

Ballot Title Setting Board

Proposed Initiative 2003-2004 #137¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning modifications to certain constitutionally mandated increases in funding for preschool through twelfth grade public education, and, in connection therewith, making such modifications only if voters approve a constitutional amendment in 2004 that requires state fiscal year spending to be less, as a percentage of the overall state economy, than it was in state fiscal year 1999-2000; allowing the general assembly to suspend any portion of the mandated annual funding increase above the mandated increase for inflation for each state fiscal year through state fiscal year 2010-11 if Colorado total state personal income grows by less than four and one-half percent between the two previous calendar years; repealing the provisions of section 17 of article IX of the state constitution relating to mandated annual funding increases, effective June 30, 2011; delaying the date of repeal for each year in which the general assembly enacts such a suspension; requiring payment of a suspended funding increase in a specified fiscal year; and specifying that moneys remaining in the state education fund upon such repeal are to be used only for currently authorized education-related purposes without being subject to any existing spending limitation.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning modifications to certain constitutionally mandated increases in funding for preschool through twelfth grade public education, and, in connection therewith, making such modifications only if voters approve a constitutional amendment in 2004 that requires state fiscal year spending to be less, as a percentage of the overall state economy, than it was in state fiscal year 1999-2000; allowing the general assembly to suspend any portion of the mandated annual funding increase above the mandated increase for inflation for each state fiscal year through state fiscal year 2010-11 if Colorado total state personal income grows by less than four and one-half percent between the two previous calendar years; repealing the provisions of section 17 of article IX of the state constitution relating to mandated annual funding increases, effective June 30, 2011; delaying the date of repeal for each year in which the general assembly enacts such a suspension; requiring payment of a suspended funding increase in a specified fiscal year; and specifying that moneys remaining in the state education fund upon such repeal are to be used only for currently authorized education-related purposes without being subject to any existing spending limitation?

¹ Unofficially captioned "Education Funding – Contingent Repeal of Amendment 23" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

Hearing April 21, 2004:

At the request of proponents, technical correction allowed in text of measure. (In section 17, subsection 6 (c), removed the word "the" after "required".)

Single subject approved; staff draft amended; titles set.

Hearing adjourned 6:42 p.m.

Hearing May 5, 2004:

Motion to Strike Motion for Rehearing denied.

Motion for Rehearing denied.

Hearing adjourned 6:08 p.m.

#137 – FINAL DRAFT

Be it Enacted by the People of the State of Colorado.

Section 17 of article IX of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to read:

Section 17. Education – Funding.

(6) **Sunset.** (a) THIS SECTION SHALL SUNSET ON JUNE 30, 2011, ONLY IF, PRIOR TO JANUARY 1, 2005, A MAJORITY OF VOTERS APPROVE AN AMENDMENT TO SECTION 20(7) OF ARTICLE X OF THE COLORADO CONSTITUTION THAT LIMITS STATE SPENDING TO LESS THAN ITS PERCENTAGE OF THE OVERALL STATE ECONOMY THAT EXISTED IN THE FISCAL YEAR ENDING IN 2000, ADJUSTED FOR VOTER APPROVED REVENUE CHANGES. IF THE VOTERS APPROVE SUCH A CONSTITUTIONAL AMENDMENT:

- (I) THE GENERAL ASSEMBLY MAY SUSPEND NO MORE THAN THE ONE PERCENTAGE POINT INCREASE SPECIFIED IN SUBSECTION (1) OF THIS SECTION IN ANY STATE FISCAL YEAR IN WHICH THE OVERALL STATE ECONOMY GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO PREVIOUS CALENDAR YEARS; AND
- (II) THE REQUIRED SPENDING SPECIFIED IN SUBSECTION (1) OF THIS SECTION BUT SUSPENDED BY THE GENERAL ASSEMBLY PURSUANT TO SUBPARAGRAPH (I) OF THIS SUBSECTION SHALL BE EXTENDED BY ONE FISCAL YEAR FOR EACH FISCAL YEAR THAT THE GENERAL ASSEMBLY SUSPENDS SUCH SPENDING REQUIREMENT.

(b) FOR PURPOSES OF THIS SUBSECTION, "THE OVERALL STATE ECONOMY" MEANS THE TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE, OR ITS SUCCESSOR INDEX, FOR THE MOST RECENTLY COMPLETED CALENDAR YEAR PRECEDING A GIVEN STATE FISCAL YEAR.

(c) THIS SECTION SHALL BE REPEALED EFFECTIVE JUNE 30, 2011, UNLESS THE GENERAL ASSEMBLY SUSPENDS ANY PORTION OF THE REQUIRED THE ONE PERCENTAGE POINT INCREASE IN SPENDING, SPECIFIED IN SECTION 17(1) OF THIS ARTICLE. IN SUCH CASE, THE EFFECTIVE REPEAL DATE SHALL BE EXTENDED BY ONE YEAR FOR EACH FISCAL YEAR FOR WHICH THAT SPENDING REQUIREMENT IS SUSPENDED. NOTWITHSTANDING ANY PROVISION OF LAW, THIS PARAGRAPH (c) SHALL SURVIVE THE JUNE 30, 2011 REPEAL OF THE OTHER PROVISIONS OF THIS SECTION. UPON REPEAL OF THE PROVISIONS OF THIS SECTION OTHER THAN THIS PARAGRAPH (c), ANY FUND BALANCE EXISTING IN THE STATE EDUCATION FUND SHALL BE USED FOR THE PURPOSES DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION AND SHALL NOT BE SUBJECT TO THE LIMITATION ON FISCAL YEAR SPENDING SET FORTH IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION AND ANY OTHER SPENDING LIMITATION EXISTING IN LAW.

RECEIVED

APR 09 2004

ELECTIONS / LICENSING
SECRETARY OF STATE

via E-mail
2:59 P.m.
Kam
WCC