after the close of such period.

12 **SECTION 17. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2018 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.