

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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

HOUSE BILL 17-1251

HOUSE SPONSORSHIP

Nordberg, Arndt, Hooton, Thurlow

SENATE SPONSORSHIP

Moreno, Kerr, Martinez Humenik, Tate

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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.

SENATE
Amended 2nd Reading
April 28, 2017

HOUSE
3rd Reading Unamended
April 19, 2017

HOUSE
Amended 2nd Reading
April 17, 2017

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).

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.** (1) The commission, after consultation
18 with the governing boards of institutions and as a part of the master
19 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) ~~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, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), shall
2 recommend to the joint budget committee the portion of the performance
3 funding amount to be appropriated to each governing board, including the
4 governing boards for the junior colleges and the area technical colleges,
5 based on the demonstrated performance of the institutions that are under
6 the governing board's control in meeting the institutions' goals and
7 expectations specified in the institutions' respective performance
8 contracts.

9 
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

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

27 **23-5-129. Governing boards - performance contract -**

1 **authorization - operations - reports - definitions.**

2 (5) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), beginning
3 January 2006, and each January thereafter, the department of higher
4 education shall report to the members of the education committees of the
5 senate and the house of representatives and the members of the joint
6 budget committee of the general assembly the financial effect of the
7 provisions of each performance contract with regard to funding for the
8 affected governing board of a state institution of higher education and
9 overall funding for the statewide system of higher education and a review
10 of each state or private institution's operations under the institution's
11 performance contract. The term of a performance contract may be up to
12 ten years. The department of higher education may renew a performance
13 contract at its discretion, with the agreement of the governing board.

14 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), beginning
15 January 2006, and each January thereafter, data collected and used to
16 measure a state or private institution of higher education's progress
17 towards the goals set forth in the institution's performance contract with
18 the department of higher education shall be made available to the
19 members of the education committees of the house of representatives and
20 the senate, members of the joint budget committee, each governing board,
21 and each institution of higher education covered by a performance
22 contract. The department of higher education shall also provide copies of
23 the data to other members of the general assembly and members of the
24 public on request.

25 **SECTION 8.** In Colorado Revised Statutes, 23-8-104, **amend** (2)
26 introductory portion as follows:

27 **23-8-104. Reports.** (2) NOTWITHSTANDING SECTION 24-1-136

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

7 SECTION 9. In Colorado Revised Statutes, 23-18-202, amend
8 (2)(c) and (2)(d) as follows:

9 23-18-202. College opportunity fund - appropriations -
10 payment of stipends - reimbursement - report.

11 (2) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commission
12 shall forward to the general assembly and governor, by November 1 of
13 each year, a list of institutions eligible to receive stipends on behalf of
14 eligible undergraduate students under the program. The commission shall
15 annually request that the general assembly adjust the amount appropriated
16 to the Colorado student loan program for the stipends, which amount may
17 reflect inflation and enrollment growth in the state institutions of higher
18 education.

19 (d) Beginning with the state fiscal year commencing July 1, 2006,
20 the commission, in consultation with the governing boards and any
21 participating private institutions of higher education, shall review
22 annually the amount of the stipend per credit hour established pursuant to
23 ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION.
24 Following the review, AND NOTWITHSTANDING SECTION 24-1-136
25 (11)(a)(I), the commission, in consultation with the governing boards and
26 participating private institutions, shall annually make recommendations
27 regarding possible adjustments to the amount of the stipend per credit

1 hour to the governor, and the joint budget committee of the general
2 assembly for consideration in preparing the annual general appropriations
3 act.

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

6 **23-20-119. Corporate stock in name of nominee authorized.**

7 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), a report shall be
8 made by the regents of the university of Colorado, to the general assembly
9 at each regular session, of the investments made and the interest derived
10 therefrom under the provisions of this section and section 23-20-118.

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

13 **23-21-521. Annual report.** NOTWITHSTANDING SECTION 24-1-136

14 (11)(a)(I), the authority shall submit to the governor and the joint budget
15 committee within six months after the end of the fiscal year a report
16 which shall set forth a complete and detailed operating and financial
17 statement of the authority during such year. Also included in the report
18 shall be any recommendations with reference to additional legislation or
19 other action that may be necessary to carry out the purposes of the
20 authority.

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

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

24 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the board shall
25 report to the joint budget committee of the general assembly at each
26 regular session regarding the investments made and the earnings or losses
27 derived therefrom under the provisions of this section and section

1 23-30-121. The report shall include information indicating the extent to
2 which the investment managers hired by the board have achieved or failed
3 to achieve the performance benchmarks established pursuant to section
4 23-30-123 (1)(b).

5 **SECTION 13.** In Colorado Revised Statutes, 23-30-123, **amend**
6 (3) as follows:

7 **23-30-123. Investment policy - fiduciary responsibility -**
8 **annual financial statements.** (3) If the board of governors votes to
9 invest assets of the Colorado state university system pursuant to sections
10 23-30-121 and 23-30-122, NOTWITHSTANDING SECTION 24-1-136
11 (11)(a)(I), the board shall require annual financial statements to be
12 submitted to the board of governors, the state treasurer, the state auditor,
13 and the joint budget committee of the general assembly. The financial
14 statements shall include, at a minimum, information concerning
15 investment income, gains, and losses, if any, of the Colorado state
16 university system. The financial statements shall report the performance
17 of investments on both a gross-of-fee and a net-of-fee basis.

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

20 **23-40-106. Education innovation institute established -**
21 **purposes - appropriations - report.** (4) NOTWITHSTANDING SECTION
22 24-1-136 (11)(a)(I), on or before January 10, 2011, and on or before
23 January 10 each year thereafter, the institute shall prepare and submit a
24 report to the education committees of the house of representatives and the
25 senate, or any successor committees, concerning the activities of the
26 institute in the previous calendar year. The report shall include, at a
27

1 minimum, information concerning the efforts of the institute to fulfill its
2 purposes as described in subsection (2) of this section.

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

5 **23-60-306. Colorado customized training program - creation**
6 **- policy - functions of the state board for community colleges and**
7 **occupational education.** (3) (m) NOTWITHSTANDING SECTION 24-1-136
8 (11)(a)(I), beginning January 1, 1985, and each January 1 thereafter, the
9 state board for community colleges and occupational education shall
10 report to the joint budget committee and the legislative audit committee
11 on the cost-effectiveness of the Colorado customized training program in
12 assisting economic development in Colorado.

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

15 **24-77-103. Limitation on state fiscal year spending - legislative**
16 **declaration - report.** (7) For purposes of complying with the limitation
17 on state fiscal year spending set forth in subsection (1) of this section,
18 AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), each state
19 institution of higher education shall prepare a written report for each
20 quarter of the fiscal year, which shall include the total amount of net
21 revenues generated during such period from any facility, activity, or
22 operation managed by such state institution of higher education ~~which~~
23 THAT is an enterprise and the total amount of such net revenues and any
24 other thing of value received by such state institution of higher education
25 from such enterprises. ~~Such~~ THE report shall be filed with the president
26 of the senate, the speaker of the house of representatives, and the
27 ~~chairman~~ CHAIR of the joint budget committee no later than thirty days

1 after the close of such period.

2 **SECTION 17. Act subject to petition - effective date.**

3 (1) Except as otherwise provided in subsection (2) of this section, this act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.

13 (2) (a) Sections 1 and 7 of this act take effect only if Senate Bill
14 17-297 does not become law.

15 (b) Section 23-1-108 (1.9)(b), Colorado Revised Statutes, as
16 amended in section 3 of this act, takes effect only if Senate Bill 17-297
17 does not become law.