

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 17-173

BY SENATOR(S) Lambert, Lundberg, Moreno, Court, Crowder, Donovan, Fenberg, Fields, Guzman, Jones, Kagan, Kerr, Martinez Humenik, Merrifield, Todd, Williams A., Zenzinger;
also REPRESENTATIVE(S) Hamner, Young, Rankin, Becker K., Buckner, Covarrubias, Exum, Hooton, Lee, Mitsch Bush, Pettersen, Rosenthal, Valdez, Van Winkle.

CONCERNING ADJUSTMENTS IN THE AMOUNT OF TOTAL PROGRAM FUNDING FOR PUBLIC SCHOOLS FOR THE 2016-17 BUDGET YEAR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The actual funded pupil count and the actual at-risk pupil count were less than anticipated when the appropriation was established during the 2016 regular legislative session for total program funding for the 2016-17 budget year. As a result, total program funding is \$25,499,673 less than the appropriation made during the 2016 legislative session.

(b) In addition, based on the actual local property tax and specific

ownership taxes available to school districts for the 2016-17 budget year, the local share of total program funding is \$23,077,754 less than anticipated when appropriations were established during the 2016 regular legislative session; and

(c) Although the reduction in total program funding due to a lower than anticipated funded pupil count and at-risk pupil count more than offsets the decrease in the local share of total program funding, the general assembly's intent is to maintain the state share of school districts' total program funding at the level of the original appropriation during the 2016 legislative session, and to adjust total program funding, after application of the negative factor, to reflect a reduction in the negative factor.

(2) Now, therefore, the general assembly finds it necessary to revise total program funding for the 2016-17 budget year.

SECTION 2. In Colorado Revised Statutes, 22-54-104, **amend** (5)(g)(I) introductory portion and (5)(g)(I)(G) as follows:

22-54-104. District total program - definitions. (5) For purposes of the formulas used in this section:

(g) (I) For the 2010-11 budget year and each budget year thereafter, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all districts and the funding for institute charter schools. The department of education shall implement the reduction in total program funding through the application of a negative factor as provided in this ~~paragraph~~ (g) SUBSECTION (5)(g). For the 2010-11 budget year and each budget year thereafter, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure the following:

(G) That, for the 2016-17 budget year, the sum of the total program funding for all districts, including the funding for institute charter schools, after application of the negative factor, is not less than ~~six billion three hundred ninety-four million five hundred twenty-eight thousand nine hundred thirty-one dollars (\$6,394,528,931)~~ SIX BILLION THREE HUNDRED SEVENTY-TWO MILLION TWO HUNDRED EIGHTY-FOUR THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$6,372,284,194); except that the

department of education and the staff of the legislative council shall make mid-year revisions to replace projections with actual figures, including but not limited to actual pupil enrollment, assessed valuations, and specific ownership tax revenue from the prior year, to determine any necessary changes in the amount of the reduction to maintain a total program funding amount for the applicable budget year that is consistent with this ~~sub-subparagraph (G)~~ SUBSECTION (5)(g)(I)(G). For the 2017-18 budget year, the difference between calculated statewide total program funding and actual statewide total program funding must not exceed the difference between calculated statewide total program funding and actual statewide total program funding for the 2016-17 budget year.

APPROPRIATION FROM

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

SECTION 3. Appropriation to the department of education for the fiscal year beginning July 1, 2016. In Session Laws of Colorado 2016, section 2 of chapter 385, (HB 16-1405), **amend** Part III (2)(A) as follows:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,776,557			155,354 ^a	1,621,203 ^b
				(0.9 FTE)	(17.0 FTE)
State Share of Districts' Total Program Funding ⁵	4,115,002,841	2,717,820,995	873,835,000 ^c	523,346,846 ^d	
Hold-harmless Full-day Kindergarten Funding	7,922,486			7,922,486 ^e	
	7,926,436			7,926,436 ^e	
District Per Pupil Reimbursements for Juveniles Held in Jail	10,000			10,000 ^e	
At-risk Supplemental Aid	5,094,358			5,094,358 ^f	
At-risk Per Pupil Additional Funding	5,000,000			5,000,000 ^f	
	<u>4,134,806,242</u>				
	4,134,810,192				

^a Of this amount, \$83,329 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution and \$72,025 shall be from the Public Education Fund created in Section 39-22-4203 (1), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^b This amount shall be transferred from the State Share of Districts' Total Program Funding line item appropriation in the Assistance to Public Schools section of this department.

^c This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

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

^d Of this amount, \$467,093,497 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution and \$56,253,349 shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution. Of the amount appropriated from the State Public School Fund, \$47,855,831 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Sections 22-54-114 (1) and 34-63-102, C.R.S., and \$8,397,518 is estimated to be from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3) (d), C.R.S.

^e These amounts shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^f These amounts shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3) (d), C.R.S.

**TOTALS PART III
(EDUCATION)**

\$5,452,310,190	\$2,891,189,305	\$873,835,000 ^a	\$1,005,881,952 ^b	\$33,075,421 ^c	\$648,328,512 ^d
<u>5,452,314,140</u>			<u>\$1,005,885,902</u> ^b		

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$3,403,844 contains an (I) notation.

^c Of this amount, \$16,931,760 contains an (I) notation.

^d This amount contains an (I) notation.

SECTION 4. 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.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO