

CHAPTER 361

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 10-1383

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert;
also SENATOR(S) White, Keller, Tapia.

AN ACT

**CONCERNING FUNDING FOR STUDENT FINANCIAL AID FOR HIGHER EDUCATION, AND MAKING AN
APPROPRIATION THEREFOR.**

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

SECTION 1. 23-3.1-206.9 (2), Colorado Revised Statutes, is amended to read:

23-3.1-206.9. Colorado collegeinvest scholarship program - administration - fund - policies. (2) (a) The Colorado collegeinvest scholarship trust fund, which is hereby created, shall consist of moneys deposited into the fund by the authority, any moneys appropriated to the fund by the general assembly, and any gifts, grants, and donations received by the authority for the Colorado collegeinvest scholarship program. Moneys deposited into the Colorado collegeinvest scholarship trust fund shall be deemed to be trust funds and shall be administered by the authority and shall be used for the direct and indirect costs of implementing and administering, including marketing, the Colorado collegeinvest scholarship program AND MAY BE USED FOR NEED-BASED FINANCIAL AID. Annual expenditures on direct marketing shall not exceed five percent of the annual revenue of the trust. Any unexpended and unencumbered moneys remaining in the Colorado collegeinvest scholarship trust fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or to any other fund. Any moneys appropriated by the general assembly to the Colorado collegeinvest scholarship trust fund shall be subject to annual appropriation.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2) to the contrary, on July 1, 2009, of moneys credited to the Colorado collegeinvest scholarship trust fund other than moneys transferred from the student loan guarantee fund created in section 23-3.1-107 (1) (a), the state treasurer shall deduct fifteen million dollars from the Colorado collegeinvest scholarship trust fund and transfer

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

such sum to the general fund.

(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, OF MONEYS CREDITED TO THE COLORADO COLLEGEINVEST SCHOLARSHIP TRUST FUND OTHER THAN MONEYS TRANSFERRED FROM THE STUDENT LOAN GUARANTEE FUND CREATED IN SECTION 23-3.1-107 (1) (a), THE STATE TREASURER SHALL DEDUCT TWENTY-NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS FROM THE COLORADO COLLEGEINVEST SCHOLARSHIP TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND IF THE REVENUE ESTIMATE PREPARED IN JUNE OF 2010 IN ACCORDANCE WITH SECTION 24-75-201.3 (2), C.R.S., INDICATES FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, THAT GENERAL FUND EXPENDITURES FOR THAT FISCAL YEAR BASED ON APPROPRIATIONS ENACTED BY LAW WILL RESULT IN THE USE OF MORE THAN THREE-EIGHTHS OF THE RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d), C.R.S., OR IF THE REVENUE ESTIMATE PREPARED IN SEPTEMBER OR DECEMBER OF 2010 OR IN MARCH OR JUNE OF 2011 IN ACCORDANCE WITH SECTION 24-75-201.3 (2), C.R.S., INDICATES FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, THAT GENERAL FUND EXPENDITURES FOR THAT FISCAL YEAR BASED ON APPROPRIATIONS THEN IN EFFECT WILL RESULT IN THE USE OF MORE THAN THREE-EIGHTHS OF THE RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d), C.R.S.; HOWEVER, SAID AMOUNT SHALL BE DEDUCTED AND TRANSFERRED BY THE STATE TREASURER ONLY ONCE PURSUANT TO THIS PARAGRAPH (c).

SECTION 2. 23-3.3-103, Colorado Revised Statutes, is amended to read:

23-3.3-103. Annual appropriations. (1) The annual appropriations for student financial assistance under this article shall increase by at least the same percentage as the aggregate percentage increase of all general fund appropriations to institutions of higher education. Nothing in this section shall be construed to limit or impair the authority of the Colorado commission on higher education under section 23-1-105.

(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE SHALL NOT APPLY TO SAID APPROPRIATIONS FOR THE 2010-11 FISCAL YEAR.

SECTION 3. Appropriation - adjustments to the 2010 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, Colorado commission on higher education financial aid, for need-based grants, for the fiscal year beginning July 1, 2010, the sum of fifteen million four hundred thousand dollars (\$15,400,000) cash funds, or so much thereof as may be necessary, for the implementation of the need-based student financial assistance program established pursuant to section 23-3.3-102, Colorado Revised Statutes. Said sum shall be from the Colorado collegeinvest scholarship trust fund created in section 23-3.1-206.9 (2) (a), Colorado Revised Statutes, out of moneys transferred to the trust fund from the student loan guarantee fund created in section 23-3.1-107 (1) (a), Colorado Revised Statutes.

(2) For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, for the department of higher education, Colorado commission on higher education, shall be reduced by fifteen million four hundred thousand dollars (\$15,400,000).

SECTION 4. 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: June 7, 2010