

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

LLS NO. R10-1039.01 Sharon Eubanks

SCR10-002

SENATE SPONSORSHIP

Williams and Romer, Bacon, Hudak, Shaffer B.

HOUSE SPONSORSHIP

Benfield, Frangas, McKinley, Merrifield, Middleton, Peniston, Rice, Scanlan, Schafer S., Solano, Todd, Apuan, Casso, Fischer, Gagliardi, Kagan, Labuda, Levy, McCann, Miklosi, Pace, Pommer, Primavera, Ryden, Soper, Tyler, Vigil, Weissmann

Senate Committees

Education
Finance

House Committees

SENATE CONCURRENT RESOLUTION 10-002

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO ARTICLE IX OF THE**
103 **CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE**
104 **AUTHORITY OF THE GENERAL ASSEMBLY TO GENERATE**
105 **ADDITIONAL STATE REVENUES FOR FUNDING PRESCHOOL**
106 **THROUGH POSTSECONDARY PUBLIC EDUCATION WITHOUT PRIOR**
107 **VOTER APPROVAL, AND, IN CONNECTION THEREWITH,**
108 **NOTWITHSTANDING THE PRIOR VOTER APPROVAL REQUIREMENT**
109 **OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE**
110 **CONSTITUTION, ALLOWING THE GENERAL ASSEMBLY TO ENACT**
111 **STATUTES THAT RESULT IN ADDITIONAL STATE REVENUES TO BE**
112 **USED TO FUND PRESCHOOL THROUGH POSTSECONDARY PUBLIC**
113 **EDUCATION, CREATING THE STATE EDUCATION IMPROVEMENT**

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.

101 FUND TO WHICH SUCH ADDITIONAL STATE REVENUES SHALL BE
102 CREDITED, AND AND EXEMPTING ANY ADDITIONAL STATE
103 REVENUES RAISED FOR THIS PURPOSE FROM THE
104 CONSTITUTIONAL LIMITATIONS ON FISCAL YEAR SPENDING.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/billssummaries>.)

The concurrent resolution authorizes the general assembly to enact statutes that result in additional state revenues without prior voter approval if the resulting revenues are used for various purposes relating to the funding of preschool through postsecondary education. These additional revenues are not subject to the constitutional limitations on fiscal year spending. The concurrent resolution does not otherwise affect the prior voter approval requirement for the generation of additional state revenues for any purpose other than the purposes specified in the concurrent resolution.

1 *Be It Resolved by the Senate of the Sixty-seventh General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state
5 of Colorado, for their approval or rejection, the following amendment to
6 the constitution of the state of Colorado, to wit:

7 Article IX of the constitution of the state of Colorado is amended
8 BY THE ADDITION OF A NEW SECTION to read:

9 **Section 18. Authority of general assembly to increase state**
10 **revenues for funding education. (1)** NOTWITHSTANDING THE
11 PROVISIONS OF SECTION 20 (4) (a) OF ARTICLE X OF THIS CONSTITUTION,
12 THE GENERAL ASSEMBLY IS AUTHORIZED TO ENACT STATUTES TO

1 INCREASE STATE REVENUES WITHOUT PRIOR VOTER APPROVAL IF THE
2 RESULTING STATE REVENUES ARE TO BE USED TO PREVENT OR REDUCE
3 REDUCTIONS IN FUNDING FOR PRESCHOOL THROUGH POSTSECONDARY
4 PUBLIC EDUCATION OR FOR THE PURPOSE OF IMPROVING PRESCHOOL
5 THROUGH POSTSECONDARY PUBLIC EDUCATION BY: EXPANDING THE
6 AVAILABILITY OF PRESCHOOL, FULL-DAY KINDERGARTEN, OR FAMILY
7 LITERACY PROGRAMS; IMPLEMENTING ACCOUNTABLE EDUCATION REFORM
8 AND ACCOUNTABLE PROGRAMS TO MEET ACADEMIC STANDARDS;
9 REDUCING CLASS SIZE; EXPANDING THE USE OF TECHNOLOGY IN
10 EDUCATION; IMPROVING STUDENT SAFETY; IMPROVING TEACHER
11 EFFECTIVENESS; ADDRESSING PUBLIC SCHOOL BUILDING NEEDS; OR
12 IMPROVING THE ACCESSIBILITY, QUALITY, AND AFFORDABILITY OF CAREER
13 AND TECHNICAL EDUCATION OPPORTUNITIES OR POSTSECONDARY
14 EDUCATION OPPORTUNITIES. ALL REVENUES RESULTING FROM THE
15 EXERCISE OF THE AUTHORITY GRANTED IN THIS SUBSECTION (1) SHALL NOT
16 BE SUBJECT TO THE LIMITATIONS ON FISCAL YEAR SPENDING SET FORTH IN
17 SECTION 20 OF ARTICLE X OF THIS CONSTITUTION. NOTHING IN THIS
18 SUBSECTION (1) SHALL BE CONSTRUED TO OTHERWISE AFFECT THE PRIOR
19 VOTER APPROVAL REQUIREMENT SET FORTH IN SECTION 20 (4) (a) OF
20 ARTICLE X OF THIS CONSTITUTION FOR THE GENERATION OF ADDITIONAL
21 STATE REVENUES FOR ANY PURPOSE OTHER THAN THE PURPOSES SPECIFIED
22 IN THIS SUBSECTION (1).

23 (2) (a) NOTWITHSTANDING ANY PROVISION OF THIS CONSTITUTION
24 TO THE CONTRARY, ALL STATE REVENUES RESULTING FROM THE EXERCISE
25 OF THE AUTHORITY GRANTED IN SUBSECTION (1) OF THIS SECTION SHALL
26 BE CREDITED TO THE STATE EDUCATION IMPROVEMENT FUND, WHICH IS
27 HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE STATE

1 EDUCATION IMPROVEMENT FUND SHALL BE SUBJECT TO ANNUAL
2 APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL BE USED ONLY
3 FOR THE PURPOSES SET FORTH IN SUBSECTION (1) OF THIS SECTION. ALL
4 INTEREST EARNED ON MONEYS IN THE STATE EDUCATION IMPROVEMENT
5 FUND SHALL BE CREDITED TO THE STATE EDUCATION IMPROVEMENT FUND.
6 MONEYS REMAINING IN THE STATE EDUCATION IMPROVEMENT FUND AT
7 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
8 REVERT TO THE GENERAL FUND.

9 (b) THE EXPENDITURE OF ANY MONEYS CREDITED TO THE STATE
10 EDUCATION IMPROVEMENT FUND PURSUANT TO PARAGRAPH (a) OF THIS
11 SUBSECTION (2) SHALL SUPPLEMENT AND NOT SUPPLANT THE LEVEL OF
12 GENERAL FUND APPROPRIATIONS EXISTING ON JANUARY 1, 2010, FOR ANY
13 OF THE PURPOSES FOR WHICH MONEYS MAY BE EXPENDED FROM THE STATE
14 EDUCATION IMPROVEMENT FUND, INCLUDING BUT NOT LIMITED TO
15 APPROPRIATIONS FOR TOTAL PROGRAM FUNDING UNDER THE "PUBLIC
16 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, COLORADO
17 REVISED STATUTES, FOR CATEGORICAL PROGRAMS AS DEFINED IN SECTION
18 17 (2) OF THIS ARTICLE, FOR THE COLLEGE OPPORTUNITY FUND CREATED
19 PURSUANT TO SECTION 23-18-202, COLORADO REVISED STATUTES, AND
20 FOR FEE-FOR-SERVICE CONTRACTS PURSUANT TO SECTION 23-1-104 (1) (a)
21 (IV), COLORADO REVISED STATUTES.

22 **SECTION 2.** Each elector voting at said election and desirous of
23 voting for or against said amendment shall cast a vote as provided by law
24 either "Yes" or "No" on the proposition: "SHALL THERE BE AN
25 AMENDMENT TO ARTICLE IX OF THE CONSTITUTION OF THE STATE OF
26 COLORADO, CONCERNING THE AUTHORITY OF THE GENERAL ASSEMBLY TO
27 GENERATE ADDITIONAL STATE REVENUES FOR FUNDING PRESCHOOL

1 THROUGH POSTSECONDARY PUBLIC EDUCATION WITHOUT PRIOR VOTER
2 APPROVAL, AND, IN CONNECTION THEREWITH, NOTWITHSTANDING THE
3 PRIOR VOTER APPROVAL REQUIREMENT OF SECTION 20 (4) (a) OF ARTICLE
4 X OF THE STATE CONSTITUTION, ALLOWING THE GENERAL ASSEMBLY TO
5 ENACT STATUTES THAT RESULT IN ADDITIONAL STATE REVENUES TO BE
6 USED TO FUND PRESCHOOL THROUGH POSTSECONDARY PUBLIC
7 EDUCATION, CREATING THE STATE EDUCATION IMPROVEMENT FUND TO
8 WHICH SUCH ADDITIONAL STATE REVENUES SHALL BE CREDITED, AND
9 EXEMPTING ANY ADDITIONAL STATE REVENUES RAISED FOR THIS PURPOSE
10 FROM THE CONSTITUTIONAL LIMITATIONS ON FISCAL YEAR SPENDING?"

11 **SECTION 3.** The votes cast for the adoption or rejection of said
12 amendment shall be canvassed and the result determined in the manner
13 provided by law for the canvassing of votes for representatives in
14 Congress, and if a majority of the electors voting on the question shall
15 have voted "Yes", the said amendment shall become a part of the state
16 constitution.