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#23 FINAL

ELECTIONS/LICENSING
SECRETARY OF STATE

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

SECTION 1. In the constitution of the state of Colorado, section 17 of article IX, **amend** (1), (2), and (4) and **add** (6), (7), and (8) as follows:

Section 17. Education – funding.

(1) Purpose. In state fiscal year 2001-2002 through state fiscal year 2010-2011, the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes, on the effective date of this section, for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at least by the rate of inflation plus an additional one percentage point. ~~In state fiscal year 2011-2012, and each fiscal year thereafter,~~ FOR STATE FISCAL YEARS 2011-2012 THROUGH 2013-2014, the statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation.

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

(4) State education fund created. (a) There is hereby created in the department of the treasury the state education fund. Beginning on the effective date of this measure, AND THROUGH JUNE 30, 2014, all state revenues collected from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall be deposited in the state education fund. Revenues generated from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall not be subject to the limitation on fiscal year spending set forth in article X, section 20 of the Colorado constitution. BEGINNING IN STATE FISCAL YEAR 2014-2015, THE STATE EDUCATION FUND SHALL, AT A MINIMUM, RECEIVE FORTY-THREE PERCENT OF SALES, EXCISE, AND INCOME TAX REVENUE COLLECTED IN THE GENERAL FUND IN A MANNER AS TO EQUAL SUCH PERCENTAGE IN RELATION TO THE REVENUE GENERATED BY THE TAX

RATES IN EFFECT ON DECEMBER 31, 2012 NET OF ANY REFUNDS REQUIRED BY SECTION 20, SUBSECTIONS (3)(C) AND (7) OF ARTICLE X OF THIS CONSTITUTION. All interest earned on monies in the state education fund shall be deposited in the state education fund and shall be used before any principal is depleted. Monies remaining in the state education fund at the end of any fiscal year shall remain in the fund and not revert to the general fund.

(6) 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.

(c) THE STATE EDUCATIONAL ACHIEVEMENT FUND SHALL BE APPROPRIATED TO BENEFIT THE EDUCATION OF PARTICIPANTS IN PRESCHOOL PROGRAMS AND PUBLIC SCHOOL KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS 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.

(7) 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.

(8) REVENUE AND SPENDING LIMITATIONS. ALL REVENUES ATTRIBUTABLE TO THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING OR OTHERWISE ADDRESSED BY SUBSECTION (6) 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. In the constitution of the state of Colorado, section 20 of article X, **amend (8):**

(8) Revenue limits. (a) New or increased transfer tax rates on real property are prohibited. No new state real property tax or local district income tax shall be imposed. Neither an income tax rate increase nor a new state definition of taxable income shall apply before the next tax year. Any income tax law change after July 1, 1992 shall also require all taxable net income to be taxed at one rate, excluding refund tax credits or voter-approved tax credits, with no added tax or surcharge; EXCEPT THAT MULTIPLE RATES SHALL APPLY TO TAXABLE NET INCOME OF INDIVIDUALS, TRUSTS, AND ESTATES, IF SPECIFIC RATE INCREASES IN EXCESS OF THE TAX RATE IN EFFECT ON THE DAY OF AN ELECTION ARE APPROVED BY VOTERS FOR THE PURPOSE OF PROVIDING AN INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING.

SECTION 3. 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 SHALL BE IMPOSED ON THE FEDERAL TAXABLE INCOME OF SUCH TAXPAYERS:

- (a) UP TO AND INCLUDING \$50,000, AT THE RATE OF TWELVE ONE HUNDREDTHS PERCENT;
- (b) OVER \$50,000, BUT NOT EXCEEDING \$75,000, AT THE RATE OF EIGHTY-SEVEN HUNDREDTHS PERCENT;
- (c) OVER \$75,000, BUT NOT EXCEEDING \$100,000, AT THE RATE OF ONE AND THIRTY-SEVEN HUNDREDTHS PERCENT;
- (d) OVER \$100,000, BUT NOT EXCEEDING \$200,000, AT THE RATE OF ONE AND EIGHTY-SEVEN HUNDREDTHS PERCENT; AND
- (e) OVER \$200,000, AT THE RATE OF TWO PERCENT.

THE GENERAL ASSEMBLY MAY ANNUALLY ADJUST THE INCOME THRESHOLDS FOR THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING FOR INFLATION FROM THE PREVIOUS YEAR.

SECTION 4. EFFECTIVE DATE. THESE VOTER-ENACTED PROVISIONS SHALL TAKE EFFECT ON JANUARY 1, 2014.