

CHAPTER 129

EDUCATION - POSTSECONDARY

SENATE BILL 15-237

BY SENATOR(S) Lambert, Grantham, Steadman, Holbert, Cadman;
 also REPRESENTATIVE(S) Hamner, Young, Rankin, Fields, Ginal, Lee, Lontine, McCann, Mitsch Bush, Pettersen, Priola,
 Rosenthal, Ryden, Salazar, Williams.

AN ACT

CONCERNING CALCULATIONS RELATING TO APPROPRIATIONS TO INSTITUTIONS OF HIGHER EDUCATION, AND, IN CONNECTION THEREWITH, CLARIFYING CALCULATIONS REQUIRED PURSUANT TO SECTIONS 23-18-304 AND 23-18-305, COLORADO REVISED STATUTES, AND DELAYING PERFORMANCE FUNDING CALCULATIONS PURSUANT TO SECTION 23-1-108, COLORADO REVISED STATUTES.

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

SECTION 1. In Colorado Revised Statutes, 23-18-302, **amend** (1), (9), and (10); and **add** (1.5) and (7.5) as follows:

23-18-302. Definitions. As used in this part 3, unless the context otherwise requires:

(1) ~~"Area vocational school" has the same meaning as provided in section 23-60-103 (1).~~ "APPLICABLE FISCAL YEAR" OR "APPLICABLE STATE FISCAL YEAR" MEANS THE STATE FISCAL YEAR THAT COMMENCES JULY 1 AFTER THE CONCLUSION OF THE REGULAR LEGISLATIVE SESSION. FOR EXAMPLE, DURING THE 2015 REGULAR LEGISLATIVE SESSION, THE "APPLICABLE FISCAL YEAR" MEANS THE 2015-16 FISCAL YEAR.

(1.5) "AREA VOCATIONAL SCHOOL" HAS THE SAME MEANING AS PROVIDED IN SECTION 23-60-103 (1).

(7.5) "PRECEDING FISCAL YEAR" OR "PRECEDING STATE FISCAL YEAR" MEANS THE STATE FISCAL YEAR THAT ENDS IMMEDIATELY BEFORE THE "APPLICABLE FISCAL YEAR". FOR EXAMPLE, DURING THE 2015 REGULAR LEGISLATIVE SESSION, THE "PRECEDING FISCAL YEAR" MEANS THE 2014-15 FISCAL YEAR.

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

(9) ~~"Total governing board appropriation": means, for a fiscal year, the sum of the amount appropriated to the governing board of a state institution of higher education for a fee-for-service contract negotiated pursuant to section 23-18-303 and the amount stated as reappropriated spending authority in the general appropriations act for the governing board to expend stipends received pursuant to section 23-18-202 on behalf of eligible undergraduate students~~

(a) FOR THE "APPLICABLE FISCAL YEAR" OR "APPLICABLE STATE FISCAL YEAR", HAS THE SAME MEANING AS THE "TOTAL STATE APPROPRIATION" FOR THE "APPLICABLE FISCAL YEAR", AS DEFINED IN SUBSECTION (10) (a) OF THIS SECTION, AS APPLIED TO A GOVERNING BOARD.

(b) FOR THE "PRECEDING FISCAL YEAR" OR "PRECEDING STATE FISCAL YEAR", HAS THE SAME MEANING AS THE "TOTAL STATE APPROPRIATION" FOR THE "PRECEDING FISCAL YEAR", AS DEFINED IN SUBSECTION (10) (b) OF THIS SECTION, AS APPLIED TO A GOVERNING BOARD.

(10) "Total state appropriation" means: ~~for a state fiscal year~~

(a) FOR THE "PRECEDING FISCAL YEAR" OR "PRECEDING STATE FISCAL YEAR", the sum of:

(I) The total amount appropriated IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE PRECEDING FISCAL YEAR to the governing boards of the state institutions of higher education for fee-for-service contracts determined pursuant to section 23-18-303 and the amount of the appropriation to the college opportunity fund established in section 23-18-202 for student stipends. THIS AMOUNT IS THE AMOUNT AS ENACTED DURING THE LEGISLATIVE SESSION IN WHICH THE ACT WAS INITIALLY ADOPTED, UNLESS OTHERWISE SPECIFIED IN A SUPPLEMENTAL APPROPRIATIONS ACT.

(II) APPROPRIATIONS PURSUANT TO SECTIONS 23-18-202 AND 23-18-303 THAT WERE INCLUDED IN ACTS OTHER THAN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE PRECEDING FISCAL YEAR THAT WERE ENACTED DURING THE SAME LEGISLATIVE SESSION AS THE ANNUAL GENERAL APPROPRIATIONS ACT, UNLESS THE ACT OTHERWISE SPECIFIES.

(b) FOR THE "APPLICABLE FISCAL YEAR" OR "APPLICABLE STATE FISCAL YEAR", THE TOTAL AMOUNT APPROPRIATED IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE FISCAL YEAR TO THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION FOR FEE-FOR-SERVICE CONTRACTS DETERMINED PURSUANT TO SECTION 23-18-303 AND THE AMOUNT OF THE APPROPRIATION TO THE COLLEGE OPPORTUNITY FUND ESTABLISHED IN SECTION 23-18-202 FOR STUDENT STIPENDS. THIS AMOUNT INCLUDES ONLY THE AMOUNTS ENACTED IN THE ANNUAL GENERAL APPROPRIATIONS ACT AS INITIALLY ENACTED, UNLESS A SUPPLEMENTAL APPROPRIATIONS ACT OR ANOTHER ACT OTHERWISE SPECIFIES. THE TOTAL STATE APPROPRIATION FOR THE APPLICABLE FISCAL YEAR EXCLUDES ANY OUT-YEAR COSTS OR SAVINGS FROM LEGISLATION ADOPTED IN PREVIOUS YEARS THAT THE GENERAL ASSEMBLY DETERMINES WERE NOT ACCOUNTED FOR IN THE PRECEDING FISCAL YEAR'S APPROPRIATIONS.

SECTION 2. In Colorado Revised Statutes, 23-18-305, **amend** (1) (a) as follows:

23-18-305. Total appropriations - adjustments - fiscal emergency - resolution - financial hardship. (1) (a) For the 2015-16 state fiscal year through the 2019-20 state fiscal year, the total governing board appropriation for a governing board for ~~a~~ THE APPLICABLE fiscal year shall not change from the TOTAL GOVERNING BOARD APPROPRIATION FOR THE preceding fiscal year by a percentage that is more than five percentage points less than or five percentage points greater than the percentage change in the total state appropriation from the preceding fiscal year. Notwithstanding any provision of this part 3 to the contrary, the general assembly in the annual general appropriations bill shall adjust the total governing board appropriation for each governing board as necessary to comply with this section.

SECTION 3. In Colorado Revised Statutes, 23-1-108, **amend** (1.9) (b) as follows:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (1.9) (b) After the ~~2015-16 state fiscal year~~ 2016-17 STATE FISCAL YEAR, in each state fiscal year in which the general assembly appropriates the restored level of general fund appropriations for the state system of higher education, the commission, based on the performance-based funding plan adopted in the master plan, shall recommend to the joint budget committee the portion of the performance funding amount to be appropriated to each governing board, including the governing boards for the junior colleges and the area vocational schools, based on the demonstrated performance of the institutions that are under the governing board's control in meeting the institutions' goals and expectations specified in the institutions' respective performance contracts.

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: May 1, 2015