

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Lea Steed and Donald Anderson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: February 21, 2022

SUBJECT: Proposed initiative measure 2021-2022 #63, concerning additional dedicated revenue to the state education fund.

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Colorado Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Earlier versions of this proposed initiative were subjects of previous memorandums and public meetings. Proposed initiative 2021-2022 #53 was the subject of a memorandum dated December 16, 2021, and was discussed at a public meeting on December 22, 2021, and proposed initiative 2021-2022 #57 was the subject of a memorandum dated January 25, 2022, and was discussed at a public meeting on February 1, 2022. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the

earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be:

1. To require an additional defined percentage of state revenue to be appropriated to the state education fund.

Substantive Comments and Questions

Substantive comments and questions 1 through 5 set forth in the review and comment memorandum on proposed initiative 2021-2022 #53, substantive question 1 set forth in the review and comment memorandum on proposed initiative 2021-2022 #57, and substantive questions 1 and 3 set forth in the review and comment memorandum on proposed initiative 2021-2022 #62 are applicable to proposed initiative 2021-2022 #63 and, as such, will not be repeated. However, the following new substantive comment and question has arisen:

1. Section 22-55-102.3 (3) of the proposed initiative states that the additional defined percentage of state revenue appropriated to the state education fund "...shall be dedicated specifically to efforts to attract, retain, and compensate teachers and student support professionals."

What does "efforts to attract, retain, and compensate teachers and student support professionals" mean? Does that mean the resources can be directly used to attract, retain, and compensate teachers and student support professionals? Alternatively, does this mean that the resources can only be directly used on "efforts" that lead to attracting, retaining, or compensating teachers and student support professionals? Would the proponents consider clarifying their intent?

Technical Comments

Technical comments 2, 3, 5, and 10 from the memorandum for proposed initiative 2021-2022 #53 and technical comments 1, 2, and 3 from the proposed initiative 2021-2022 #62 apply to proposed initiative 2021-2022 #63 and, as such, will not be repeated.