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TIMELY DATA CIRCULATED WHILE CURRENT

SINCE 1958 EIGHTEENTH YEAR  
Number 219 October 1976 Page 1397

GRAPEVINE  
\* \* \* \* \*

Reports on state tax legislation; state appropriations for universities, colleges and junior colleges; legislation affecting education beyond the high school.

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Table 39. FORTY-EIGHT STATES MAINTAIN WEIGHTED AVERAGE TWO-YEAR GAIN OF 24 PER CENT IN APPROPRIATIONS OF STATE TAX FUNDS FOR ANNUAL OPERATING EXPENSES OF HIGHER EDUCATION FOR FISCAL YEAR 1976-77. (In thousands of dollars)

States	Year 1966-67	Year 1974-75	Year 1976-77	2-yr gain per cent	10-yr gain per cent
(1)	(2)	(3)	(4)	(5)	(6)
Forty-two states previously reported*					
Forty-two states	3,242,521	10,065,401	12,507,120**	24	285
Alabama	54,782	192,988	268,919	39	391
Delaware	8,740	37,206	44,928	21	414
Maine	13,457	43,912	42,206	260 - 4	214
Nevada	8,074	29,720	42,357	42	425
Pennsylvania	137,509	573,631	659,781	15	379
Rhode Island	15,387	47,036	64,771	38	321
Totals	3,480,470	10,989,894	13,630,082		
Weighted average percentages of gain			13,630,082	24	292

\*See GRAPEVINE, Table 37, page 1392.

\*\*Revised upward to account for updating of California report, see page 1399 this issue

Continuing to give first priority to timeliness, GRAPEVINE issues this October number early in September in order to show six more states as promptly as possible and bring the cumulative total for 1976 up to 48.

It is unlikely that the two states presently unreported will make more than a negligible change in weighted average two-year gains, shown here as approximately 24 per cent for the 48 states now reported. The two states combined--Massachusetts and Montana--can be estimated to aggregate a total between \$250 million and \$300 million; and whatever their variations, they will have little weight against a cumulated backlog of more than \$13½ billion aggregated by the 48 states already reported.

GRAPEVINE's next issue (labeled November) will probably be mailed early in October. It will contain a preliminary version of the annual 50-state summary table. Soon thereafter a slightly revised draft of all our tabulations for the whole year will be reproduced in a brochure of approximately 30 pages by the National Association of State Universities and Land-Grant Colleges. In somewhat different form the comprehensive data will also presumably be published in one or more issues of the widely circulated weekly Chronicle of Higher Education. Can we be forgiven a tiny boast that no other agency circulates these data as early as the second quarter of the fiscal year to which they apply?

It should be added that apparently no other agency uses precisely the same data base; namely, net state tax-fund appropriations for annual operating expenses of all higher education, including tax-supported student aids, but excluding capital outlays, student fees, and other income not derived from state tax funds. Thus no knee-jerk reaction is appropriate if you observe that GRAPEVINE's "bottom line" for an institution, or a state, or nationwide, does not coincide with a figure you have seen in a newspaper or other local report.

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ALABAMA. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 40. State tax-fund appropriations for operating expenses of higher education in Alabama, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of Alabama	
Tuscaloosa	29,853
Birmingham	17,825
School of medicine	9,132
School of dentistry	5,000
School of optometry	1,000
University hospital	4,100
Subtotal, U of A-B -	\$37,057
Huntsville	7,300
Subtotal, U of A -	\$74,210
Auburn University	
Main campus	27,366
Extension service	6,430
Experiment station	5,460
Subtotal, AU, mc -	\$39,256
Montgomery campus	4,344
Subtotal, AU -	\$43,600
U of South Alabama	8,154
College of medicine	5,650
Med center hosp, clinics, school of nursing	1,300
Subtotal, U of SA -	\$15,104
Jacksonville State U	7,278
Alabama A & M	6,194
Troy State U	5,562
Alabama State U	5,414
U of North Alabama	4,818
U of Montevallo	4,309
Livingston U	2,394
Athens State College	1,000
Junior colleges	29,050
Voc-Technical schools	22,000
Medical scholarships	135
Dental scholarships	83
Sylacauga nursing	58
Marine env sci consortium	325
Commission on higher ed	225
So Regional Ed Bd	160
Retirement & soc security (est)	47,000
Total	268,919

The total for fiscal year 1976-77 appears to be a gain of 39 per cent over the comparable figure two years earlier.

CALIFORNIA. Allocations to the separate campuses of the University of California and the California State University and Colleges were not available when Table 24, page 1387 was published in the August GRAPEVINE. Table 41 below supplements Table 24.

Table 41. Allocations of state tax-fund appropriations to the separate campuses of the University of California and California State University and Colleges, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of California	
Los Angeles	137,196
Berkeley	109,916
Davis	87,172
San Diego	51,563
San Francisco	48,407
Santa Barbara	40,050
Irvine	39,395
Riverside	30,656
Santa Cruz	20,149
University-wide & special items	88,070
Subtotal, U of C -	\$652,574
California State U & Colls -	
San Diego	53,672
Long Beach	50,034
San Jose	46,646
Los Angeles	43,998
Northridge	42,126
San Francisco	40,558
Sacramento	37,501
San Luis Obispo	37,105
Fresno	35,172
Fullerton	34,651
Chico	30,838
Pomona	29,880
Hayward	25,007
Humboldt	20,350
Sonoma	15,894
Dominguez Hills	15,415
San Bernardino	11,051
Bakersfield	9,547
Stanislaus	9,309
International programs	848
Systemwide adm & prog	24,222
Subtotal, CSU & C's -	\$613,826*

\*Revised upward by \$10,359,000 to reflect more exact knowledge of salary increases and fringe benefits. The new state-wide total is \$1,825,400,000. The percentage of gain over two years is 34.

DELAWARE. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 42. State tax-fund appropriations for operating expenses of higher education in Delaware, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of Delaware	19,461
Employer's share, soc sec*	1,843
State pension*	1,320
Scholarships	150
TIAA-pension	678
Health insurance	553
State geologist	237
Occupational teachers ed	86
Poultry diagnostic service	10
<hr/>	
Subtotal, U of D - \$24,338	
Delaware Institute of Medical Education and Research	2,306
Delaware State College	6,399
Delaware Tech & Comm Coll	11,689
Higher Ed Loan Program	163
Postsecondary Educ	33
Total	44,928

\*Appropriated to state treasurer.

The total for fiscal year 1976-77 appears to be a gain of 21 per cent over the comparable figure two years earlier.

MAINE. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 43. State tax-fund appropriations for operating expenses of higher education in Maine, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of Maine - All campuses and university-wide services	33,682
Public broadcasting network	795
<hr/>	
Subtotal, U of M - \$34,477	
Vocational education* (estimate)	5,532
School of practical nursing (est)	86
Maine Maritime Academy	1,613
Grant/loan/scholarship fund**	552
Total	42,260

(Continued in the next column)

MAINE (Continued from previous column)

Footnotes:

\*Includes 6 vocational-technical institutes as well as other vocational programs and services.

\*\*Includes funds to secure places for Maine students at the Vermont School of Medicine, Tufts Dental School, and the University of Pennsylvania School of Veterinary Medicine; planning funds to be used in the development of an Interstate Regional College of Veterinary Medicine; and \$50,000 for vocational-technical institute students.

The total for fiscal year 1976-77 appears to be a decrease of 4 per cent from the comparable figure two years earlier.

NEVADA. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 44. State tax-fund appropriations for operating expenses of higher education in Nevada, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of Nevada, Reno	14,792
Statewide programs	1,107
Ag experiment station	1,636
Coop extension service	1,228
Medical school	984
Intercollegiate athletics	515
<hr/>	
Subtotal, U of N, R - \$20,263	
U of Nevada, Las Vegas	11,703
Statewide programs	193
Intercollegiate athletics	515
<hr/>	
Subtotal, U of N, LV - \$12,411	
Community college division	
Clark County Comm Coll	3,534
Western Nevada Comm Coll	2,445
Northern Nevada Comm Coll	548
Administration	358
<hr/>	
Subtotal, C C's - \$6,885	
System computing center	1,226
Desert research institute	843
University press	122
National direct student loan	75
System administration	531
Total	42,357

The total for fiscal year 1976-77 appears to be a gain of 42 per cent over the comparable figure two years earlier.

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PENNSYLVANIA. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 45. State tax-fund appropriations for operating expenses of higher education in Pennsylvania, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
Pennsylvania State U	103,975
Medical school	2,784
<u>Subtotal, PSU - \$106,759</u>	
State-related U's -	
Temple University*	60,500
Medical school	5,412
<u>Subtotal, TU - \$65,912</u>	
U of Pittsburgh*	56,500
Medical school	3,986
<u>Subtotal, U of P - \$60,486</u>	
Lincoln U	3,175
<u>Commonwealth segment - \$236,332</u>	
State-owned insts -	
Indiana U of Pa	20,198
West Chester	17,049
Edinboro	13,804
Slippery Rock	13,338
California	12,989
Millersville	12,457
Clarion	11,935
Shippensburg	11,612
Bloomsburg	11,529
Kutztown	10,980
Mansfield	8,957
East Stroudsburg	8,861
Cheyney	7,815
Lock Haven	6,790
Unallocated	712
<u>Subtotal, St-owned - \$169,026 **</u>	
Community colleges	32,532
Private State-aided insts -	
U of Pennsylvania*	11,037
Medical school	2,882
School of veterinary med	3,772
<u>Subtotal, U of Pa - \$17,691</u>	
Thomas Jefferson U	5,469
Drexel U	3,018
Phila Col Osteo Med	3,626
Hahnemann Med Col	3,276
Med Col of Pa	1,795
Pa Col Podiatric Med	660

(Continued in the next column)

PENNSYLVANIA (cont from previous column)

Private State-aided insts (cont)	
Phila Col of Art	352
Phila Col Tex & Sci	250
Pa Col of Optometry	220
Del Val Sci & Agri	185
Dickinson Sch Law	99
Phila Musical Academy	75
<u>Subtotal, Pvt, St-aided - \$36,716</u>	
Pa Higher Edn Asstce Agency	77,056
Institutional assist grants	12,000
Equal Ed Opportunity	3,350
Corrects ed to state-owned	200
Interdepartmental transfers	92,569
<u>Total</u>	<u>659,781</u>

\*Includes \$600,000 for dental clinics

\*\*Includes state college consortium

RHODE ISLAND. Appropriations of state tax funds for operating expenses of higher education, fiscal year 1976-77:

Table 46. State tax-fund appropriations for operating expenses of higher education in Rhode Island, fiscal year 1976-77, in thousands of dollars.

Institutions (1)	Sums appropriated (2)
U of Rhode Island	34,482
Rhode Island College	14,785
Rhode Island Junior College*	12,471
<u>Subtotal, U &amp; C's - 61,738</u>	
State scholarships	2,055
Nursing scholarships	70
Bryant College**	15
World War orphans	3
New England H Ed Compact	42
Reg plan--medical, dental	100
Support of med edn***	700
Regional veterinarian program	48
<u>Total</u>	<u>64,771</u>

\*New campus to open September 1976

\*\*For teacher training in business subjects at named private college

\*\*\*Administered by Rhode Island Department of Health.

The total for fiscal year 1976-77 appears to be a gain of 38 per cent over the comparable figure two years earlier.

## RESURGENCE OF PHASES OF UNIVERSITY AUTONOMY

Recent issues of GRAPEVINE have noted victories for various aspects of university autonomy in the supreme courts of Michigan (1), Montana (2), New Mexico (3) and North Dakota (4).

Here is additional evidence from Montana, South Dakota, and Texas.

### Montana Constitution of 1972

"The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system. . . ."

Interpreting that provision, the Montana supreme court concluded that "Line item appropriations become constitutionally impermissible when the authority of the Regents . . . is infringed. . . ."

The court does not ban all line-item appropriations to the Regents, but says the question of whether in given instances they invade the powers of the Regents can be decided on a case-by-case basis. Accordingly the court invalidated parts of two 1975 statutes known as House Bill 271 and Senate Bill 401, which would have dictated salary policies for presidents and nonacademic employees at the institutions, and would have made expenditure of funds derived from private gifts and other non-state sources possible only with the approval of a legislative finance committee.

Thus Montana is definitely added to the list of ten other states which have long provided constitutional protection for reasonable university autonomy (5).

### South Dakota

Here the state supreme court upheld a statute empowering the state commissioner of labor and management relations to decide questions of recognition of bargaining units on behalf of institutional employees, on the ground that "this left the Regents' basic right of control untouched"; but also declared

that the Regents, as a constitutional body empowered to sue and be sued, have the right to employ and use an independent attorney, without consulting the state attorney general; and are not required to use his services (6).

### Texas

The supreme court of Texas dealt with the question of whether a governor armed with power to veto "appropriated items" can, under that authority, veto a "rider" attached to an appropriation bill for the purpose of authorizing the Regents of the University of Texas to expend funds which had been appropriated in the general act, to specific construction projects named in the rider.

The decision was that the governor can not veto such a rider, because, although the Texas Education Code provides that the Coordinating Board, Texas Colleges and Universities, shall approve or disapprove new construction projects; it also stipulates that this requirement shall not apply to any project specifically approved by the legislature.

This simply meant that the governor could not veto the legislative intent to bypass the coordinating board and directly authorize the Regents of the University of Texas to proceed with payment of bills incurred on named projects having the direct approval of the legislature (7).

- (1) *Regents of University of Michigan v. State Board of Education*, 235 N.W. 2d 1 (1975).
- (2) *Regents of Higher Education v. Judge*, (Mont.), 543 P. 2d 1323 (1975).
- (3) *State of New Mexico v. Kirkpatrick*, 524 P. 2d 975 (1974).
- (4) *State ex rel. Walker v. Link*, (N.D.), 232 N. W. 2d 823 (1975).
- (5) Case cited in Footnote (2).
- (6) *Board of Regents of South Dakota v. Carter*, 228 N. W. 2d 621 (1975).
- (7) *Jessen Associates, Inc. v. Bullock*, (Tex.), 531 S. W. 2d 593 (1975).

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