

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0498.01 Brita Darling x2241

SENATE BILL 15-062

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Pettersen,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING EXTENDING THE RESTRICTION ON TUITION INCREASES AT
102 INSTITUTIONS OF HIGHER EDUCATION.

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://www.leg.state.co.us/billsummaries>.)

The bill extends indefinitely the 6% limitation on the amount by which a governing board of a state institution of higher education may increase undergraduate, resident tuition; except that the Colorado school of mines may increase its tuition by the greater of 6% or twice the inflation rate. A governing board may request permission from the Colorado commission on higher education (commission) to increase

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.

tuition above 6% for a single year in any year in which the annual general fund appropriation to higher education does not increase by at least the rate of inflation over the preceding fiscal year. The bill sets forth the process for requesting an increase above the statutory rate and the commission's approval process.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-5-130.5, **amend**
3 (1), (2), (2.5), (3) introductory portion, (3) (b), and (4); and **repeal** (5) as
4 follows:

5 **23-5-130.5. Governing boards - tuition-setting - repeal.**

6 (1) Beginning with the 2011-12 fiscal year and for EACH fiscal ~~years~~
7 YEAR thereafter, ~~through the 2015-16 fiscal year~~, each governing board,
8 for the institutions it controls, shall annually set the amount of tuition to
9 be paid by students with in-state classification and by nonresident
10 students who enroll in and attend the institutions. The tuition amount may
11 vary based on the degree program in which a student enrolls.

12 (2) (a) For the ~~2011-12 through 2013-14~~ 2016-17 fiscal ~~years~~
13 YEAR AND EACH FISCAL YEAR THEREAFTER, in setting the amount of
14 tuition pursuant to this section, a governing board shall not increase the
15 tuition rate for undergraduate students with in-state classification by more
16 than ~~nine~~ SIX percent per student or ~~nine~~ SIX percent per credit hour over
17 the tuition rate for the preceding fiscal year; except that a governing board
18 may increase said tuition rate by more than ~~nine~~ SIX percent per student
19 or ~~nine~~ SIX percent per credit hour over the tuition rate for the preceding
20 fiscal year if the governing board complies with the requirements
21 specified in subsection (3) of this section and the Colorado commission
22 on higher education, referred to in this section as the "commission",
23 approves the increase.

1 (b) Notwithstanding any provision of paragraph (a) of this
2 subsection (2) to the contrary, for the ~~2011-12 through 2013-14~~ 2016-17
3 fiscal ~~years~~ YEAR AND EACH FISCAL YEAR THEREAFTER, the board of
4 trustees of the Colorado school of mines shall not increase the tuition rate
5 for undergraduate students with in-state classification by more than ~~nine~~
6 SIX percent per student or ~~nine~~ SIX percent per credit hour over the tuition
7 rate for the preceding fiscal year or by more than a percentage equal to
8 two times the rate of the percentage change in the consumer price index
9 for the Denver metropolitan area, whichever is greater; except that the
10 board of trustees may increase said tuition rate by more than either of said
11 percentages if the board of trustees complies with the requirements
12 specified in subsection (3) of this section and the commission approves
13 the increase.

14 (2.5) (a) For the 2014-15 and 2015-16 fiscal years:

15 (a) (I) Except as provided in ~~paragraph (b) of this subsection (2.5)~~
16 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), a governing board shall not
17 increase the tuition rate for undergraduate students with in-state
18 classification by more than six percent per student or six percent per
19 credit hour over the tuition rate for the preceding fiscal year regardless of
20 whether the commission has approved or renewed a financial and
21 accountability plan in accordance with this section.

22 ~~(b)~~ (II) The board of trustees of the Colorado school of mines
23 shall not increase the tuition rate for undergraduate students with in-state
24 classification by more than six percent per student or six percent per
25 credit hour over the preceding fiscal year or by more than a percentage
26 equal to two times the rate of the percentage change in the consumer price
27 index for the Denver metropolitan area, whichever is greater, regardless

1 of whether the commission has approved or renewed a financial and
2 accountability plan in accordance with this section.

3 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2016.

4 (3) FOR THE 2016-17 FISCAL YEAR AND EACH FISCAL YEAR
5 THEREAFTER, A GOVERNING BOARD MAY SEEK AN INCREASE IN
6 UNDERGRADUATE, RESIDENT TUITION BY MORE THAN THE PERCENTAGES
7 ALLOWED IN SUBSECTION (2) OF THIS SECTION FOR ANY FISCAL YEAR IN
8 WHICH THE GENERAL FUND APPROPRIATION FOR HIGHER EDUCATION IN
9 THE ANNUAL GENERAL APPROPRIATION ACT INCREASES BY LESS THAN THE
10 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE
11 DENVER-BOULDER-GREELEY METROPOLITAN AREA FOR THE MOST RECENT
12 CALENDAR YEAR THAT ENDS PRIOR TO THE FISCAL YEAR. A governing
13 board that seeks to increase undergraduate, resident tuition by more than
14 the percentages allowed in subsection (2) of this section ~~shall~~ MUST
15 submit to the commission a ~~five-year~~ ONE-YEAR financial and
16 accountability plan in accordance with timelines adopted by the
17 commission. The financial and accountability plan ~~shall~~ MUST specify for
18 ~~each of the five fiscal years~~ YEAR immediately following the fiscal year
19 in which the governing board submits the plan:

20 (b) The manner in which the governing board shall ensure that
21 enrollment in the institution continues to be accessible and affordable for
22 low- and middle-income students in the ~~next~~ following ~~five~~ academic
23 ~~years~~ YEAR, taking into account the availability of federal, state,
24 institutional, and private moneys for financial assistance, and measures
25 the governing board shall implement to help reduce student debt load,
26 including but not limited to the amount of institutional funds the
27 governing board will allocate to need-based financial assistance;

1 (4) (a) The commission shall review each financial and
2 accountability plan received pursuant to subsection (3) of this section and,
3 within ninety days after receiving the plan, either approve or disapprove
4 the governing board's request for an increase in undergraduate, resident
5 tuition in excess of the percentages allowed in subsection (2) of this
6 section. ~~In approving a tuition increase, The commission may approve the~~
7 ~~request for two years and make approval for the subsequent three years~~
8 ~~conditional upon the governing board's success in implementing the~~
9 ~~measures specified in the financial and accountability plan. If the request~~
10 ~~is denied, the governing board may submit an alternative financial and~~
11 ~~accountability plan to the commission in accordance with timelines~~
12 ~~adopted by the commission~~ ONE YEAR.

13 (b) If the commission denies the request, the governing board
14 shall not implement the proposed tuition increase but may increase
15 undergraduate, resident tuition in accordance with the percentages
16 allowed in subsection (2) of this section for the following fiscal year. ~~A~~
17 ~~governing board may resubmit its request for an increase in~~
18 ~~undergraduate, resident tuition in excess of the percentages allowed in~~
19 ~~subsection (2) of this section, with the financial and accountability plan,~~
20 ~~in any subsequent fiscal year following a denial.~~

21 (5) ~~This section is repealed, effective July 1, 2016.~~

22 **SECTION 2.** In Colorado Revised Statutes, 23-1-104, **amend** (1)
23 (a) and (1) (b); and **repeal** (2) as follows:

24 **23-1-104. Financing the system of postsecondary education -**
25 **report.** (1) (a) ~~(1)~~ ~~For BEGINNING fiscal years YEAR 2011-12 through~~
26 ~~2015-16 AND FOR EACH FISCAL YEAR THEREAFTER, the general assembly~~
27 shall make annual appropriations of moneys that are estimated to be

1 received by an institution, under the direction and control of the
2 governing board, as stipends, as defined in section 23-18-102, and
3 through fee-for-service contracts, as authorized in sections 23-1-109.7
4 and 23-18-303, as a single line item to each governing board for the
5 operation of its campuses; except that, if the general assembly
6 appropriates moneys, as described in paragraph (c) of this subsection (1),
7 to the Colorado state forest service, the agricultural experiment station
8 department of the Colorado state university, or the Colorado state
9 university cooperative extension service, such moneys shall not be
10 included within the single line item appropriations described in this
11 paragraph (a).

12 ~~(H) This paragraph (a) is repealed, effective July 1, 2016.~~

13 (b) (I) For the 2010-11 fiscal year, ~~and for fiscal years beginning~~
14 ~~on or after July 1, 2016,~~ the general assembly shall make annual
15 appropriations of general fund moneys, of cash funds received from
16 tuition income, and of moneys that are estimated to be received by an
17 institution, under the direction and control of the governing board, as
18 stipends, as defined in section 23-18-102, and through fee-for-service
19 contracts, as authorized in sections 23-1-109.7 and 23-18-303, as a single
20 line item to each governing board for the operation of its campuses;
21 except that, if the general assembly appropriates moneys, as described in
22 paragraph (c) of this subsection (1), to the Colorado state forest service,
23 the agricultural experiment station department of the Colorado state
24 university, or the Colorado state university cooperative extension service,
25 such moneys shall not be included within the single line item
26 appropriations described in this paragraph (b).

27 (II) For the 2010-11 fiscal year, ~~and for fiscal years beginning on~~

1 ~~or after July 1, 2016~~, the general assembly shall also make annual
2 appropriations of cash funds, other than cash funds received as tuition
3 income or as fees, as a single line item to each governing board for the
4 operation of its campuses. Each governing board shall allocate said cash
5 fund appropriations to the institutions under its control in the manner
6 deemed most appropriate by the governing board.

7 (2) ~~Notwithstanding any provision of this section to the contrary,~~
8 ~~beginning in the 2011-12 fiscal year and for each fiscal year thereafter~~
9 ~~through the 2020-21 fiscal year, the general assembly shall appropriate~~
10 ~~moneys to the governing board of the Colorado school of mines in~~
11 ~~accordance with section 23-41-104.7, through fee-for-service contracts,~~
12 ~~as authorized in sections 23-1-109.7 and 23-18-303, and as stipends, as~~
13 ~~defined in section 23-18-102, as a single line item to said governing~~
14 ~~board.~~

15 **SECTION 3.** In Colorado Revised Statutes, 23-1-108, **repeal** (12)
16 (b) as follows:

17 **23-1-108. Duties and powers of the commission with regard to**
18 **systemwide planning.** (12) (b) ~~For fiscal years beginning on or after~~
19 ~~July 1, 2016, the commission shall establish tuition policies based on~~
20 ~~institutional role and mission, and the governing boards shall set tuition~~
21 ~~consistent with said policies.~~

22 **SECTION 4.** In Colorado Revised Statutes, 23-5-129, **amend** (6)
23 (c) and (11); and **repeal** (10) as follows:

24 **23-5-129. Governing boards - performance contract -**
25 **authorization - operations.** (6) While operating pursuant to a
26 performance contract negotiated pursuant to this section, the governing
27 board of a state institution of higher education:

1 (c) Shall report to the Colorado commission on higher education
2 its plans for any tuition or other proposed increases for the following
3 fiscal year, using approved forms, for the commission to review. ~~and~~
4 ~~make recommendations to the general assembly during the annual budget~~
5 ~~process; except that the provisions of this paragraph (c) shall not apply for~~
6 ~~fiscal years 2011-12 through 2015-16.~~

7 (10) ~~While a state institution of higher education is operating~~
8 ~~pursuant to a performance contract negotiated pursuant to this section, the~~
9 ~~general assembly retains the authority to approve tuition spending~~
10 ~~authority for the governing board of the institution; except that the~~
11 ~~provisions of this subsection (10) shall not apply for fiscal years 2011-12~~
12 ~~through 2015-16.~~

13 (11) Notwithstanding any provision of this section to the contrary,
14 the provisions of subsections ~~(6), (7), and (10)~~ (6) AND (7) of this section
15 do not apply to the local district junior colleges or the area vocational
16 schools.

17 **SECTION 5.** In Colorado Revised Statutes, 23-18-202, **amend**
18 (3) (c); and **repeal** (3) (b) as follows:

19 **23-18-202. College opportunity fund - appropriations -**
20 **payment of stipends - reimbursement.** (3) (b) ~~(f)~~ ~~The tuition increases~~
21 ~~from which the general assembly derived the total cash spending authority~~
22 ~~for each governing board shall be noted in a footnote in the annual~~
23 ~~general appropriations act.~~

24 ~~(H)~~ Notwithstanding the provisions of subparagraph ~~(f)~~ of this
25 paragraph (b), for fiscal years 2011-12 through 2015-16, tuition increases
26 shall not be noted in a footnote in the annual general appropriation act.
27 Each governing board shall establish tuition in each of said fiscal years

1 as provided in section 23-5-130.5. This subparagraph (H) is repealed,
2 effective July 1, 2016.

3 (c) ~~(f)~~ For fiscal years YEAR 2011-12 through 2015-16 AND EACH
4 FISCAL YEAR THEREAFTER, if a governing board submits a plan for
5 authorization to increase undergraduate, resident tuition pursuant to
6 section 23-5-130.5, the governing board shall specify the amount of
7 institutional funds the governing board will allocate to need-based
8 financial assistance.

9 ~~(H) This paragraph (c) is repealed, effective July 1, 2016.~~

10 **SECTION 6.** In Colorado Revised Statutes, 23-20-112, **amend**
11 (1) and (2) as follows:

12 **23-20-112. General powers of the board - definitions.** (1) The
13 board of regents shall enact laws for the government of the university;
14 appoint the requisite number of professors, tutors, and all other officers;
15 and determine the salaries of such officers and the amount to be paid for
16 tuition. ~~in accordance with the level of cash fund appropriations set by the~~
17 ~~general assembly for the university pursuant to section 23-1-104 (1) (b)~~
18 ~~(f).~~ It shall remove any officer connected with the university when in its
19 judgment the good of the institution requires it.

20 (2) ~~(a)~~ Notwithstanding any provision of subsection (1) of this
21 section to the contrary, for fiscal years YEAR 2011-12 through 2015-16
22 AND EACH FISCAL YEAR THEREAFTER, the board of regents, in accordance
23 with section 23-5-130.5, shall annually set the amount of tuition to be
24 paid by students with in-state classification and by nonresident students
25 who enroll in and attend the university.

26 ~~(b) This subsection (2) is repealed, effective July 1, 2016.~~

27 **SECTION 7.** In Colorado Revised Statutes, 23-30-112, **amend**

1 (2) as follows:

2 **23-30-112. Tuition.** (2) ~~(a)~~ Notwithstanding any provision of
3 subsection (1) of this section to the contrary, for fiscal ~~years~~ YEAR
4 2011-12 ~~through 2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board
5 of governors of the Colorado state university system, in accordance with
6 section 23-5-130.5, shall annually set the amount of tuition to be paid by
7 students with in-state classification and by nonresident students who
8 enroll in and attend the institutions it governs.

9 ~~(b) This subsection (2) is repealed, effective July 1, 2016.~~

10 **SECTION 8.** In Colorado Revised Statutes, **amend** 23-40-104.5
11 as follows:

12 **23-40-104.5. Tuition.** ~~(1)~~ For fiscal ~~years~~ YEAR 2011-12 ~~through~~
13 ~~2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of trustees for
14 the university of northern Colorado, in accordance with section
15 23-5-130.5, shall annually set the amount of tuition to be paid by students
16 with in-state classification and by nonresident students who enroll in and
17 attend the university of northern Colorado.

18 ~~(2) This section is repealed, effective July 1, 2016.~~

19 **SECTION 9.** In Colorado Revised Statutes, 23-41-104.6, **amend**
20 (5) (c) (I) (B) as follows:

21 **23-41-104.6. Performance contract - authorization -**
22 **operations.** (5) While operating pursuant to the performance contract
23 negotiated pursuant to this section, the board of trustees of the Colorado
24 school of mines:

25 (c) (I) (B) Notwithstanding any provision of sub-subparagraph (A)
26 of this subparagraph (I) to the contrary, for fiscal ~~years~~ YEAR 2011-12
27 ~~through 2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of

1 trustees shall have sole authority to establish resident and nonresident
2 tuition rates for the Colorado school of mines; except that the annual
3 percentage increase in resident tuition rates shall not exceed the greater
4 of a percentage equal to two times the rate of the percentage change in the
5 consumer price index for the Denver metropolitan area or, for fiscal years
6 2011-12 through 2013-14, nine percent, or, for fiscal years YEAR 2014-15
7 and ~~2015-16~~ EACH FISCAL YEAR THEREAFTER, six percent. For fiscal years
8 2011-12 through 2013-14 AND FOR FISCAL YEAR 2016-17 AND EACH
9 FISCAL YEAR THEREAFTER, the Colorado commission on higher education
10 may approve a greater tuition increase pursuant to IN ACCORDANCE WITH
11 section 23-5-130.5.

12 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-51-102.5
13 as follows:

14 **23-51-102.5. Tuition.** ~~(1)~~ For fiscal years YEAR 2011-12 through
15 ~~2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of trustees, in
16 accordance with section 23-5-130.5, shall annually set the amount of
17 tuition to be paid by students with in-state classification and by
18 nonresident students who enroll in and attend Adams state university.

19 ~~(2) This section is repealed, effective July 1, 2016.~~

20 **SECTION 11.** In Colorado Revised Statutes, 23-52-105, **amend**
21 (1) (b) (II) as follows:

22 **23-52-105. Tuition fees - Indians.** (1) (b) (II) Notwithstanding
23 any provision of subparagraph (I) of this paragraph (b) to the contrary, for
24 fiscal years YEAR 2011-12 through ~~2015-16~~ AND EACH FISCAL YEAR
25 THEREAFTER, the board of trustees, in accordance with section
26 23-5-130.5, shall annually set the amount of tuition to be paid by students
27 with in-state classification and by nonresident students who enroll in and

1 attend Fort Lewis college, subject to the restriction for all qualified Indian
2 pupils as provided in subparagraph (I) of this paragraph (b). ~~This~~
3 ~~subparagraph (H) is repealed, effective July 1, 2016.~~

4 **SECTION 12.** In Colorado Revised Statutes, **amend** 23-53-102.5
5 as follows:

6 **23-53-102.5. Tuition.** ~~(1)~~ For fiscal years YEAR 2011-12 through
7 ~~2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of trustees, in
8 accordance with section 23-5-130.5, shall annually set the amount of
9 tuition to be paid by students with in-state classification and by
10 nonresident students who enroll in and attend Colorado Mesa university.

11 ~~(2) This section is repealed, effective July 1, 2016.~~

12 **SECTION 13.** In Colorado Revised Statutes, **amend** 23-54-102.5
13 as follows:

14 **23-54-102.5. Tuition.** ~~(1)~~ For fiscal years YEAR 2011-12 through
15 ~~2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of trustees, in
16 accordance with section 23-5-130.5, shall annually set the amount of
17 tuition to be paid by students with in-state classification and by
18 nonresident students who enroll in and attend Metropolitan state
19 university of Denver.

20 ~~(2) This section is repealed, effective July 1, 2016.~~

21 **SECTION 14.** In Colorado Revised Statutes, **amend** 23-56-102.5
22 as follows:

23 **23-56-102.5. Tuition.** ~~(1)~~ For fiscal years YEAR 2011-12 through
24 ~~2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board of trustees, in
25 accordance with section 23-5-130.5, shall annually set the amount of
26 tuition to be paid by students with in-state classification and by
27 nonresident students who enroll in and attend Western state Colorado

1 university.

2 ~~(2) This section is repealed, effective July 1, 2016.~~

3 **SECTION 15.** In Colorado Revised Statutes, 23-60-202, **amend**

4 (1) (c) (I) (B) as follows:

5 **23-60-202. Duties of board with respect to state system.**

6 (1) With respect to the community and technical colleges within the state
7 system, the board has the authority, responsibility, rights, privileges,
8 powers, and duties customarily exercised by the governing boards of
9 institutions of higher education, including the following:

10 (c) (I) (B) Notwithstanding any provision of sub-subparagraph (A)
11 of this subparagraph (I) to the contrary, for fiscal ~~years~~ YEAR 2011-12
12 ~~through 2015-16~~ AND EACH FISCAL YEAR THEREAFTER, the board, in
13 accordance with section 23-5-130.5, shall annually set the amount of
14 tuition to be paid by students with in-state classification and by
15 nonresident students who enroll in and attend the community and
16 technical colleges. ~~This sub-subparagraph (B) is repealed, effective July~~
17 ~~1, 2016.~~

18 **SECTION 16. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.