

## CHAPTER 61

---

**EDUCATION - PUBLIC SCHOOLS**


---

**HOUSE BILL 02-1393**

BY REPRESENTATIVE(S) Young, Berry, Saliman, Lee, Spence, and Williams S.;  
also SENATOR(S) Reeves, Tate, and Owen.

**AN ACT**

CONCERNING A REDUCTION IN THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE 2001-02 STATE FISCAL YEAR REQUIRED TO BE MADE TO BE IN COMPLIANCE WITH THE MAINTENANCE OF EFFORT REQUIREMENT IN SECTION 17 OF ARTICLE IX OF THE COLORADO CONSTITUTION, AND, IN CONNECTION THEREWITH, SPECIFYING THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE 2002-03 STATE FISCAL YEAR REQUIRED TO BE MADE TO BE IN COMPLIANCE WITH THE MAINTENANCE OF EFFORT REQUIREMENT IN SECTION 17 OF ARTICLE IX OF THE COLORADO CONSTITUTION AND TO OFFSET THE IMPACT OF SAID REDUCED GENERAL FUND APPROPRIATION ON THE LONG-TERM SOLVENCY OF THE STATE EDUCATION FUND.

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

**SECTION 1.** 22-54-104.1 (3), Colorado Revised Statutes, is amended, and the said 22-54-104.1 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-54-104.1. General fund appropriations requirements - maintenance of effort base - general fund appropriation for 2001-02 fiscal year - general fund appropriation for the 2002-03 fiscal year.** (3) For the 2001-02 state fiscal year, the general assembly shall appropriate from the general fund for total program pursuant to the provisions of this article an amount equal to the maintenance of effort base ~~plus~~: PLUS AN AMOUNT EQUAL TO FIVE PERCENT OF THE MAINTENANCE OF EFFORT BASE.

~~(a) An amount equal to five and ninety-two one-hundredths percent of the maintenance of effort base if Senate Bill 01-119 is enacted at the first regular session of the sixty-third general assembly and becomes law; or~~

~~(b) An amount equal to five and eighty one-hundredths percent of the maintenance of effort base if Senate Bill 01-119 is not enacted at the first regular session of the~~

---

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

~~sixty-third general assembly and does not become law.~~

(4) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE CURRENT ECONOMIC SLOWDOWN BEING EXPERIENCED IN COLORADO HAS SIGNIFICANTLY REDUCED THE AMOUNT OF REVENUES THE GENERAL ASSEMBLY HAS AVAILABLE TO FUND STATE SERVICES AND PROGRAMS DURING THE 2001-02 STATE FISCAL YEAR AND HAS CAUSED THE GENERAL ASSEMBLY TO MODIFY ITS DECISIONS REGARDING THE OBJECTS AND LEVEL OF SUPPORT FOR WHICH STATE REVENUES ARE TO BE EXPENDED DURING SAID STATE FISCAL YEAR;

(II) AS A RESULT OF THIS REVENUE SHORTFALL, IT IS NECESSARY TO REDUCE THE AMOUNT OF GENERAL FUND REVENUES APPROPRIATED FOR TOTAL PROGRAM FOR THE 2001-02 STATE FISCAL YEAR TO THE MINIMUM AMOUNT NECESSARY TO COMPLY WITH THE MAINTENANCE OF EFFORT REQUIREMENT SET FORTH IN SUBSECTION (1) OF THIS SECTION;

(III) IT IS FINANCIALLY PRUDENT TO MAKE A ONE-TIME INCREASE IN THE AMOUNT OF GENERAL FUND REVENUES APPROPRIATED FOR TOTAL PROGRAM FOR THE 2002-03 STATE FISCAL YEAR SUFFICIENT TO OFFSET ANY IMPACT THAT THE REDUCTION IN THE AMOUNT OF GENERAL FUND REVENUES APPROPRIATED FOR TOTAL PROGRAM FOR THE 2001-02 STATE FISCAL YEAR MIGHT HAVE ON THE LONG-TERM SOLVENCY OF THE STATE EDUCATION FUND; AND

(IV) THIS ONE-TIME INCREASE IN THE AMOUNT OF GENERAL FUND REVENUES APPROPRIATED FOR TOTAL PROGRAM FOR THE 2002-03 STATE FISCAL YEAR SHALL NOT BE CONSTRUED TO BIND ANY FUTURE GENERAL ASSEMBLY TO MAINTAIN THE SAME OR SIMILAR RATE OF INCREASE IN THE AMOUNT OF GENERAL FUND REVENUES APPROPRIATED FOR TOTAL PROGRAM IN ANY FUTURE STATE FISCAL YEAR.

(b) FOR THE 2002-03 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL FUND FOR TOTAL PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE AN AMOUNT EQUAL TO THE MAINTENANCE OF EFFORT BASE PLUS AN AMOUNT EQUAL TO SEVEN AND THIRTY-NINE ONE-HUNDREDTHS PERCENT OF THE MAINTENANCE OF EFFORT BASE.

**SECTION 2. Effective date.** This act shall take effect upon passage; except that this act shall only take effect if the following bills are enacted at the Second Regular Session of the Sixty-third General Assembly and become law: House Bill 02-1366; House Bill 02-1367; House Bill 02-1368; House Bill 02-1369; House Bill 02-1370; House Bill 02-1371; House Bill 02-1372; House Bill 02-1373; House Bill 02-1374; House Bill 02-1375; House Bill 02-1376; House Bill 02-1377; House Bill 02-1378; House Bill 02-1379; House Bill 02-1380; House Bill 02-1381; House Bill 02-1382; House Bill 02-1383; House Bill 02-1384; House Bill 02-1385; House Bill 02-1386; House Bill 02-1387; House Bill 02-1388; House Bill 02-1389; House Bill 02-1390; House Bill 02-1391; House Bill 02-1392; and House Bill 02-1394.

**SECTION 3. 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 27, 2002

**Editor's note:** Section 2 of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed March 27, 2002.