

CHAPTER 12

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 07-026

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AN ACT**CONCERNING THE AUTHORIZATION OF ADDITIONAL SCHOOL DISTRICT REVENUES TO FUND COSTS ASSOCIATED WITH FULL-DAY KINDERGARTEN PROGRAMS.**

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

SECTION 1. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-108.5. Authorization of additional local revenues for full-day kindergarten. (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE JULY 1, 2007, ANY DISTRICT THAT CHOOSES TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY PROPERTY TAX REVENUES LEVIED PURSUANT TO SECTIONS 22-54-107 AND 22-54-108, MAY SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND 22-54-108, TO PROVIDE FUNDING FOR EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS IN THE DISTRICT FOR THE THEN CURRENT BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER. THE QUESTION AUTHORIZED BY THIS PARAGRAPH (a) MAY ALSO INCLUDE A QUESTION OF WHETHER TO IMPOSE AN ADDITIONAL MILL LEVY OF A STATED AMOUNT AND LIMITED DURATION TO MEET THE INITIAL CAPITAL CONSTRUCTION NEEDS OF THE DISTRICT ASSOCIATED WITH THE ESTABLISHMENT OF A FULL-DAY KINDERGARTEN PROGRAM. IF A MILL LEVY FOR CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM IS APPROVED FOR MORE THAN ONE YEAR, THE BOARD OF EDUCATION OF THE DISTRICT MAY, WITHOUT CALLING AN ELECTION, DECREASE THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AMOUNT OR DURATION OF THE MILL LEVY IN SUBSEQUENT YEARS. THE QUESTIONS AUTHORIZED BY THIS PARAGRAPH (a) SHALL BE SUBMITTED AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S.

(b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE JULY 1, 2007, UPON PROPER SUBMITTAL TO A DISTRICT OF A VALID INITIATIVE PETITION, THE DISTRICT SHALL SUBMIT TO THE ELIGIBLE ELECTORS OF THE DISTRICT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY PROPERTY TAX REVENUES LEVIED PURSUANT TO SECTIONS 22-54-107 AND 22-54-108, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND 22-54-108, TO PROVIDE FUNDING FOR EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS IN THE DISTRICT FOR THE THEN CURRENT BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER. THE QUESTION AUTHORIZED BY THIS PARAGRAPH (b) MAY ALSO INCLUDE A QUESTION OF WHETHER TO IMPOSE AN ADDITIONAL MILL LEVY OF A STATED AMOUNT AND LIMITED DURATION TO MEET THE INITIAL CAPITAL CONSTRUCTION NEEDS OF THE DISTRICT ASSOCIATED WITH THE ESTABLISHMENT OF A FULL-DAY KINDERGARTEN PROGRAM. IF A MILL LEVY FOR CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM IS APPROVED FOR MORE THAN ONE YEAR, THE BOARD OF EDUCATION OF THE DISTRICT MAY, WITHOUT CALLING AN ELECTION, DECREASE THE AMOUNT OR DURATION OF THE MILL LEVY IN SUBSEQUENT YEARS. THE QUESTIONS AUTHORIZED BY THIS PARAGRAPH (b) SHALL BE SUBMITTED AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S. AN INITIATIVE PETITION UNDER THIS PARAGRAPH (b) SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS IN THE DISTRICT AT THE TIME THE PETITION IS FILED.

(c) IF A MAJORITY OF THE VOTES CAST IN AN ELECTION HELD PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1) ARE IN FAVOR OF THE QUESTION, AN ADDITIONAL MILL LEVY SHALL BE LEVIED EACH YEAR, AND THE REVENUES RECEIVED FROM THE ADDITIONAL MILL LEVY SHALL BE DEPOSITED IN THE FULL-DAY KINDERGARTEN FUND OF THE DISTRICT CREATED IN SECTION 22-45-103 (1) (h). IF THE DISTRICT OBTAINED VOTER APPROVAL FOR AN ADDITIONAL MILL LEVY TO MEET THE CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM, THE REVENUES GENERATED FROM THAT MILL LEVY SHALL BE DEPOSITED IN THE CAPITAL CONSTRUCTION ACCOUNT OF THE DISTRICT'S FULL-DAY KINDERGARTEN FUND.

(d) FOR PURPOSES OF THIS SECTION, "EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS" MEANS THE COSTS THAT EXCEED FIFTY PERCENT OF THE DISTRICT'S PER-PUPIL REVENUES FOR THE BUDGET YEAR IN WHICH THE ELECTION IS HELD, MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED OR EXPECTED TO ENROLL IN THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM.

(e) NOTWITHSTANDING THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION THAT ALLOW DISTRICTS TO SEEK VOTER APPROVAL FOR SPENDING AND REVENUE INCREASES, THE PROVISIONS OF THIS SUBSECTION (1) SHALL

LIMIT A DISTRICT'S AUTHORITY TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104.

(2) A DISTRICT THAT OBTAINS VOTER APPROVAL PURSUANT TO THIS SECTION TO IMPOSE AN ADDITIONAL MILL LEVY TO FUND EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS IN THE DISTRICT SHALL:

(a) ESTABLISH ITS FULL-DAY KINDERGARTEN PROGRAM USING EVIDENCE-BASED RESEARCH DEMONSTRATING THE TYPES OF PROGRAMS AND METHODS APPROPRIATE FOR A FULL-DAY KINDERGARTEN PROGRAM;

(b) NOT LIMIT THE ABILITY OF PARENTS ENROLLING A CHILD IN THE DISTRICT TO ENROLL THE CHILD IN A HALF-DAY KINDERGARTEN PROGRAM; AND

(c) NOT BE AUTHORIZED TO SERVE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM ESTABLISHED PURSUANT TO ARTICLE 28 OF THIS TITLE.

(3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A DISTRICT THAT PROVIDES AND FUNDS A FULL-DAY KINDERGARTEN PROGRAM WITH MONEYS GENERATED BY THE IMPOSITION OF AN ADDITIONAL MILL LEVY AS AUTHORIZED BY THIS SECTION MAY CHARGE TUITION TO A PUPIL WHO DOES NOT RESIDE IN THE DISTRICT FOR THE EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS; EXCEPT THAT SUCH TUITION CHARGE SHALL NOT EXCEED THE ACTUAL COST FOR PROVIDING THE PROGRAM AS DETERMINED BY THE DISTRICT PROVIDING THE FULL-DAY KINDERGARTEN PROGRAM.

SECTION 2. 22-45-103 (1) (a) (I), Colorado Revised Statutes, is amended, and the said 22-45-103 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-45-103. Funds. (1) The following funds are created for each school district for purposes specified in this article:

(a) **General fund.** (I) All revenues, except those revenues attributable to the bond redemption fund, the capital reserve fund, the special building and technology fund, a fund created solely for the management of risk-related activities, and any other fund authorized by THIS SECTION OR BY the state board of education, as provided in subsection (2) of this section, shall be accounted for in the general fund. Any lawful expenditure of the school district, including any expenditure of a nature ~~which~~ THAT could be made from any fund, may be made from the general fund. All expenditures from the general fund shall be recorded therein.

(h) **Full-day kindergarten fund.** (I) THE REVENUES FROM A TAX LEVIED PURSUANT TO SECTION 22-54-108.5 FOR THE PURPOSE OF PAYING EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS SHALL BE DEPOSITED IN THE FULL-DAY KINDERGARTEN FUND OF THE DISTRICT. EXPENDITURES FROM THE FUND SHALL BE LIMITED TO PAYMENT OF EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS AS AUTHORIZED IN THE BUDGET OF THE DISTRICT. ANY MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL BE

USED TO REDUCE THE LEVY FOR EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS IN FUTURE YEARS.

(II) THE REVENUES FROM A TAX LEVIED PURSUANT TO SECTION 22-54-108.5 TO MEET THE CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH A DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM SHALL BE CREDITED TO THE CAPITAL CONSTRUCTION ACCOUNT IN THE DISTRICT'S FULL-DAY KINDERGARTEN FUND. MONEYS IN THE ACCOUNT SHALL BE USED TO MEET THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE FULL-DAY KINDERGARTEN PROGRAM AND MAY NOT BE EXPENDED BY THE DISTRICT FOR ANY OTHER PURPOSE. ANY MONEYS REMAINING IN THE ACCOUNT AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE ACCOUNT AND MAY BE BUDGETED IN THE NEXT FISCAL YEAR.

SECTION 3. 22-30-201 (1) (b), Colorado Revised Statutes, is amended to read:

22-30-201. Joint taxation districts - authorized. (1) (b) A joint taxation district may be formed to incur bonded indebtedness for the purposes listed in section 22-42-102 (2) (a) and raise and expend property taxes to retire such bonded indebtedness or to raise and expend additional local property tax revenues in excess of the participating school districts' total program, pursuant to section 22-54-108 OR 22-54-108.5.

SECTION 4. 22-30-202 (1) (b) (II), Colorado Revised Statutes, is amended to read:

22-30-202. Joint taxation board. (1) (b) The joint taxation district board created pursuant to paragraph (a) of this subsection (1) shall have the powers granted to it in the plan of organization as necessary to implement the provisions of this part 2. These powers may include, but are not limited to:

(II) Calling for and certifying elections to raise and expend local property tax revenues in excess of the participating school districts' total program, pursuant to section 22-54-108 OR 22-54-108.5;

SECTION 5. 22-44-110 (6), Colorado Revised Statutes, is amended to read:

22-44-110. Budget - consideration - adoption. (6) Effective July 1, 1992, if a school district is authorized to raise and expend additional local property tax revenues at an election held in November of any fiscal year pursuant to former section 22-53-117 or section 22-54-108 OR 22-54-108.5 the board of education may adopt a supplemental budget and supplemental appropriation resolution to cover that portion of the fiscal year following such election. Such supplemental budget shall be based on the additional dollar amount authorized to be raised and expended at such election.

SECTION 6. 22-54-103 (11), Colorado Revised Statutes, is amended to read:

22-54-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Specific ownership tax revenue paid to the district" means the amount of

specific ownership tax revenue received by the district pursuant to section 42-3-107 (24), C.R.S., for the prior budget year that is attributable to all property tax levies made by the district except those property tax levies made for the purpose of satisfying bonded indebtedness obligations, both principal and interest, and those property tax levies authorized at elections held under the provisions of former section 22-53-117 or section 22-54-108 OR 22-54-108.5.

SECTION 7. 22-54-106 (5) and (7), Colorado Revised Statutes, are amended to read:

22-54-106. Local and state shares of district total program. (5) (a) Except as otherwise provided in sections 22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5, no district may certify a levy for its general fund in excess of that authorized by this section.

(b) No district is authorized to seek voter approval to impose additional mill levies for its general fund in excess of that authorized by this section and sections 22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5. Therefore, voter approval obtained by any district in order to be capable of receiving additional revenues within the limitations on the district's fiscal year spending for any budget year under section 20 of article X of the state constitution does not constitute voter approval for such district to certify a levy for its general fund in excess of that authorized by this section and sections 22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5.

(7) For the 1994 property tax year and property tax years thereafter, all mill levies authorized or required by this section or sections 22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5 shall be rounded to the nearest one-thousandth of one mill.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 7, 2007