

CHAPTER 23

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 03-189

BY SENATOR(S) Teck, Owen, and Reeves;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT

CONCERNING THE ANNUAL ALLOWABLE CASH FUNDS FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, AND, IN CONNECTION THEREWITH, ADDING FUNDS RECEIVED FROM STUDENT FINANCIAL AID, TUITION ASSISTANCE, AND SCHOLARSHIPS TO THE MAXIMUM AMOUNT OF CASH FUNDS THAT MAY BE RAISED, SPENT, OR TRANSFERRED TO RESERVES BY SUCH INSTITUTIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 23-1-103.5 (2), Colorado Revised Statutes, is amended to read:

23-1-103.5. Establishment of annual allowable cash fund revenues and expenditures by general assembly. (2) (a) For the 1993-94 fiscal year and fiscal years thereafter, the amount of cash funds appropriated in the general appropriation bill by the general assembly for the governing boards and the boards of trustees for all state-supported institutions of higher education shall equal the maximum amount of cash funds that such governing boards and boards of trustees shall raise, spend, or transfer to reserves for that fiscal year.

(b) For the purposes of this section, "cash funds" means funds received from tuition income, fees, indirect cost recoveries, and other sources of funds that can be appropriated as cash funds for state-supported institutions of higher education, excepting those funds derived from gifts, federal funds, or other sources which any expenditure or reserve increase therefrom is not subject to the provisions of section 20 of article X of the state constitution. ~~For the purposes of this section, "fiscal year spending" shall not include transfers between or expenditures from reserves. The amount of cash funds appropriated by the general assembly pursuant to this subsection (2) shall be based upon the determination of the limitation on state fiscal year spending under section 20 of article X of the state constitution and upon decisions establishing the level of activity of all departments and agencies of state~~

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

~~government including state-supported institutions of higher education:~~

(c) IN ADDITION TO THE FUNDS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2), FOR THE 2002-03 FISCAL YEAR AND FISCAL YEARS THEREAFTER, FOR THE PURPOSES OF THIS SECTION, "CASH FUNDS" INCLUDES FUNDS CREDITED TO THE ACCOUNTS OF STUDENTS FROM STUDENT FINANCIAL AID, TUITION ASSISTANCE, AND SCHOLARSHIPS TO THE EXTENT SUCH FUNDS ARE INCLUDED IN THE SCHOLARSHIP ALLOWANCE FOR FINANCIAL REPORTING PURPOSES. NOTHING IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO ALTER OR SUPERSEDE THE DEFINITION OF "STATE FISCAL YEAR SPENDING" CONTAINED IN SECTION 24-77-102 (17), C.R.S.

SECTION 2. Part VI (4) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, as amended by Senate Bill 03-170, enacted at the First Regular Session of the Sixty-fourth General Assembly, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

PART VI

DEPARTMENT OF HIGHER EDUCATION

(4) GOVERNING BOARDS AND LOCAL DISTRICT JUNIOR COLLEGES¹

(A) TRUSTEES OF THE STATE COLLEGES IN COLORADO^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | | | | |
|----------------------------|-----------------------|------------|--|-----------------------------------|--|--|
| Allocation | 52,273,410 | 36,347,708 | | 15,925,702^a | | |
| | 58,991,269 | | | 22,643,561 ^a | | |
| | (888.7 FTE) | | | | | |
| Other Than Tuition Revenue | 910,260 | | | 910,260 ^b | | |
| Auxiliary Revenue | <u>2,943,868</u> | | | <u>2,943,868^c</u> | | |
| | 56,127,538 | | | | | |
| | 62,845,397 | | | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from auxiliary revenue.

(B) TRUSTEES OF METROPOLITAN STATE COLLEGE^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | |
|----------------------------|-----------------------|------------|-----------------------------------|
| Allocation | 69,656,594 | 45,524,033 | 24,132,561^a |
| | 81,292,505 | | 35,768,472 ^a |
| | (986.0 FTE) | | |
| Other Than Tuition Revenue | 1,490,971 | | 1,490,971 ^b |
| Auxiliary Revenue | <u>3,925,829</u> | | 3,925,829 ^c |
| | 75,073,394 | | |
| | 86,709,305 | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from auxiliary revenue.

(C) BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | | |
|----------------------------|------------------------|-------------|------------------------------------|-------------------------|
| Allocation | 251,270,797 | 147,602,241 | 103,668,556^a | |
| | 275,544,241 | | 127,942,000 ^a | |
| | (3,630.4 FTE) | | | |
| Other Than Tuition Revenue | 29,253,269 | | 29,083,269 ^b | 170,000(T) ^c |
| Auxiliary Revenue | <u>26,972,354</u> | | 26,972,354 ^d | |
| | 307,496,420 | | | |
| | 331,769,864 | | | |

^a This amount shall be from tuition revenue.

| ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|--------------------|-------|--------------------|---------------------------|---------------|-------------------------|------------------|
| | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

^b This amount shall be from other than tuition revenue.

^c This amount shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. This amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

^d This amount shall be from auxiliary revenue.

(D) TRUSTEES OF FORT LEWIS COLLEGE^{67a, 73, 74, 75}

Governing Board and General Campus

General Fund and Tuition

| | | | | | |
|----------------------------|-----------------------|------------|-------------------------|------------------------|--|
| Allocation | 26,432,377 | 10,623,981 | 15,808,396* | | |
| | 29,728,795 | | 19,104,814 ^a | | |
| | (402.9 FTE) | | | | |
| Other Than Tuition Revenue | 2,159,166 | | 2,113,076 ^b | 46,090(T) ^c | |
| Auxiliary Revenue | <u>2,162,767</u> | | 2,162,767 ^d | | |
| | 30,754,310 | | | | |
| | 34,050,728 | | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. This amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

^d This amount shall be from auxiliary revenue.

(E) REGENTS OF THE UNIVERSITY OF COLORADO^{67a, 73, 74, 75, 76}

Governing Board and General Campuses

General Fund and Tuition

| | | | | |
|----------------------------|------------------------|-------------|------------------------------------|------------------------|
| Allocation | 505,470,657 | 225,941,651 | 279,529,006^f | |
| | 525,314,346 | | 299,372,695 ^a | |
| | (6,037.5 FTE) | | | |
| Other Than Tuition Revenue | 50,280,934 | | 41,704,674 ^b | 8,576,260 ^c |
| Auxiliary Revenue | <u>30,340,618</u> | | 30,340,618 ^d | |
| | 586,092,209 | | | |
| | 605,935,898 | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c Of this amount, \$7,918,729 shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (c), C.R.S., and \$657,531(T) shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. The Local Government Mineral Impact Fund amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

^d This amount shall be from auxiliary revenue.

(F) TRUSTEES OF THE COLORADO SCHOOL OF MINES^{67a, 73, 74, 75}

Governing Board and General Campus

 APPROPRIATION FROM

| | ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
|-------------------------------------|-----------------------|-------|-----------------|---------------------------|-------------------------|-------------------------|------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| General Fund and Tuition Allocation | 41,229,098 | | 20,525,170 | | 20,703,928 | | |
| | 47,354,062 | | | | 26,828,892 ^a | | |
| | (570.1 FTE) | | | | | | |
| Other Than Tuition Revenue | 1,584,406 | | | | 1,334,406 ^b | 250,000(T) ^c | |
| Auxiliary Revenue | 631,068 | | | | 631,068 ^d | | |
| | <u>43,444,572</u> | | | | | | |
| | 49,569,536 | | | | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from the Oil and Gas Conservation Commission in the Department of Natural Resources and shall be for the management and operations of the Colorado Energy Research Institute created pursuant to Section 23-41-114, C.R.S.

^d This amount shall be from auxiliary revenue.

(G) UNIVERSITY OF NORTHERN COLORADO^{67a, 73, 74, 75}

Governing Board and General Campus

General Fund and Tuition

| | | | | | | | |
|------------|-----------------------|--|------------|--|-------------------------|--|--|
| Allocation | 71,214,889 | | 44,811,849 | | 26,403,040 | | |
| | 79,311,849 | | | | 34,500,000 ^a | | |

| | | | |
|----------------------------|-----------------------|--|------------------------|
| | (1,079.9 FTE) | | |
| Other Than Tuition Revenue | 4,332,385 | | 4,332,385 ^b |
| Auxiliary Revenue | <u>1,220,125</u> | | 1,220,125 ^c |
| | 76,767,399 | | |
| | 84,864,359 | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from auxiliary revenue.

**(H) STATE BOARD FOR COMMUNITY COLLEGES AND
OCCUPATIONAL EDUCATION STATE SYSTEM COMMUNITY
COLLEGES**^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | | |
|----------------------------|------------------------|-------------|-----------------------------------|---------------------------|
| Allocation | 205,279,050 | 139,604,591 | 65,674,459^a | |
| | 227,848,869 | | 88,244,278 ^a | |
| | (4,495.1 FTE) | | | |
| Other Than Tuition Revenue | 11,232,086 | | 9,232,086 ^b | 2,000,000(L) ^c |
| Auxiliary Revenue | <u>1,331,646</u> | | 1,331,646 ^d | |
| | 217,842,782 | | | |
| | 240,412,601 | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from local property tax collections.

^d This amount shall be from auxiliary revenue.

| ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|---|----------------------------|--------------------|---------------------------|--------------------------------------|---------------------------|------------------|
| | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (I) LOCAL DISTRICT JUNIOR COLLEGE GRANTS PURSUANT TO SECTION 23-71-301, C.R.S. | 14,894,754 | 14,894,754 | | | | |
| | 1,408,493,378 | | | | | |
| | 1,511,052,442 | | | | | |
| TOTALS PART VI (HIGHER EDUCATION)^{5,6} | \$1,625,761,674 | \$797,870,851 | | \$721,408,270^a | \$87,008,845 ^a | \$19,473,708 |
| | <u>\$1,728,320,738</u> | | | <u>\$823,967,334^a</u> | | |

^a Of these amounts, \$76,557,335 contains a (T) notation and \$2,000,000 contains an (L) notation.

SECTION 3. Part VI (4) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

**PART VI
DEPARTMENT OF HIGHER EDUCATION**

(4) GOVERNING BOARDS AND LOCAL DISTRICT JUNIOR COLLEGES¹

(A) TRUSTEES OF THE STATE COLLEGES IN COLORADO^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | |
|----------------------------|------------------------|------------|-----------------------------------|
| Allocation | 121,930,004 | 81,871,741 | 40,058,263^a |
| | 140,283,774 | | 58,412,033 ^a |
| | (1,874.7 FTE) | | |
| Other Than Tuition Revenue | 2,401,231 | | 2,401,231 ^b |
| Auxiliary Revenue | <u>6,869,697</u> | | 6,869,697 ^c |
| | 131,200,932 | | |
| | 149,554,702 | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from auxiliary revenue.

(B) STATE BOARD OF AGRICULTURE^{67a, 73, 74, 75}

Governing Board and General Campuses

General Fund and Tuition

| | | | | |
|----------------------------|------------------------|-------------|------------------------------------|-------------------------|
| Allocation | 277,703,174 | 158,226,222 | 119,476,952^a | |
| | 305,273,036 | | 147,046,814 ^a | |
| | (4,033.3 FTE) | | | |
| Other Than Tuition Revenue | 31,412,435 | | 31,196,345 ^b | 216,090(T) ^c |

 APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|--------------------|------------------------|--------------------|---------------------------|-------------------------|-------------------------|------------------|
| | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Auxiliary Revenue | <u>29,135,121</u> | | | 29,135,121 ^d | | |
| | 338,250,730 | | | | | |
| | 365,820,592 | | | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. This amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

^d This amount shall be from auxiliary revenue.

(C) REGENTS OF THE UNIVERSITY OF COLORADO^{67a, 73, 74, 75, 76}

Governing Board and General Campuses

General Fund and Tuition

| | | | | |
|----------------------------|------------------------|-------------|------------------------------------|------------------------|
| Allocation | 505,470,657 | 225,941,651 | 279,529,006^a | |
| | 525,314,346 | | 299,372,695 ^a | |
| (6,037.5 FTE) | | | | |
| Other Than Tuition Revenue | 50,280,934 | | 41,704,674 ^b | 8,576,260 ^c |
| Auxiliary Revenue | <u>30,340,618</u> | | 30,340,618 ^d | |
| | 586,092,209 | | | |

605,935,898

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c Of this amount, \$7,918,729 shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (c), C.R.S., and \$657,531(T) shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. The Local Government Mineral Impact Fund amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

^d This amount shall be from auxiliary revenue.

(D) TRUSTEES OF THE COLORADO SCHOOL OF MINES^{67a, 73, 74, 75}

Governing Board and General Campus

General Fund and Tuition

| | | | | |
|----------------------------|------------------------------|------------|------------------------------------|-------------------------|
| Allocation | 41,229,098 | 20,525,170 | 20,703,928 ^a | |
| | 47,354,062 | | 26,828,892 ^a | |
| | (570.1 FTE) | | | |
| Other Than Tuition Revenue | 1,584,406 | | 1,334,406 ^b | 250,000(T) ^c |
| Auxiliary Revenue | 631,068 | | 631,068 ^d | |
| | <u>43,444,572</u> | | | |
| | 49,569,536 | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from the Oil and Gas Conservation Commission in the Department of Natural Resources and shall be for the management and operations of the Colorado Energy Research Institute created pursuant to Section 23-41-114, C.R.S.

^d This amount shall be from auxiliary revenue.

 APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | CASH FUNDS EXEMPT | FEDERAL FUNDS |
|---|-----------------------|-----------------|---------------------------|------------------------------------|-------------------------|------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (E) UNIVERSITY OF NORTHERN COLORADO ^{67a, 73, 74, 75} | | | | | | |
| Governing Board and General Campus | | | | | | |
| General Fund and Tuition | | | | | | |
| Allocation | | 44,811,849 | | 26,403,040 ^a | | |
| | | | | 34,500,000 ^a | | |
| | (1,079.9 FTE) | | | | | |
| Other Than Tuition Revenue | 4,332,385 | | | 4,332,385 ^b | | |
| Auxiliary Revenue | 1,220,125 | | | 1,220,125 ^c | | |
| | 76,767,399 | | | | | |
| | 84,864,359 | | | | | |

^a This amount shall be from tuition revenue.

^b This amount shall be from other than tuition revenue.

^c This amount shall be from auxiliary revenue.

**(F) STATE BOARD FOR COMMUNITY COLLEGES AND
OCCUPATIONAL EDUCATION STATE SYSTEM COMMUNITY
COLLEGES**^{67a, 73, 74, 75}

Governing Board and General Campuses

| | | | | |
|-------------------------------------|------------------------|-------------|------------------------------|---------------------------|
| General Fund and Tuition Allocation | 205,279,050 | 139,604,591 | 65,674,459* | |
| | 227,848,869 | | 88,244,278 ^a | |
| | (4,495.1 FTE) | | | |
| Other Than Tuition Revenue | 11,232,086 | | 9,232,086 ^b | 2,000,000(L) ^c |
| Auxiliary Revenue | <u>1,331,646</u> | | <u>1,331,646^d</u> | |
| | 217,842,782 | | | |
| | 240,412,601 | | | |

- ^a This amount shall be from tuition revenue.
- ^b This amount shall be from other than tuition revenue.
- ^c This amount shall be from local property tax collections.
- ^d This amount shall be from auxiliary revenue.

**(G) LOCAL DISTRICT
JUNIOR COLLEGE
GRANTS PURSUANT TO
SECTION 23-71-301,
C.R.S.**

| | |
|------------|------------|
| 14,894,754 | 14,894,754 |
|------------|------------|

~~1,408,493,378~~
1,511,052,442

**TOTALS PART VI
(HIGHER EDUCATION)^{5, 6}**

| | | | | |
|----------------------------|---------------|----------------------------------|---------------------------|--------------|
| \$1,625,761,674 | \$797,870,851 | \$721,408,270* | \$87,008,845 ^a | \$19,473,708 |
| <u>\$1,728,320,738</u> | | <u>\$823,967,334^a</u> | | |

^a Of these amounts, \$76,557,335 contains a (T) notation and \$2,000,000 contains an (L) notation.

SECTION 4. Effective date. This act shall take effect upon passage; except that section 2 of this act shall take effect only if Senate Bill 03-170 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law, and section 3 of this act shall take effect only if Senate Bill 03-170 is not enacted at the First Regular Session of the Sixty-fourth General Assembly and does not become law.

SECTION 5. 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: March 5, 2003