

CHAPTER 5

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 03-195

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Young, Plant, Witwer, and Lee.

AN ACT

CONCERNING THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE STATE'S SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING REQUIRED TO BE MADE TO BE IN COMPLIANCE WITH SECTION 17 (5) OF ARTICLE IX OF THE COLORADO CONSTITUTION, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 22-54-104.1 (1), (4), and (5), Colorado Revised Statutes, are amended to read:

22-54-104.1. General fund appropriations requirements - maintenance of effort base - general fund appropriation for 2001-02 and 2002-03 fiscal years.

(1) In accordance with section 17 (5) of article IX of the state constitution, for state fiscal years 2001-02 through 2010-11, the general assembly shall annually appropriate from the general fund for total program under the provisions of this article an amount equal to the maintenance of effort base plus an amount as determined annually by the general assembly that is equal to at least five percent of the maintenance of effort base, UNLESS COLORADO PERSONAL INCOME GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THE STATE FISCAL YEAR IN WHICH AN APPROPRIATION IS MADE.

~~(4) (a) The general assembly hereby finds and declares that:~~

~~(f) 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;~~

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

~~(H) 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;~~

~~(HH) 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.~~

~~(5) 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 at least seven and thirty-nine one-hundredths percent of the maintenance of effort base.~~

SECTION 2. Part III (2) (A) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. Appropriation.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

State Share of Districts¹

Total Program

Funding ^{18, 19}	2,448,085,100	2,224,798,325		10,251,689 ^a	213,035,086^c	
		2,179,205,083			258,628,328 ^b	

Additional State Aid

Related to Locally

Negotiated Business

Incentive Agreements	<u>1,833,315</u>	1,833,315				
	2,449,918,415					

^a This amount shall be from rental income earned on public school lands.

^b Of this amount, ~~\$170,364,847~~ \$215,958,089 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$42,670,239 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, \$24,700,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), \$14,970,239 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S., and \$3,000,000 is estimated to be from audit recoveries deposited in the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S..

