

CHAPTER 41

GOVERNMENT - STATE

SENATE BILL 25-180

BY SENATOR(S) Kirkmeyer and Amabile, Bridges, Ball, Cutter, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Pelton B., Snyder, Winter F., Coleman;
also REPRESENTATIVE(S) Taggart and Sirota, Bird, Bacon, Boesenecker, Clifford, Espenoza, Garcia, Lindsay, Phillips, Ricks, Titone, Zokaie.

AN ACT

CONCERNING THE METHOD OF CALCULATING STATE POPULATION GROWTH FOR PURPOSES OF CALCULATING STATE FISCAL YEAR SPENDING PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

SECTION 1. In Colorado Revised Statutes, 24-77-103, **amend** (2)(b)(I), (2)(b)(II), (2)(b)(II.5)(B), and (2)(b)(II.5)(C); and **add** (2)(a)(IV) and (2)(b)(I.5) as follows:

24-77-103. Limitation on state fiscal year spending - legislative declaration - report. (2) (a) (IV) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN FISCAL YEAR, SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE THE CHANGE IN STATE POPULATION FROM ONE CALENDAR YEAR TO THE NEXT WITH THE USE OF ANNUAL FEDERAL CENSUS BUREAU STATE POPULATION ESTIMATES;

(B) THE APPROACH FOR DETERMINING THE CHANGE IN STATE POPULATION FOR STATE FISCAL YEARS COMMENCING BEFORE JULY 1, 2024, RESULTED IN BOTH DOUBLE-COUNTING AND UNDER-COUNTING OF POPULATION AS A RESULT OF REVISED FEDERAL CENSUS BUREAU STATE POPULATION ESTIMATES;

(C) DOUBLE-COUNTING POPULATION FOR PURPOSES OF DETERMINING THE CHANGE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

IN STATE POPULATION RESULTS IN AN INCREASED LIMIT ON STATE FISCAL YEAR SPENDING AND UNDER-COUNTING POPULATION FOR PURPOSES OF DETERMINING THE CHANGE IN STATE POPULATION RESULTS IN A REDUCED LIMIT ON STATE FISCAL YEAR SPENDING;

(D) FROM STATE FISCAL YEAR 2015-16 THROUGH STATE FISCAL YEAR 2024-25, EXCLUDING THE FISCAL YEAR IMPACTED BY THE DECENNIAL CENSUS, AS A RESULT OF REVISED FEDERAL CENSUS BUREAU ESTIMATES OF STATE POPULATION, THERE WERE THREE FISCAL YEARS WITH SIGNIFICANT DOUBLE-COUNTING, TWO FISCAL YEARS WITH SIGNIFICANT UNDER-COUNTING, AND FOUR FISCAL YEARS WITH NEITHER SIGNIFICANT DOUBLE-COUNTING NOR UNDER-COUNTING;

(E) SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION DOES NOT SPECIFY HOW THE STATE SHALL ANNUALLY DETERMINE THE CHANGE IN STATE POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES;

(F) IN BOTH HOUSE BILL 02-1310 AND SENATE BILL 02-179, ENACTED IN 2002, THE GENERAL ASSEMBLY MODIFIED HOW THE CHANGE IN STATE POPULATION IS CALCULATED FOR PURPOSES OF SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION, AND THESE BILLS ARE PRESUMED TO BE CONSTITUTIONAL; AND

(G) THEREFORE, IT IS WITHIN THE GENERAL ASSEMBLY'S PLENARY POWER AND CONSISTENT WITH SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT MODIFIES HOW POPULATION GROWTH IS CALCULATED FOR PURPOSES OF SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION TO MITIGATE BOTH POPULATION DOUBLE-COUNTING AND POPULATION UNDER-COUNTING.

~~(b) (I) Except as otherwise provided in subparagraphs (II) and (II.5) of this paragraph (b)~~ SUBSECTIONS (2)(b)(II) AND (2)(b)(II.5) OF THIS SECTION, FOR STATE FISCAL YEARS COMMENCING BEFORE JULY 1, 2024, the percentage change in state population for any given calendar year ~~shall be~~ is the percentage change between the estimate of state population due to be issued by the United States bureau of census in December of such calendar year with a reference date of July 1 of the same calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same calendar year with a reference date of July 1 of the immediately preceding calendar year.

(I.5) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2024, THE PERCENTAGE CHANGE IN STATE POPULATION FOR ANY GIVEN CALENDAR YEAR IS THE PERCENTAGE CHANGE BETWEEN THE ESTIMATE OF STATE POPULATION ISSUED BY THE UNITED STATES BUREAU OF CENSUS IN DECEMBER OF THE CALENDAR YEAR WITH A REFERENCE DATE OF JULY 1 OF THE SAME CALENDAR YEAR AND THE ESTIMATE OF STATE POPULATION ISSUED BY THE UNITED STATES BUREAU OF CENSUS IN DECEMBER OF THE IMMEDIATELY PRECEDING CALENDAR YEAR WITH A REFERENCE DATE OF JULY 1 OF THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(II) Except as otherwise provided in ~~subparagraph (II.5) of this paragraph (b)~~ SUBSECTION (2)(b)(II.5) OF THIS SECTION, for any calendar year for which an estimate of state population is not issued due to the federal census of the United States bureau of census, the percentage change in state population for such calendar

year ~~shall be~~ is the percentage change between the state population as reported in the federal census conducted by the United States bureau of census due in December of such calendar year and the estimate of state population ~~due to be~~ issued by the United States bureau of census in December of the ~~same year~~ IMMEDIATELY PRECEDING CALENDAR YEAR with a reference date of July 1 of the immediately preceding calendar year.

(II.5) (B) The difference between the percentage change in state population determined in accordance with ~~subparagraph (H) of this paragraph (b)~~ SUBSECTION (2)(b)(II) OF THIS SECTION and the reduced percentage change in state population used to calculate the limitation on state fiscal year spending pursuant to ~~sub-subparagraph (A) of this subparagraph (II.5) shall be~~ SUBSECTION (2)(b)(II.5)(A) OF THIS SECTION is carried forward as an adjustment of the percentage change in state population determined pursuant to ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OR (2)(b)(I.5) OF THIS SECTION for a maximum period of nine fiscal years. If the amount of state fiscal year spending for the immediately subsequent fiscal year exceeds the limitation on state fiscal year spending for that fiscal year, the unused adjustment ~~shall be~~ is added first to the percentage change in state population determined pursuant to ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OR (2)(b)(I.5) OF THIS SECTION that is included in the percentage of the allowable increase in state fiscal year spending used in calculating the limitation on state fiscal year spending for that fiscal year to the greatest extent possible without causing the limitation on state fiscal year spending to exceed the actual amount of state fiscal year spending for that fiscal year.

(C) Any remaining portion of the unused adjustment shall continue to be added, to the greatest extent possible, to the percentage change in state population determined pursuant to ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OR (2)(b)(I.5) OF THIS SECTION that is included in the percentage of allowable increase in state fiscal year spending used in calculating the limitation on state fiscal year spending for subsequent fiscal years without causing the limitation on state fiscal year spending for a given fiscal year to exceed the actual amount of state fiscal year spending for that fiscal year.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: March 31, 2025