

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE MANNER OF DETERMINING PUPIL ENROLLMENT COUNTS IN PUBLIC SCHOOLS.

Prime Sponsors: Representative Holbert
Senator King K.

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Summary of Amendments Made to the Bill After the 04/09/12 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

XXX **Concurs** **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$1,253,132 cash funds from the State Education Fund to the Department of Education for FY 2012-13.

Bill Sponsor Amendments

Sponsor amendment **L.004** (attached) makes a technical correction to the House Education Committee Report, which does not affect the fiscal impact of the bill. **Whether or not L.004 is adopted, J001 should be adopted.**

Points to Consider

1. The bill requires the Department of Education to "make available" to participant school districts and Institute charter schools certain amounts of moneys from the State Education Fund. The total amount of money that must be made available will not be calculated until May 15 each year. The bill does not include any language indicating that the amounts paid to participant districts and schools is subject to available appropriations. What is the General Assembly's intent should the annual appropriation for this purpose be insufficient?

2. The bill requires an appropriation of \$1,253,132 cash funds from the State Education Fund in FY 2012-13, reducing the available balance for other uses in FY 2012-13 and future years.

Background Information - Projected State Education Fund balance. The Joint Budget Committee (JBC) has introduced a balanced budget package for FY 2011-12 and FY 2012-13 based on the March 2012 Office of State Planning and Budgeting (OSPB) revenue forecast. The JBC has included as part of its budget package H.B. 12-1338, which would transfer \$59.0 million from the General Fund to the State Education Fund at the end of FY 2011-12, and it would transfer any excess General Fund reserves that exist at the end of FY 2012-13 to the State Education Fund. Based on H.B. 12-1338 and the FY 2012-13 Long Bill (H.B. 12-1335), as introduced, the State Education Fund is projected to have a balance of \$100.4 million at the end of FY 2012-13.