

CHAPTER 299

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 05-1279

BY REPRESENTATIVE(S) Plant, Buescher, Hall, Berens, Frangas, and Green;
also SENATOR(S) Keller, Owen, and Tapia.

AN ACT

CONCERNING THE DETERMINATION OF THE APPLICABILITY OF THE GENERAL FUND MAINTENANCE OF EFFORT REQUIREMENT IN SECTION 17 OF ARTICLE IX OF THE COLORADO CONSTITUTION IN ANY GIVEN STATE FISCAL YEAR.

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

SECTION 1. 22-55-105 (1), Colorado Revised Statutes, is amended to read:

22-55-105. General fund appropriations requirements - maintenance of effort base. (1) (a) 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 "Public School Finance Act of 1994", article 54 of this title, 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.

(b) (I) THE GENERAL ASSEMBLY SHALL DETERMINE WHETHER THE REQUIREMENTS OF THIS SUBSECTION (1) APPLY IN THE NEXT STATE FISCAL YEAR BASED ON COLORADO PERSONAL INCOME GROWTH ESTIMATES OR DATA MADE AVAILABLE BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE AT THE TIME THE GENERAL ASSEMBLY ENACTS THE ANNUAL GENERAL APPROPRIATION ACT FOR THAT STATE FISCAL YEAR.

(II) THE GENERAL ASSEMBLY SHALL INCREASE THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM FUNDING WHEN IT CONSIDERS SUPPLEMENTAL APPROPRIATION BILLS DURING THE STATE FISCAL YEAR FOR WHICH A DETERMINATION HAS BEEN MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF:

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

(A) THE GENERAL ASSEMBLY HAD INITIALLY DETERMINED THAT THE REQUIREMENTS OF THIS SUBSECTION (1) DO NOT APPLY IN THAT STATE FISCAL YEAR AND HAD NOT INCREASED THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM FUNDING FOR THAT STATE FISCAL YEAR BY THE MINIMUM AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1); AND

(B) THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE RELEASES, ADJUSTS, OR UPDATES COLORADO PERSONAL INCOME DATA DURING THAT STATE FISCAL YEAR, AS REPORTED TO THE GENERAL ASSEMBLY IN THE DECEMBER REVENUE FORECAST BY THE STAFF OF THE LEGISLATIVE COUNCIL, AND THE RELEASED, ADJUSTED, OR UPDATED DATA INDICATES THAT COLORADO PERSONAL INCOME GREW BY AT LEAST FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THAT STATE FISCAL YEAR.

(III) THE GENERAL ASSEMBLY MAY REDUCE THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM FUNDING WHEN IT CONSIDERS SUPPLEMENTAL APPROPRIATION BILLS DURING THE STATE FISCAL YEAR FOR WHICH A DETERMINATION HAS BEEN MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF:

(A) THE GENERAL ASSEMBLY HAD INITIALLY DETERMINED THAT THE REQUIREMENTS OF THIS SUBSECTION (1) DO APPLY IN THAT STATE FISCAL YEAR AND HAD INCREASED THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM FUNDING FOR THAT STATE FISCAL YEAR BY THE MINIMUM AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1); AND

(B) THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE RELEASES, ADJUSTS, OR UPDATES COLORADO PERSONAL INCOME DATA DURING THAT STATE FISCAL YEAR, AS REPORTED TO THE GENERAL ASSEMBLY IN THE DECEMBER REVENUE FORECAST BY THE STAFF OF THE LEGISLATIVE COUNCIL, AND THE RELEASED, ADJUSTED, OR UPDATED DATA INDICATES THAT COLORADO PERSONAL INCOME GREW BY LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THAT STATE FISCAL YEAR.

(IV) THE DETERMINATION AND GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM FUNDING MADE PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE SUBJECT TO MODIFICATION IN STATE FISCAL YEARS FOLLOWING THE STATE FISCAL YEAR FOR WHICH THE DETERMINATION AND APPROPRIATION WERE MADE BASED ON ANY COLORADO PERSONAL INCOME GROWTH DATA RELEASED, ADJUSTED, OR UPDATED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE ON OR AFTER JANUARY 1 OF THE STATE FISCAL YEAR FOR WHICH THE DETERMINATION AND APPROPRIATION WERE MADE.

SECTION 2. 22-54-104.1 (1), Colorado Revised Statutes, is 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) (a) 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.

(b) THE DETERMINATION OF WHETHER THE REQUIREMENTS OF THIS SUBSECTION (1) APPLY IN ANY GIVEN STATE FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SECTION 22-55-105 (1) (b).

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: June 3, 2005