

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 06-0213.01 Christy Chase

HOUSE BILL 06-1005

HOUSE SPONSORSHIP

Pommer, Benefield, King, and Merrifield

SENATE SPONSORSHIP

Bacon, Tupa, Windels, and Williams

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on School Finance. Authorizes a school district, upon voter approval, to impose an additional mill levy for purposes of funding the school district's excess full-day kindergarten costs. Allows the question submitted to the voters to also include a question of whether to impose an additional mill levy of a stated amount and limited duration to fund the capital construction needs associated with

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.

SENATE
Amended 2nd Reading
March 9, 2006

HOUSE
3rd Reading Unamended
January 30, 2006

HOUSE
2nd Reading Unamended
January 27, 2006

the district's full-day kindergarten program. Precludes a school district that imposes the additional full-day kindergarten mill levy from participating in the full-day kindergarten component of the Colorado preschool program. Allows a school district that funds a portion of its full-day kindergarten program with the additional mill levy to charge tuition to out-of-district pupils enrolled in the locally funded portion of the full-day kindergarten program.

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

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

4 **22-54-108.5. Authorization of additional local revenues for**
5 **full-day kindergarten.** (1) (a) NOTWITHSTANDING ANY LAW TO THE
6 CONTRARY, EFFECTIVE JULY 1, 2006, ANY DISTRICT THAT WISHES TO RAISE
7 AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE
8 DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH
9 SECTION 22-54-104, AND IN ADDITION TO ANY PROPERTY TAX REVENUES
10 LEVIED PURSUANT TO SECTIONS 22-54-107 AND 22-54-108, MAY SUBMIT
11 THE QUESTION OF WHETHER THE DISTRICT SHOULD BE AUTHORIZED TO
12 RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES,
13 THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE LEVY
14 AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND 22-54-108, TO
15 PROVIDE FUNDING FOR EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS
16 IN THE DISTRICT FOR THE THEN CURRENT BUDGET YEAR AND EACH BUDGET
17 YEAR THEREAFTER. THE QUESTION AUTHORIZED BY THIS PARAGRAPH (a)
18 MAY ALSO INCLUDE A QUESTION OF WHETHER TO IMPOSE AN ADDITIONAL
19 MILL LEVY OF A STATED AMOUNT AND LIMITED DURATION TO MEET THE
20 INITIAL CAPITAL CONSTRUCTION NEEDS OF THE DISTRICT ASSOCIATED
21 WITH THE ESTABLISHMENT OF A FULL-DAY KINDERGARTEN PROGRAM. IF
22 A MILL LEVY FOR CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE

1 DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM IS APPROVED FOR MORE
2 THAN ONE YEAR, THE BOARD OF EDUCATION OF THE DISTRICT MAY,
3 WITHOUT CALLING AN ELECTION, DECREASE THE AMOUNT OR DURATION
4 OF THE MILL LEVY IN SUBSEQUENT YEARS. THE QUESTIONS AUTHORIZED
5 BY THIS PARAGRAPH (a) SHALL BE SUBMITTED AT AN ELECTION HELD IN
6 ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE
7 CONSTITUTION AND TITLE 1, C.R.S.

8 (b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE
9 JULY 1, 2006, UPON PROPER SUBMITTAL TO A DISTRICT OF A VALID
10 INITIATIVE PETITION, THE DISTRICT SHALL SUBMIT TO THE ELIGIBLE
11 ELECTORS OF THE DISTRICT THE QUESTION OF WHETHER THE DISTRICT
12 SHOULD BE AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL
13 PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM,
14 AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, AND IN
15 ADDITION TO ANY PROPERTY TAX REVENUES LEVIED PURSUANT TO
16 SECTIONS 22-54-107 AND 22-54-108, THEREBY AUTHORIZING AN
17 ADDITIONAL LEVY IN EXCESS OF THE LEVY AUTHORIZED UNDER SECTIONS
18 22-54-106, 22-54-107, AND 22-54-108, TO PROVIDE FUNDING FOR EXCESS
19 FULL-DAY KINDERGARTEN PROGRAM COSTS IN THE DISTRICT FOR THE THEN
20 CURRENT BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER. THE
21 QUESTION AUTHORIZED BY THIS PARAGRAPH (b) MAY ALSO INCLUDE A
22 QUESTION OF WHETHER TO IMPOSE AN ADDITIONAL MILL LEVY OF A
23 STATED AMOUNT AND LIMITED DURATION TO MEET THE INITIAL CAPITAL
24 CONSTRUCTION NEEDS OF THE DISTRICT ASSOCIATED WITH THE
25 ESTABLISHMENT OF A FULL-DAY KINDERGARTEN PROGRAM. IF A MILL
26 LEVY FOR CAPITAL CONSTRUCTION NEEDS ASSOCIATED WITH THE
27 DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM IS APPROVED FOR MORE

1 THAN ONE YEAR, THE BOARD OF EDUCATION OF THE DISTRICT MAY,
2 WITHOUT CALLING AN ELECTION, DECREASE THE AMOUNT OR DURATION
3 OF THE MILL LEVY IN SUBSEQUENT YEARS. THE QUESTIONS AUTHORIZED
4 BY THIS PARAGRAPH (b) SHALL BE SUBMITTED AT AN ELECTION HELD IN
5 ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE
6 CONSTITUTION AND TITLE 1, C.R.S. AN INITIATIVE PETITION UNDER THIS
7 PARAGRAPH (b) SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE
8 ELIGIBLE ELECTORS IN THE DISTRICT AT THE TIME THE PETITION IS FILED.

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

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

26 (e) NOTWITHSTANDING THE PROVISIONS OF SECTION 20 OF ARTICLE
27 X OF THE STATE CONSTITUTION THAT ALLOW DISTRICTS TO SEEK VOTER

1 APPROVAL FOR SPENDING AND REVENUE INCREASES, THE PROVISIONS OF
2 THIS SUBSECTION (1) SHALL LIMIT A DISTRICT'S AUTHORITY TO RAISE AND
3 EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S
4 TOTAL PROGRAM AS DETERMINED IN ACCORDANCE WITH SECTION
5 22-54-104.

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

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

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

14 AND

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

18 (3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
19 CONTRARY, A DISTRICT THAT PROVIDES AND FUNDS A FULL-DAY
20 KINDERGARTEN PROGRAM WITH MONEYS GENERATED BY THE IMPOSITION
21 OF AN ADDITIONAL MILL LEVY AS AUTHORIZED BY THIS SECTION MAY
22 CHARGE TUITION TO A PUPIL WHO DOES NOT RESIDE IN THE DISTRICT FOR
23 THE PORTION OF THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM THAT
24 IS FUNDED BY THE DISTRICT'S ADDITIONAL MILL LEVY.

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

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

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

13 (h) **Full-day kindergarten fund.** (I) THE REVENUES FROM A TAX
14 LEVIED PURSUANT TO SECTION 22-54-108.5 FOR THE PURPOSE OF PAYING
15 EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS SHALL BE DEPOSITED
16 IN THE FULL-DAY KINDERGARTEN FUND OF THE DISTRICT. EXPENDITURES
17 FROM THE FUND SHALL BE LIMITED TO PAYMENT OF EXCESS FULL-DAY
18 KINDERGARTEN PROGRAM COSTS AS AUTHORIZED IN THE BUDGET OF THE
19 DISTRICT. ANY MONEYS REMAINING IN THE FUND AT THE END OF ANY
20 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL BE USED TO REDUCE
21 THE LEVY FOR EXCESS FULL-DAY KINDERGARTEN PROGRAM COSTS IN
22 FUTURE YEARS.

23 (II) THE REVENUES FROM A TAX LEVIED PURSUANT TO SECTION
24 22-54-108.5 TO MEET THE CAPITAL CONSTRUCTION NEEDS ASSOCIATED
25 WITH A DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM SHALL BE
26 CREDITED TO THE CAPITAL CONSTRUCTION ACCOUNT IN THE DISTRICT'S
27 FULL-DAY KINDERGARTEN FUND. MONEYS IN THE ACCOUNT SHALL BE

1 USED TO MEET THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS ASSOCIATED
2 WITH THE FULL-DAY KINDERGARTEN PROGRAM AND MAY NOT BE
3 EXPENDED BY THE DISTRICT FOR ANY OTHER PURPOSE. ANY MONEYS
4 REMAINING IN THE ACCOUNT AT THE END OF ANY FISCAL YEAR SHALL
5 REMAIN IN THE ACCOUNT AND MAY BE BUDGETED IN THE NEXT FISCAL
6 YEAR.

7 **SECTION 3.** 22-54-106 (5) and (7), Colorado Revised Statutes,
8 are amended to read:

9 **22-54-106. Local and state shares of district total program.**

10 (5) (a) Except as otherwise provided in sections 22-54-107, ~~and~~
11 22-54-108, AND 22-54-108.5, no district may certify a levy for its general
12 fund in excess of that authorized by this section.

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

22 (7) For the 1994 property tax year and property tax years
23 thereafter, all mill levies authorized or required by this section or sections
24 22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5 shall be rounded to the
25 nearest one-thousandth of one mill.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.