RESOLUTION OF SUPPORT FOR CREATING AN ENTERPRISE FUND FOR THE HOSPITAL PROVIDER FEE

WHEREAS, the Colorado General Assembly passed House Bill 09-1293, the "Health Care Affordability Act of 2009" to authorize the Department of Health Care Policy and Financing to charge and collect a hospital provider fee (HPF); and

WHEREAS, the only purpose for which the HPF may be used is as the local share to leverage matching funds provided by the federal government to expand Medicaid coverage; and

WHEREAS, the state’s Taxpayer’s Bill of Rights (TABOR) mandates the state rebate to taxpayers revenues received in excess of the TABOR revenue limit; and

WHEREAS, the state’s Taxpayer’s Bill of Rights (TABOR) revenue limit is based on the 2007-08 fiscal year, before the HPF was collected or in the law;

WHEREAS, current projections show the state will collect revenues over the TABOR limit beginning in 2015-2016 and future years; and

WHEREAS, without the HPF revenues, Colorado would not exceed its TABOR limit for the next several years; and

WHEREAS, the HPF is not a tax paid by Colorado taxpayers but is causing the state to defund state programs supported by tax dollars; and

WHEREAS, TABOR explicitly provides that revenue collected and disbursed by state-owned business enterprises is not included in state TABOR revenues, and the legislature has previously created enterprises such as Higher Education Enterprises (tuition), College Assist (student loan program), State Lottery, State Nursing Homes, Division of Wildlife and Brand Board, whose revenues do not count against the state’s TABOR limit; and,

WHEREAS, TABOR rebates have significant impacts on General Fund availability for K-12 education, higher education, transportation and other state services; and

WHEREAS, due to budgetary pressures, the state has applied a negative factor in the school finance formula to extract more than $5 billion from K-12 education funding in Colorado in the last seven years.

THEREFORE BE IT RESOLVED THAT the  [school district]      Board of Education calls upon the Legislature to create an Enterprise Fund to collect and disburse the HPF as a means of increasing General Fund availability in future years to permit adequate support for K-12 education and other essential state services.

Adopted this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2016.