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**FINAL
FISCAL NOTE**

Drafting Number: LLS 18-0905
Prime Sponsors: Sen. Merrifield
 Rep. Arndt

Date: August 6, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: REPEAL OF THE STATE BOARD OF EDUCATION

**Summary of
Fiscal Impact:** State Revenue
 State Expenditure
 State Transfer TABOR Refund
 Local Government
 Statutory Public Entity

The concurrent resolution refers a measure to the ballot to repeal the State Board of Education from the Colorado Constitution.

**Appropriation
Summary:** No appropriation required.

**Fiscal Note
Status:** This fiscal note reflects the introduced resolution. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This concurrent resolution submits a ballot measure to voters that amends the state constitution to:

- repeal the State Board of Education (SBE);
- require that the General Assembly, by law, provide for the general supervision of public schools in the state;
- prohibit the General Assembly from creating any regulatory or oversight entity with authority over public schools in the state; and
- makes conforming amendments to remove references to the SBE in other areas of the constitution.

State Expenditures

State Board of Education — existing appropriations. Although the concurrent resolution removes the SBE from the constitution and replaces the authority for the general supervision of public schools with the General Assembly, current statutes confer multiple responsibilities to the SBE in the selection of the Commissioner of Education and the overall administration of the Colorado Department of Education, including oversight of programs in the department in support of public schools. The 2017 Annual Appropriations Act (the Long Bill) appropriated \$311,194

General Fund, and 2.0 FTE, for the State Board of Education. The Department of Law typically provides between 200 and 400 hours of legal services to the SBE at a blended rate of \$106.56 per hour. The 2018 Long Bill has not yet become law, but includes similar appropriations for the SBE in FY 2018-19.

The concurrent resolution does not change statutory references to the SBE or the board's myriad statutory responsibilities. Should this concurrent resolution be adopted by voters, conforming legislation will be required to eliminate and reassign these duties, presumably to the General Assembly. In the meantime, the CDE will require all existing appropriations for the SBE and related legal services until those statutory responsibilities are amended. This concurrent resolution requires no changes in appropriations.

Election expenditure impact — existing appropriations. This bill includes a referred measure that will appear before voters at the November 2018 general election. While no additional appropriation is required in this bill, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office, estimated at \$3.2 million in FY 2018-19. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department, which is estimated to cost \$2.1 million in FY 2018-19. Publication costs will increase by approximately \$115,000 per measure beyond this base amount for any additional referred or initiated measures placed on the ballot.

Effective Date

This concurrent resolution was postponed indefinitely by the Senate State, Veterans and Military Affairs Committee on April 25, 2018.

State and Local Government Contacts

Education Law