

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0747.01 Julie Pelegrin x2700

SENATE BILL 16-023

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SENATE SPONSORSHIP

**Kerr**, Merrifield, Aguilar, Donovan, Guzman, Jones, Kefalas, Newell, Todd, Ulibarri

HOUSE SPONSORSHIP

(None),

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101      **CONCERNING INCREASING THE FUNDING FOR PRESCHOOL THROUGH**  
102            **TWELFTH GRADE PUBLIC EDUCATION, AND, IN CONNECTION**  
103            **THEREWITH, INCREASING THE FUNDING FOR FULL-DAY**  
104            **KINDERGARTEN AND REQUIRING THE SECRETARY OF STATE TO**  
105            **SUBMIT A BALLOT QUESTION TO AUTHORIZE THE STATE TO**  
106            **RETAIN AND SPEND FOR PRESCHOOL THROUGH TWELFTH GRADE**  
107            **PUBLIC EDUCATION ANY STATE REVENUES ABOVE THE EXCESS**  
108            **STATE REVENUES CAP APPROVED BY THE VOTERS IN 2005.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

Under existing law, the "Public School Finance Act of 1994" funds kindergarten students as half-day pupils plus the supplemental kindergarten enrollment. Under existing law, the supplemental kindergarten enrollment is an additional .08 of a full-day pupil. The bill increases the supplemental kindergarten enrollment for the 2016-17 budget year and each budget year thereafter to .15 of a full-day pupil.

The bill expresses the general assembly's intent to increase funding annually for full-day kindergarten starting in the 2017-18 budget year and continuing through the 2021-22 budget year so that by the 2021-22 budget year, the general assembly is funding kindergarten students as full-day pupils.

Pursuant to referendum C passed by the voters in 2005, the state is currently authorized to retain and spend up to a capped amount of revenues each year that would otherwise be refunded in accordance with the taxpayer's bill of rights. Subject to a vote of the people, the bill authorizes the state to retain and spend all additional excess revenues beginning in the 2016-17 fiscal year. The general assembly is required to appropriate the additional retained money first to fund kindergarten pupils as full-day pupils and then to fund the state's share of total program funding. The state treasurer must transfer any amount of remaining additional excess revenues to the state education fund. The director of research of the legislative council must prepare an annual report concerning how the retained excess revenues are expended. The secretary of state is directed to place the question of whether to allow the state to retain excess revenues on the ballot for the 2016 general election.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-103, **amend**  
3 (15) as follows:

4 **22-54-103. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (15) "Supplemental kindergarten enrollment" means the number  
7 calculated by subtracting five-tenths from the full-day kindergarten factor  
8 for the applicable budget year and then multiplying said number by the  
9 number of pupils in the district who are enrolled in kindergarten for the  
10 applicable budget year. For the purposes of this subsection (15):

1 (a) The full-day kindergarten factor for the 2008-09, 2009-10, and  
2 2010-11 budget years and each budget year thereafter THROUGH THE  
3 2015-16 BUDGET YEAR is fifty-eight hundredths of a full-day pupil; AND

4 (b) THE FULL-DAY KINDERGARTEN FACTOR FOR THE 2016-17  
5 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER IS SIXTY-FIVE  
6 HUNDREDTHS OF A FULL-DAY PUPIL.

7 **SECTION 2.** In Colorado Revised Statutes, 22-54-131, **amend**  
8 (6) as follows:

9 **22-54-131. Full-day kindergarten funding - guidelines -**  
10 **technical assistance - legislative intent - legislative declaration.**

11 (6) Beginning in the ~~2009-10~~ 2017-18 budget year and continuing  
12 through the ~~2013-14~~ 2021-22 budget year, it is the intent of the general  
13 assembly to increase annually the appropriation to be used by districts to  
14 provide full-day kindergarten programs. For each budget year, the general  
15 assembly intends to appropriate the following amounts:

16 (a) For the ~~2009-10~~ 2017-18 budget year, ~~sixty~~ AT LEAST ONE  
17 HUNDRED TWELVE million dollars;

18 (b) For the ~~2010-11~~ 2018-19 budget year, ~~seventy~~ AT LEAST ONE  
19 HUNDRED FORTY-EIGHT million dollars;

20 (c) For the ~~2011-12~~ 2019-20 budget year, ~~eighty~~ AT LEAST ONE  
21 HUNDRED EIGHTY-FOUR million dollars;

22 (d) For the ~~2012-13~~ 2020-21 budget year, ~~ninety~~ AT LEAST TWO  
23 HUNDRED TWENTY million dollars; and

24 (e) For the ~~2013-14~~ 2021-22 budget year, ~~one hundred~~ AT LEAST  
25 TWO HUNDRED FIFTY-SIX million dollars.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 24-77-103.3 as  
27 follows:

1           **24-77-103.3. Retention of all remaining excess state revenues**  
2           **- preschool through twelfth grade education general fund exempt**  
3           **account - creation - definitions - repeal.** (1) AT THE ELECTION HELD ON  
4 NOVEMBER 8, 2016, THE SECRETARY OF STATE SHALL SUBMIT TO THE  
5 REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION  
6 THE FOLLOWING BALLOT ISSUE: "WITHOUT RAISING TAXES AND TO INVEST  
7 IN PRESCHOOL THROUGH TWELFTH GRADE EDUCATION, MAY THE STATE  
8 RETAIN AND SPEND ALL CURRENT AND FUTURE STATE REVENUES THAT  
9 EXCEED THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR  
10 SPENDING?".

11           (2) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE  
12 VOTE "YES/FOR", THEN FOR ALL FISCAL YEARS BEGINNING ON OR AFTER  
13 JULY 1, 2016, THE STATE MAY RETAIN AND SPEND ALL OF THE STATE  
14 REVENUES THAT THE STATE OTHERWISE WOULD HAVE BEEN REQUIRED TO  
15 REFUND UNDER SECTION 20 (7) (d) OF ARTICLE X OF THE STATE  
16 CONSTITUTION, AND THESE STATE REVENUES ARE A VOTER-APPROVED  
17 REVENUE CHANGE TO THE LIMITATION ON STATE FISCAL YEAR SPENDING.

18           (3) (a) THE PRESCHOOL THROUGH TWELFTH GRADE EDUCATION  
19 GENERAL FUND EXEMPT ACCOUNT IS CREATED IN THE GENERAL FUND. THE  
20 ACCOUNT CONSISTS OF AN AMOUNT OF MONEY EQUAL TO THE TOTAL  
21 AMOUNT OF STATE REVENUES THAT THE STATE RETAINS FOR A FISCAL  
22 YEAR UNDER THIS SECTION THAT IS ABOVE THE AMOUNT OF THE EXCESS  
23 STATE REVENUES CAP CALCULATED PURSUANT TO SECTION 24-77-103.6  
24 (6) (b). EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE  
25 AND THE STATE TREASURER SHALL TRANSFER THE MONEY IN THE  
26 ACCOUNT AS PROVIDED IN PARAGRAPHS (b) TO (d) OF THIS SUBSECTION  
27 (3).

1 (b) THE GENERAL ASSEMBLY SHALL ANNUALLY FIRST APPROPRIATE  
2 MONEY IN THE ACCOUNT TO FUND KINDERGARTEN PUPILS AS FULL-DAY  
3 PUPILS IN THE AMOUNTS SPECIFIED IN SECTION 22-54-131, C.R.S.

4 (c) OF THE MONEY REMAINING IN THE ACCOUNT AFTER THE  
5 APPROPRIATION DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3),  
6 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO FULLY FUND THE  
7 STATE'S SHARE OF TOTAL PROGRAM FUNDING CALCULATED PURSUANT TO  
8 SECTIONS 22-54-104 AND 22-54-106, C.R.S.

9 (d) THE STATE TREASURER SHALL TRANSFER THE UNEXPENDED  
10 AND UNENCUMBERED BALANCE REMAINING IN THE ACCOUNT AS OF JUNE  
11 30 OF EACH YEAR TO THE STATE EDUCATION FUND CREATED IN SECTION 17  
12 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

13 (4) FOR EACH STATE FISCAL YEAR THAT THE STATE RETAINS AND  
14 SPENDS STATE REVENUES UNDER THIS SECTION, THE DIRECTOR OF  
15 RESEARCH OF THE LEGISLATIVE COUNCIL SHALL INCLUDE A DESCRIPTION  
16 OF HOW THE MONEY IN THE PRESCHOOL THROUGH TWELFTH GRADE  
17 EDUCATION GENERAL FUND EXEMPT ACCOUNT WAS EXPENDED IN THE  
18 REPORT PREPARED IN ACCORDANCE WITH SECTION 24-77-103.6 (5).

19 (5) FOR PURPOSES OF SECTION 1-5-407, C.R.S., THE BALLOT ISSUE  
20 IS A PROPOSITION. SECTION 1-40-106 (3) (d), C.R.S., DOES NOT APPLY TO  
21 THE BALLOT ISSUE.

22 (6) AS USED IN THIS SECTION:

23 (a) "BALLOT ISSUE" MEANS THE QUESTION REFERRED TO VOTERS  
24 IN SUBSECTION (1) OF THIS SECTION.

25 (b) "STATE REVENUES" MEANS STATE REVENUES NOT EXCLUDED  
26 FROM STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102  
27 (17).

1           (7) (a) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT  
2 ISSUE VOTE "NO/AGAINST", THEN THIS SECTION IS REPEALED, EFFECTIVE  
3 JULY 1, 2017.

4           (b) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE  
5 VOTE "YES/FOR", THEN THIS SUBSECTION (7) IS REPEALED, EFFECTIVE  
6 JULY 1, 2017.

7           **SECTION 4. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.