

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0213.01 Christy Chase

HOUSE BILL 06-1005

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HOUSE SPONSORSHIP

**Pommer**, Benefield, King, and Merrifield

SENATE SPONSORSHIP

**Bacon**, Tupa, Windels, and Williams

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**House Committees**  
Education

**Senate Committees**

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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.**

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**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.*

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.

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

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

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

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

24 (a) **General fund.** (I) All revenues, except those revenues  
25 attributable to the bond redemption fund, the capital reserve fund, the  
26 special building and technology fund, a fund created solely for the  
27 management of risk-related activities, and any other fund authorized by

1 THIS SECTION OR BY the state board of education, as provided in  
2 subsection (2) of this section, shall be accounted for in the general fund.  
3 Any lawful expenditure of the school district, including any expenditure  
4 of a nature ~~which~~ THAT could be made from any fund, may be made from  
5 the general fund. All expenditures from the general fund shall be  
6 recorded therein.

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

17 (II) THE REVENUES FROM A TAX LEVIED PURSUANT TO SECTION  
18 22-54-108.5 TO MEET THE CAPITAL CONSTRUCTION NEEDS ASSOCIATED  
19 WITH A DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM SHALL BE  
20 CREDITED TO THE CAPITAL CONSTRUCTION ACCOUNT IN THE DISTRICT'S  
21 FULL-DAY KINDERGARTEN FUND. MONEYS IN THE ACCOUNT SHALL BE  
22 USED TO MEET THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS ASSOCIATED  
23 WITH THE FULL-DAY KINDERGARTEN PROGRAM AND MAY NOT BE  
24 EXPENDED BY THE DISTRICT FOR ANY OTHER PURPOSE. ANY MONEYS  
25 REMAINING IN THE ACCOUNT AT THE END OF ANY FISCAL YEAR SHALL  
26 REMAIN IN THE ACCOUNT AND MAY BE BUDGETED IN THE NEXT FISCAL  
27 YEAR.

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

3           **22-54-106. Local and state shares of district total program.**

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

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

16           (7) For the 1994 property tax year and property tax years  
17   thereafter, all mill levies authorized or required by this section or sections  
18   22-54-107, ~~and~~ 22-54-108, AND 22-54-108.5 shall be rounded to the  
19   nearest one-thousandth of one mill.

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