

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
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LLS NO. 20-0399.01 Julie Pelegrin x2700

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Align Student Financial Aid With Practice"

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO ALIGN FINANCIAL AID STATUTES WITH**
102 **PRACTICE IN ALLOCATING FINANCIAL AID.**

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. Existing statutes set priorities for the Colorado commission on higher education (commission) to follow in allocating money to various forms of student financial aid, including aid to dependents of certain military and public safety personnel, need-based financial aid, work study programs, and merit-based financial aid. Under the bill, the general assembly will appropriate specific amounts by separate line item for the various forms of student financial aid. Each

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

institution of higher education must ensure that it uses the amounts it receives in accordance with the purposes of the various line item appropriations. Under existing law, funding for financial aid for dependents of certain military personnel and public safety personnel have priority over other forms of financial aid, and the bill maintains that priority.

The bill clarifies the commission's and the department of higher education's responsibilities and powers in establishing the state financial aid program and the powers and responsibilities of the various institutions in establishing and administering the institutional financial aid programs.

The bill allows the commission to transfer money between financial aid line items and between a financial aid line item and the appropriation for the Colorado opportunity fund stipend for students enrolled in participating private institutions of higher education, but a transfer cannot increase the spending authority for a line item by more than 10%. The commission must submit an annual report concerning the state student financial assistance program to the joint budget committee and the education committees of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 23-3.3-101
3 as follows:

4 **23-3.3-101. Definitions.** As used in this article 3.3, unless the
5 context otherwise requires:

6 (1) "Commission" means the Colorado commission on higher
7 education ESTABLISHED IN SECTION 23-1-102.

8 (1.5) ~~"Cost of attendance at a nonpublic institution of higher
9 education" means:~~

10 ~~(a) Allowances specified by the commission for room and board
11 and miscellaneous expenses, which shall be the same for nonpublic
12 institutions of higher education as for a representative group of
13 comparable state institutions, as determined by the commission; and~~

14 ~~(b) An allowance for tuition and fees equal to the lesser of:~~

15 ~~(i) The actual tuition and fees charged by the nonpublic institution~~

1 of higher education; or

2 ~~(H) One hundred percent of the combination of actual in-state~~
3 ~~tuition and fees charged by a representative group of comparable state~~
4 ~~institutions plus the general fund moneys allocated to support such~~
5 ~~comparable state institutions.~~

6 (2) "In-state student" means a student ~~at~~ ENROLLED IN an
7 institution ~~of higher education~~ who meets the criteria established by
8 article 7 of this ~~title~~ TITLE 23 for classification as an in-state student, ~~at a~~
9 ~~state institution of higher education~~, but "in-state student" does not
10 include a member of the armed forces of the United States or ~~his~~ THE
11 MEMBER'S dependents who are eligible to obtain in-state tuition status
12 upon moving to Colorado on a permanent change-of-station basis until
13 ~~such individual~~ THE MEMBER OR THE DEPENDENT meets the one-year
14 domicile requirement of section 23-7-102 (5).

15 (3) "Institution" means an educational institution operating in this
16 state that meets all of the following:

17 (a) Admits as regular students persons having a certification of
18 graduation from a school ~~providing~~ THAT PROVIDES secondary education
19 or comparable qualifications and persons for enrollment in courses ~~which~~
20 THAT they reasonably may be expected to complete successfully;

21 (b) Is accredited by a nationally recognized accrediting agency or
22 association and, in the case of private occupational schools, holds a
23 regular certificate in accordance with the provisions of article 64 of this
24 title 23;

25 (c) (I) Provides an educational program for which it awards a
26 bachelor's degree;

27 (II) Provides not less than a two-year program ~~which~~ THAT is

1 acceptable for full credit ~~towards~~ TOWARD such a degree; or

2 (III) Provides not less than a six-month program of training to
3 prepare students for gainful employment in a recognized occupation;

4 (d) Is not a branch program of an institution of higher education
5 whose principal campus and facilities are located outside this state; AND

6 (e) HAS OPERATED WITHIN THE STATE FOR AT LEAST TEN
7 ACADEMIC YEARS.

8 (4) "MERIT-BASED ASSISTANCE" MEANS FINANCIAL AID THAT AN
9 INSTITUTION AWARDS TO A STUDENT BASED ON THE STUDENT'S ACADEMIC,
10 ARTISTIC, ATHLETIC, OR OTHER SPECIAL ACCOMPLISHMENTS.

11 (5) "NEED-BASED ASSISTANCE" MEANS FINANCIAL AID THAT AN
12 INSTITUTION AWARDS TO A STUDENT TO OFFSET THE STUDENT'S
13 DEMONSTRATED FINANCIAL NEED. FOR THE PURPOSES OF DETERMINING
14 STATE AND FEDERAL NEED-BASED FINANCIAL ASSISTANCE, AN
15 INSTITUTION SHALL CALCULATE NEED AS THE COST OF ATTENDANCE, LESS
16 THE EXPECTED FAMILY CONTRIBUTION.

17 ~~(3.5)~~ (6) "Nonpublic institution of higher education" ~~shall have~~
18 HAS the same meaning as provided in section 23-3.7-102 (3).

19 (7) "PRIVATE INSTITUTION" HAS THE SAME MEANING AS THE TERM
20 "PRIVATE INSTITUTION OF HIGHER EDUCATION" DEFINED IN SECTION
21 23-18-102 (9).

22 ~~(3.7)~~ (8) "Professional degree in theology" means a certificate
23 signifying a person's graduation from a degree program that is:

24 (a) Devotional in nature or designed to induce religious faith; and

25 (b) Offered by an institution as preparation for a career in the
26 clergy.

27 ~~(4)~~ (9) ~~"State institution"~~ "PUBLIC INSTITUTION" means an

1 institution ~~supported in whole or in part by general fund moneys~~ THAT
2 ENTERS INTO A FEE-FOR-SERVICE CONTRACT WITH THE DEPARTMENT OF
3 HIGHER EDUCATION PURSUANT TO SECTION 23-18-303, A LOCAL DISTRICT
4 COLLEGE THAT OPERATES PURSUANT TO ARTICLE 71 OF THIS TITLE 23, OR
5 AN AREA TECHNICAL COLLEGE AS DEFINED IN SECTION 23-60-103 (1).

6 (10) "STATE PROGRAM" MEANS THE STATE PROGRAM OF STUDENT
7 FINANCIAL ASSISTANCE ESTABLISHED BY THE COMMISSION PURSUANT TO
8 SECTION 23-3.3-102 (2).

9 ~~(5)~~ (11) "Undergraduate" ~~refers to any program leading~~ MEANS A
10 PROGRAM THAT LEADS toward a bachelor's degree, ~~or~~ AN associate degree,
11 ~~or any nondegree program providing~~ A CERTIFICATE OR A PROGRAM THAT
12 PROVIDES training for employment in a recognized occupation AND THAT
13 DOES NOT REQUIRE A PERSON TO HOLD A BACHELOR'S DEGREE OR HIGHER
14 AS A CONDITION OF ADMISSION.

15 (12) "WORK STUDY" MEANS A PROGRAM FOR EMPLOYMENT OF A
16 QUALIFYING STUDENT IN GOOD STANDING WITH THE INSTITUTION IN WHICH
17 THE STUDENT IS ENROLLED IN A POSITION THAT IS DIRECTLY UNDER THE
18 CONTROL OF THE INSTITUTION IN WHICH THE STUDENT IS ENROLLED OR IN
19 A POSITION WITH A NONPROFIT ORGANIZATION, GOVERNMENTAL AGENCY,
20 OR FOR-PROFIT ORGANIZATION WITH WHICH THE INSTITUTION MAY
21 EXECUTE A STUDENT EMPLOYMENT CONTRACT. AN IN-STATE STUDENT
22 WHO IS ENROLLED OR ACCEPTED FOR ENROLLMENT AT AN INSTITUTION AS
23 AN UNDERGRADUATE MAY QUALIFY FOR PARTICIPATION IN A WORK STUDY
24 PROGRAM.

25 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
26 **with amendments,** 23-3.3-102 as follows:

27 **23-3.3-102. Assistance program authorized - procedure -**

1 **audits - report.** (1) THE GENERAL ASSEMBLY SHALL ANNUALLY
2 APPROPRIATE MONEY THAT THE COMMISSION SHALL ALLOCATE TO
3 INSTITUTIONS FOR STUDENT FINANCIAL ASSISTANCE PROGRAMS. IT IS THE
4 INTENT OF THE GENERAL ASSEMBLY TO ANNUALLY APPROPRIATE AN
5 AMOUNT FOR FINANCIAL ASSISTANCE FOR STUDENTS WHO QUALIFY UNDER
6 PART 2 OF THIS ARTICLE 3.3. IN ADDITION, THE GENERAL ASSEMBLY MAY
7 ANNUALLY APPROPRIATE, AS SEPARATE LINE ITEMS, MONEY FOR STUDENT
8 FINANCIAL ASSISTANCE IN THE FORM OF NEED-BASED ASSISTANCE, WORK
9 STUDY ASSISTANCE, AND MERIT-BASED ASSISTANCE.

10 (2) (a) THE COMMISSION SHALL ESTABLISH A STATE PROGRAM OF
11 STUDENT FINANCIAL ASSISTANCE TO ALLOCATE TO INSTITUTIONS THE
12 AMOUNTS THE GENERAL ASSEMBLY APPROPRIATES PURSUANT TO
13 SUBSECTION (1) OF THIS SECTION. IN ESTABLISHING THE STATE PROGRAM,
14 THE COMMISSION SHALL SPECIFY THE STATEWIDE GOALS FOR THE STATE
15 PROGRAM AND ADOPT POLICIES, AND THE DEPARTMENT OF HIGHER
16 EDUCATION SHALL ADOPT GUIDELINES AS NECESSARY, TO IDENTIFY THE
17 INSTITUTIONS THAT ARE ELIGIBLE TO PARTICIPATE IN THE STATE
18 PROGRAM, AND TO ALLOCATE THE MONEY APPROPRIATED FOR THE STATE
19 PROGRAM. THE COMMISSION SHALL DESIGN THE STATE PROGRAM TO
20 DISTRIBUTE AMOUNTS FOR STUDENT FINANCIAL ASSISTANCE THROUGHOUT
21 THE FISCAL YEAR.

22 (b) THE COMMISSION SHALL ADOPT POLICIES, AND THE
23 DEPARTMENT OF HIGHER EDUCATION SHALL ADOPT GUIDELINES AS
24 NECESSARY, TO ANNUALLY ESTABLISH THE STUDENT BUDGET IN
25 ACCORDANCE WITH TITLE IV OF THE FEDERAL "HIGHER EDUCATION ACT
26 OF 1965", 20 U.S.C. SEC. 1070, ET SEQ., FOR PURPOSES OF DETERMINING
27 THE LEVEL OF STUDENT NEED.

1 (c) THE COMMISSION MAY ADOPT ADDITIONAL POLICIES, AND THE
2 DEPARTMENT OF HIGHER EDUCATION MAY ADOPT ANY NECESSARY
3 GUIDELINES, TO:

4 (I) LIMIT STUDENT ELIGIBILITY FOR AID BASED ON ONE OR MORE
5 OF THE FOLLOWING FACTORS:

6 (A) WHETHER THE STUDENT IS SEEKING A DEGREE OR A
7 CERTIFICATE;

8 (B) WHETHER THE STUDENT IS AN UNDERGRADUATE STUDENT OR
9 A GRADUATE STUDENT;

10 (C) IF THE STUDENT IS A GRADUATE STUDENT, WHETHER THE
11 DEGREE PROGRAM IN WHICH THE STUDENT IS ENROLLED MEETS A STATE
12 EMPLOYMENT NEED; AND

13 (D) WHETHER THE STUDENT IS IN GOOD ACADEMIC STANDING AND
14 DEMONSTRATING SATISFACTORY ACADEMIC PROGRESS;

15 (II) ESTABLISH PROCEDURES FOR DETERMINING STUDENT
16 RESIDENCY AND STUDENT NEED, CONSISTENT WITH STATUTORY
17 REQUIREMENTS;

18 (III) FACILITATE COMPLIANCE WITH OTHER STATE AND FEDERAL
19 REQUIREMENTS; AND

20 (IV) ESTABLISH MINIMUM ADMINISTRATIVE REQUIREMENTS TO
21 ENSURE THAT EACH INSTITUTION'S FINANCIAL ASSISTANCE PROGRAM
22 COMPLIES WITH STATE AND FEDERAL LAW, COMMISSION POLICIES, AND
23 DEPARTMENT OF HIGHER EDUCATION GUIDELINES AND THAT EACH
24 PARTICIPATING INSTITUTION HAS ADOPTED POLICIES AND PRACTICES
25 NECESSARY TO ENSURE PROPER PROGRAM ADMINISTRATION.

26 (3) (a) TO RECEIVE MONEY FOR STUDENT FINANCIAL ASSISTANCE
27 PURSUANT TO SUBSECTION (2) OF THIS SECTION, AN INSTITUTION MUST

1 ESTABLISH A FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS ENROLLED
2 IN THE INSTITUTION. IN ESTABLISHING AND IMPLEMENTING A FINANCIAL
3 ASSISTANCE PROGRAM, AN INSTITUTION SHALL CREATE POLICIES AND
4 PROGRAMS THAT ALIGN WITH THE COMMISSION'S FINANCIAL AID POLICIES.
5 AT A MINIMUM, THE FINANCIAL ASSISTANCE PROGRAM MUST INCLUDE
6 DISTRIBUTION OF STUDENT FINANCIAL ASSISTANCE IN THE FORMS
7 DESCRIBED IN THIS PART 1 AND IN PART 2 OF THIS ARTICLE 3.3; EXCEPT
8 THAT, IN A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY DOES NOT
9 APPROPRIATE MONEY FOR A PARTICULAR FORM OF FINANCIAL ASSISTANCE,
10 THE INSTITUTION'S FINANCIAL ASSISTANCE PROGRAM IS NOT REQUIRED TO
11 DISTRIBUTE MONEY FOR THAT FORM OF FINANCIAL ASSISTANCE.

12 (b) EACH INSTITUTION SHALL DISTRIBUTE THROUGH ITS FINANCIAL
13 ASSISTANCE PROGRAM THE STATE MONEY THAT THE COMMISSION
14 ALLOCATES TO THE INSTITUTION PURSUANT TO THIS SECTION. THE
15 INSTITUTION'S FINANCIAL ASSISTANCE PROGRAM IS SUBJECT TO AUDIT AS
16 PROVIDED IN SUBSECTION (10) OF THIS SECTION. A PARTICIPATING
17 INSTITUTION SHALL NOT DECREASE THE AMOUNT OF INSTITUTIONAL FUNDS
18 DISTRIBUTED THROUGH ITS STUDENT FINANCIAL ASSISTANCE PROGRAM
19 BELOW THE AMOUNT DISTRIBUTED BEFORE THE INSTITUTION BEGAN
20 PARTICIPATING IN THE STATE PROGRAM OF STUDENT FINANCIAL
21 ASSISTANCE. AN INSTITUTION MAY DESIGNATE A PORTION OF THE STATE
22 MONEY IT RECEIVES FOR USE AS MATCHING FUNDS REQUIRED FOR FEDERAL
23 ALLOCATIONS TO INSTITUTIONS FOR STUDENT LOAN PROGRAMS.

24 (4) (a) EACH PUBLIC INSTITUTION AND EACH PRIVATE INSTITUTION
25 SHALL ADMINISTER ITS STUDENT FINANCIAL ASSISTANCE PROGRAM
26 ACCORDING TO POLICIES AND PROCEDURES ESTABLISHED BY THE
27 GOVERNING BOARD OF THE PUBLIC INSTITUTION OR PRIVATE INSTITUTION.

1 AT A MINIMUM, THE POLICIES AND PROCEDURES MUST:

2 (I) ENSURE THAT THE EXPENDITURES OF STATE MONEY ALLOCATED
3 TO THE PUBLIC INSTITUTION OR PRIVATE INSTITUTION PURSUANT TO THIS
4 SECTION ARE CONSISTENT WITH THE PURPOSE DESCRIBED IN EACH LINE
5 ITEM APPROPRIATION IN THE ANNUAL GENERAL APPROPRIATIONS BILL; AND

6 (II) COMPLY WITH THE FINANCIAL AID PROGRAM DEFINITIONS AND
7 DESCRIPTIONS SPECIFIED IN THIS ARTICLE 3.3 AND THE COMMISSION
8 POLICIES AND DEPARTMENT GUIDELINES.

9 (b) EACH PARTICIPATING NONPUBLIC INSTITUTION OF HIGHER
10 EDUCATION THAT IS NOT A PRIVATE INSTITUTION SHALL ADMINISTER ITS
11 STUDENT FINANCIAL ASSISTANCE PROGRAM IN ACCORDANCE WITH THE
12 COMMISSION POLICIES.

13 (5) TO BE ELIGIBLE FOR THE FORMS OF STUDENT FINANCIAL
14 ASSISTANCE DESCRIBED IN THIS PART 1 AND IN PART 2 OF THIS ARTICLE 3.3
15 THROUGH A STUDENT FINANCIAL ASSISTANCE PROGRAM, A STUDENT MUST
16 BE CLASSIFIED AS AN IN-STATE STUDENT.

17 (6) IN DETERMINING THE AMOUNT ALLOCATED TO EACH
18 NONPUBLIC INSTITUTION OF HIGHER EDUCATION, INCLUDING EACH
19 PRIVATE INSTITUTION, THE COMMISSION SHALL CONSIDER ONLY THAT
20 PORTION OF STUDENT FINANCIAL NEED THAT WOULD EXIST IF THE
21 INSTITUTION'S TUITION WAS NO GREATER THAN THE HIGHEST IN-STATE
22 TUITION RATE CHARGED BY A COMPARABLE PUBLIC INSTITUTION.

23 (7) IN THE ANNUAL BUDGET REQUEST, THE COMMISSION SHALL
24 SPECIFY THE AMOUNTS REQUESTED FOR EACH FORM OF STUDENT
25 FINANCIAL ASSISTANCE INCLUDED IN THE STATE FINANCIAL ASSISTANCE
26 PROGRAM. THE COMMISSION MAY TRANSFER MONEY BETWEEN THE LINE
27 ITEM APPROPRIATIONS FOR THE VARIOUS FORMS OF STUDENT FINANCIAL

1 ASSISTANCE AND FROM ONE OR MORE OF THE FINANCIAL ASSISTANCE LINE
2 ITEM APPROPRIATIONS TO THE COLLEGE OPPORTUNITY FUND STIPEND
3 PROGRAM FOR UNDERGRADUATE STUDENTS WHO ATTEND PARTICIPATING
4 PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND RECEIVE STIPENDS
5 PURSUANT TO SECTION 23-18-202 (2)(e); EXCEPT THAT A TRANSFER MUST
6 NOT INCREASE THE SPENDING AUTHORITY FOR A LINE ITEM BY MORE THAN
7 TEN PERCENT.

8 (8) THE COMMISSION MAY USE AMOUNTS APPROPRIATED FOR THE
9 VARIOUS FORMS OF FINANCIAL ASSISTANCE, AND AN INSTITUTION MAY USE
10 AMOUNTS ALLOCATED FOR THE VARIOUS FORMS OF FINANCIAL
11 ASSISTANCE, TO SUPPLEMENT AMOUNTS FOR CURRENT JOB OPPORTUNITIES
12 OR TO SUPPLEMENT OR MATCH MONEY MADE AVAILABLE THROUGH ANY
13 OTHER PUBLIC OR PRIVATE PROGRAM FOR FINANCIAL ASSISTANCE. IN
14 PROVIDING SUPPLEMENTARY OR MATCHING MONEY FOR PUBLIC OR
15 PRIVATE PROGRAMS FOR FINANCIAL ASSISTANCE, THE COMMISSION AND
16 THE INSTITUTIONS SHALL ENSURE THAT THE PURPOSES OF THE PUBLIC OR
17 PRIVATE PROGRAMS ARE CONSISTENT WITH THE PURPOSES FOR WHICH THE
18 MONEY WAS ORIGINALLY APPROPRIATED.

19 (9) THE COMMISSION SHALL USE AT LEAST SEVENTY PERCENT OF
20 THE AMOUNT APPROPRIATED IN THE WORK STUDY LINE ITEM, AND EACH
21 INSTITUTION SHALL USE AT LEAST SEVENTY PERCENT OF THE AMOUNT
22 RECEIVED FOR WORK STUDY, AS AID TO STUDENTS WHO DEMONSTRATE
23 FINANCIAL NEED. THE COMMISSION MAY USE UP TO THIRTY PERCENT OF
24 THE AMOUNT APPROPRIATED IN THE WORK STUDY LINE ITEM, AND EACH
25 INSTITUTION MAY USE UP TO THIRTY PERCENT OF THE AMOUNT RECEIVED
26 FOR WORK STUDY, TO PROVIDE ASSISTANCE TO STUDENTS ON A BASIS
27 OTHER THAN FINANCIAL NEED.

1 (10) THE STATE AUDITOR OR HIS OR HER DESIGNEE SHALL AUDIT,
2 IN ACCORDANCE WITH STATE STATUTE AND FEDERAL GUIDELINES AND IN
3 ACCORDANCE WITH COMMISSION POLICIES, WHERE APPLICABLE, THE
4 STUDENT FINANCIAL ASSISTANCE PROGRAM AT A PARTICIPATING
5 INSTITUTION EVERY OTHER YEAR TO REVIEW RESIDENCY
6 DETERMINATIONS, NEEDS ANALYSES, AWARDS, PAYMENT PROCEDURES,
7 AND SUCH OTHER PRACTICES AS MAY BE NECESSARY TO ENSURE THAT THE
8 INSTITUTION IS PROPERLY ADMINISTERING THE PROGRAM, BUT THE AUDIT
9 MUST BE LIMITED TO THE ADMINISTRATION OF THE PROGRAM AT THE
10 INSTITUTION. THE STATE AUDITOR MAY ACCEPT AN AUDIT OF THE
11 STUDENT FINANCIAL ASSISTANCE PROGRAM FROM AN INSTITUTION THAT
12 IS NOT A PUBLIC INSTITUTION, WHICH AUDIT WAS PREPARED BY THE
13 INSTITUTION'S INDEPENDENT AUDITOR. AN INSTITUTION THAT IS NOT A
14 PUBLIC INSTITUTION SHALL PAY THE COST OF AUDITING THE STUDENT
15 FINANCIAL ASSISTANCE PROGRAM AT THE INSTITUTION.

16 (11) ON OR BEFORE DECEMBER 1, 2020, AND ON OR BEFORE
17 DECEMBER 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL SUBMIT
18 A REPORT CONCERNING IMPLEMENTATION OF THE STATE PROGRAM AND
19 THE INSTITUTIONS' STUDENT FINANCIAL ASSISTANCE PROGRAMS. THE
20 COMMISSION SHALL SUBMIT THE REPORT TO THE JOINT BUDGET
21 COMMITTEE AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF
22 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
23 THE REPORT MUST INCLUDE DATA CONCERNING THE EFFICIENCY AND
24 EFFECTIVENESS OF STATE FINANCIAL AID IN EXPANDING ACCESS TO HIGHER
25 EDUCATION FOR COLORADO RESIDENTS AND SUCH RELATED INFORMATION
26 AS THE COMMISSION MAY DEEM APPROPRIATE OR THE JOINT BUDGET
27 COMMITTEE MAY REQUEST. THE COMMISSION MAY REQUIRE FROM

1 INSTITUTIONS SUCH REPORTS AS ARE NECESSARY TO FULFILL THE
2 REPORTING REQUIREMENTS OF THIS SUBSECTION (11) AND TO PERFORM
3 OTHER ADMINISTRATIVE TASKS. NOTWITHSTANDING THE REQUIREMENT
4 IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE
5 REPORT DESCRIBED IN THIS SUBSECTION (11) CONTINUES INDEFINITELY.

6 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 23-3.3-202 as follows:

8 **23-3.3-202. Program funding.** IT IS THE INTENT OF THE GENERAL
9 ASSEMBLY TO ANNUALLY APPROPRIATE, AS A SEPARATE LINE ITEM, AN
10 AMOUNT FOR FINANCIAL ASSISTANCE FOR STUDENTS WHO QUALIFY UNDER
11 THE PROVISIONS OF THIS PART 2. IN A FISCAL YEAR IN WHICH THE AMOUNT
12 APPROPRIATED FOR PURPOSES OF THIS PART 2 IS LESS THAN THE AMOUNT
13 REQUIRED TO FULLY FUND THIS PART 2, THE COMMISSION SHALL TRANSFER
14 MONEY, TO THE EXTENT AUTHORIZED BY SECTION 23-3.3-102 (7), TO
15 FULLY FUND THIS PART 2.

16 **SECTION 4.** In Colorado Revised Statutes, 23-3.3-204, **amend**
17 **(2)** as follows:

18 **23-3.3-204. Dependents of prisoners of war and military**
19 **personnel missing in action.** (2) Any dependent of a prisoner of war or
20 a person missing in action, upon being accepted for enrollment into any
21 institution, shall be permitted to pursue studies leading toward a
22 bachelor's degree or a certificate of completion, free of tuition, for so long
23 as said dependent achieves and maintains standards as set by the
24 institution for its students generally, but said benefits shall not be
25 extended beyond twelve academic quarters or eight academic semesters,
26 as the case may be. Such dependents pursuing studies at an institution that
27 is not a ~~state~~ PUBLIC institution shall be eligible for assistance not to

1 exceed the average cost of undergraduate instruction calculated for a
2 full-time equivalent student at a comparable ~~state~~ PUBLIC institution for
3 the previous year. The institution or the commission shall provide tuition
4 assistance to such qualified students from appropriated student financial
5 assistance funds.

6 **SECTION 5.** In Colorado Revised Statutes, 23-3.3-205, **amend**
7 (1)(a) as follows:

8 **23-3.3-205. Dependents of deceased or permanently disabled**
9 **National Guardsman, law enforcement officer, or firefighter.**

10 (1) (a) Any dependent of a person who died or was permanently disabled
11 while on state active duty, federalized active duty, or authorized training
12 duty as a Colorado National Guardsman or any dependent of any person
13 who has been permanently disabled or killed while acting to preserve the
14 public peace, health, and safety in the capacity of police officer, sheriff,
15 or other law enforcement officer or firefighter, upon being accepted for
16 enrollment into any ~~state~~ PUBLIC institution, shall be permitted to pursue
17 studies leading toward his or her first bachelor's degree or certificate of
18 completion, free of tuition and free of room and board charges of the
19 institution, for so long as said dependent achieves and maintains a
20 cumulative grade point average of 2.5 or above based upon a 4.0 scale,
21 but said benefits shall not be extended beyond six years from the date of
22 enrollment. Such dependents pursuing studies at a nonpublic institution
23 of higher education within the state of Colorado shall be eligible for
24 assistance not to exceed the average cost of undergraduate instruction
25 calculated for a full-time equivalent student at a comparable ~~state~~ PUBLIC
26 institution for the previous year, and the average cost of room and board
27 calculated for a full-time equivalent student at all ~~state~~ PUBLIC institutions

1 for the previous year. Such dependents pursuing studies at an out-of-state
2 institution of higher education shall be eligible for assistance not to
3 exceed the average cost of undergraduate instruction calculated for a
4 full-time equivalent student at a comparable ~~state~~ PUBLIC institution for
5 the previous year. The commission shall provide tuition and, if
6 appropriate, room and board assistance to such qualified students from
7 appropriated student financial assistance funds.

8 **SECTION 6.** In Colorado Revised Statutes, **repeal** parts 3, 4, and
9 5 of article 3.3 of title 23 and article 3.5 of title 23.

10 **SECTION 7.** In Colorado Revised Statutes, 23-3.1-202, **amend**
11 (19) as follows:

12 **23-3.1-202. Definitions.** As used in this part 2, unless the context
13 otherwise requires:

14 (19) "State institution" ~~shall have the same meaning as provided~~
15 ~~in section 23-3.3-101 (4)~~ MEANS AN INSTITUTION SUPPORTED IN WHOLE OR
16 IN PART BY GENERAL FUND MONEY.

17 **SECTION 8.** In Colorado Revised Statutes, 23-3.1-226, **amend**
18 (1)(a) and (1)(b) as follows:

19 **23-3.1-226. Policies for promotion and disclosure of program**
20 **information.** (1) The authority shall design a policy related to the
21 promotion of the prepaid expense program and a policy related to the
22 disclosure of program-related information to purchasers or qualified
23 beneficiaries in a manner consistent with this part 2 and consistent with
24 the requirements of section 529 of the internal revenue code in order to
25 require that:

26 (a) Appropriate promotional material and program-related
27 information disclose the average tuition increase in state institutions of

1 higher education in Colorado, as defined in ~~section 23-3.3-101 (4)~~
2 SECTION 23-3.1-202 (19), over the previous five years;

3 (b) Annual statements to purchasers or qualified beneficiaries
4 disclose the number of tuition units paid for, the payments made for such
5 tuition units, and the current value of such tuition units, as well as the
6 average tuition increases in state institutions of higher education in
7 Colorado, as defined in ~~section 23-3.3-101 (4)~~ SECTION 23-3.1-202 (19),
8 over the five previous years;

9 **SECTION 9.** In Colorado Revised Statutes, 23-3.3-104, **amend**
10 (1) introductory portion as follows:

11 **23-3.3-104. Assistance to professional theology students**
12 **prohibited.** (1) The policies and procedures established by the
13 commission pursuant to ~~section 23-3.3-102 (3)~~ shall SECTION 23-3.3-102
14 (4)(b) MUST include:

15 <{*Does the committee prefer a safety clause or act-subject-to-petition*
16 *clause?*>