~~VERSION #2A~~

Be it Enacted by the People of the State of Colorado:

SECTION 1. ~~Section 17 of article IX of the Constitution of the state of Colorado is amended TO READ and BY THE ADDITION OF THE FOLLOWING SUBSECTIONS to read:~~ In the constitution of the state of Colorado, section 17 of article IX, **amend** (2) and **add** (6), (7), (8), and (9) as follows:

Section 17. Education – funding.

(2) **Definitions.** (c) "INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING" MEANS THE INCOME TAX CHANGE APPROVED BY THE VOTERS AT THE 2013 GENERAL ELECTION FOR PRESCHOOL AND PUBLIC SCHOOL KINDERGARTEN THROUGH TWELFTH GRADE FUNDING.

(6) **PROPERTY TAX FOR PUBLIC SCHOOL FUNDING.** SOLELY AS IT AFFECTS LOCAL PROPERTY TAXES DEDICATED TO PRESCHOOL AND PUBLIC SCHOOL KINDERGARTEN THROUGH TWELFTH GRADE FUNDING, WHENEVER THERE IS A CHANGE IN THE LEVEL OF ACTUAL RESIDENTIAL REAL PROPERTY VALUE THAT WOULD OTHERWISE WARRANT A REDUCTION IN THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY BEGINNING AFTER THE 2015 STATEWIDE PROPERTY VALUATION REASSESSMENT THAT IS REQUIRED BY LAW, THE GENERAL ASSEMBLY SHALL, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, REDUCE THE RESIDENTIAL ASSESSMENT RATE THAT IS APPLICABLE TO PRESCHOOL AND PUBLIC SCHOOL KINDERGARTEN THROUGH TWELFTH GRADE ~~FUNDING~~ AND SHALL CONTINUE TO DO SO ~~ANNUALLY~~ UNTIL ~~THE~~ THAT RATE ~~THAT APPLIES TO PUBLIC SCHOOL FUNDING~~ IS LOWERED TO SEVEN AND NINE-TENTHS ~~AND IS THEREAFTER MAINTAINED AT 7.9~~ PERCENT~~,~~. BUT THE GENERAL ASSEMBLY SHALL NOT CHANGE THAT RATE AFTER IT HAS BEEN SET AT SEVEN AND NINE-TENTHS PERCENT.

(7) **STATE EDUCATIONAL ACHIEVEMENT FUND.**

(a) THE STATE EDUCATIONAL ACHIEVEMENT FUND IS CREATED IN THE STATE TREASURY.
(b) THE DEPARTMENT OF REVENUE OR ITS SUCCESSOR AGENCY SHALL ANNUALLY DETERMINE THE AMOUNT OF THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING. SUCH AMOUNTS SHALL BE DEPOSITED IN THE STATE EDUCATIONAL ACHIEVEMENT FUND.

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(c) THE STATE EDUCATIONAL ACHIEVEMENT FUND SHALL BE APPROPRIATED TO BENEFIT THE EDUCATION OF <u>PARTICIPANTS IN PRESCHOOL PROGRAMS AND PUBLIC SCHOOL</u> KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS ~~AND PARTICIPANTS IN PRESCHOOL PROGRAMS~~ BY IMPLEMENTING EDUCATIONAL REFORMS AND PROGRAMMATIC ENHANCEMENTS, ENACTED BY THE COLORADO GENERAL ASSEMBLY.

(d) THE STATE EDUCATIONAL ACHIEVEMENT FUND SHALL BE AUDITED ANNUALLY BY THE STATE AUDITOR TO ENSURE COMPLIANCE WITH THIS ARTICLE. THE RESULTS OF SUCH AUDIT SHALL BE A PUBLIC DOCUMENT THAT IS TRANSMITTED TO THE GOVERNOR, THE PRESIDENT AND MINORITY LEADER OF THE SENATE, AND THE SPEAKER AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. SUCH AUDIT SHALL BE CONSPICUOUSLY PLACED ON THE WEBSITES OF THE STATE AUDITOR AND THE COLORADO DEPARTMENT OF EDUCATION OR THEIR SUCCESSOR AGENCIES.

(e) ALL INTEREST EARNED ON MONIES IN THE STATE EDUCATIONAL ACHIEVEMENT FUND SHALL BE DEPOSITED IN THE STATE EDUCATIONAL ACHIEVEMENT FUND AND SHALL BE USED BEFORE ANY PRINCIPAL IS DEPLETED. MONIES REMAINING IN THE STATE EDUCATIONAL ACHIEVEMENT FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT REVERT OR BE TRANSFERRED TO THE GENERAL OR ANY OTHER FUND.

(8) **NEW REVENUE TO SUPPLEMENT PREVIOUS YEAR EDUCATION FUNDING.** REVENUES COLLECTED FROM THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING SHALL BE USED TO SUPPLEMENT REVENUES THAT WERE APPROPRIATED BY THE GENERAL ASSEMBLY IN THE PREVIOUS FISCAL YEAR FOR KINDERGARTEN THROUGH TWELFTH GRADE AND PRESCHOOL EDUCATION AND SHALL NOT BE USED TO SUPPLANT ANY PORTION OF THOSE PREVIOUSLY APPROPRIATED REVENUES.

(9) **REVENUE AND SPENDING LIMITATIONS.** ALL REVENUES ATTRIBUTABLE TO THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING OR OTHERWISE ADDRESSED BY ~~SUBSECTIONS (6) OR~~ SUBSECTION (7) SHALL BE COLLECTED AND SPENT AS VOTER-APPROVED REVENUE CHANGES WITHOUT REGARD TO ANY LIMITATION ON REVENUE, SPENDING, OR APPROPRIATIONS, CONTAINED IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION OR ANY OTHER LAW. SPENDING OF SUCH REVENUE, CONSISTENT WITH THE EXPRESSED INTENTION OF THE VOTERS AT THE 2013 ELECTION, SHALL REQUIRE NO ADDITIONAL VOTER APPROVAL AT ANY STATE OR LOCAL ELECTION.

SECTION 2. ~~Section 39-22-104(1.7) of the Colorado Revised Statutes is amended to read:~~ In Colorado Revised Statutes, 39-22-104, amend (1.7) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts – single rate – definitions – repeal. (1.7) Except as otherwise provided in section 39-22-627, subject to subsection (2) of this section, with respect to taxable years commencing on or after January 1, 2000, a tax of four and sixty-three one hundredths percent is imposed on the federal taxable income, as determined pursuant to section 63 of the internal revenue code, of every individual, estate, and trust. IN ADDITION TO THE TAX RATE AUTHORIZED IN THIS SUBSECTION ON FEDERAL TAXABLE INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS, AN INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING OF SEVENTY-TWO HUNDREDTHS PERCENT SHALL BE IMPOSED ON SUCH TAXPAYERS.

SECTION 3. EFFECTIVE DATE. EXCEPT AS OTHERWISE PROVIDED IN THIS INITIATIVE, THESE VOTER-ENACTED PROVISIONS SHALL TAKE EFFECT ON JANUARY 1, 2014.