

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-1040.01 Brita Darling

HOUSE BILL 10-1383

HOUSE SPONSORSHIP

Pommer, Ferrandino, Lambert

SENATE SPONSORSHIP

White, Keller, Tapia

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

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

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>.)

Budget Package Bill. The bill expands the use of the collegeinvest scholarship trust fund to include funding need-based financial aid.

The bill makes a one-time transfer of \$29.8 million from the collegeinvest scholarship trust fund to the general fund.

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.*

SENATE
3rd Reading Unam ended
April 9, 2010

SENATE
Am ended 2nd Reading
April 8, 2010

HOUSE
3rd Reading Unam ended
April 1, 2010

HOUSE
2nd Reading Unam ended
March 31, 2010

The bill removes the requirement for fiscal year 2010-11 concerning increasing appropriations for student financial assistance.

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

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

4 **23-3.1-206.9. Colorado collegeinvest scholarship program -**
5 **administration - fund - policies.** (2) (a) The Colorado collegeinvest
6 scholarship trust fund, which is hereby created, shall consist of moneys
7 deposited into the fund by the authority, any moneys appropriated to the
8 fund by the general assembly, and any gifts, grants, and donations
9 received by the authority for the Colorado collegeinvest scholarship
10 program. Moneys deposited into the Colorado collegeinvest scholarship
11 trust fund shall be deemed to be trust funds and shall be administered by
12 the authority and shall be used for the direct and indirect costs of
13 implementing and administering, including marketing, the Colorado
14 collegeinvest scholarship program AND MAY BE USED FOR NEED-BASED
15 FINANCIAL AID. Annual expenditures on direct marketing shall not exceed
16 five percent of the annual revenue of the trust. Any unexpended and
17 unencumbered moneys remaining in the Colorado collegeinvest
18 scholarship trust fund at the end of a fiscal year shall remain in the fund
19 and shall not be credited or transferred to the general fund or to any other
20 fund. Any moneys appropriated by the general assembly to the Colorado
21 collegeinvest scholarship trust fund shall be subject to annual
22 appropriation.

23 (b) Notwithstanding the provisions of paragraph (a) of this
24 subsection (2) to the contrary, on July 1, 2009, of moneys credited to the
25 Colorado collegeinvest scholarship trust fund other than moneys

1 transferred from the student loan guarantee fund created in section
2 23-3.1-107 (1) (a), the state treasurer shall deduct fifteen million dollars
3 from the Colorado collegeinvest scholarship trust fund and transfer such
4 sum to the general fund.

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

27 **SECTION 2.** 23-3.3-103, Colorado Revised Statutes, is amended

1 to read:

2 **23-3.3-103. Annual appropriations.** (1) The annual
3 appropriations for student financial assistance under this article shall
4 increase by at least the same percentage as the aggregate percentage
5 increase of all general fund appropriations to institutions of higher
6 education. Nothing in this section shall be construed to limit or impair
7 the authority of the Colorado commission on higher education under
8 section 23-1-105.

9 (2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION
10 CONCERNING APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE
11 UNDER THIS ARTICLE SHALL NOT APPLY TO SAID APPROPRIATIONS FOR THE
12 2010-11 FISCAL YEAR.

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

26 (2) For the implementation of this act, the general fund
27 appropriation made in the annual general appropriation act for the fiscal

1 year beginning July 1, 2010, for the department of higher education,
2 Colorado commission on higher education, shall be reduced by fifteen
3 million four hundred thousand dollars (\$15,400,000).

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.