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**ELECTIONS/LICENSING
SECRETARY OF STATE**

12:00 P.M. S. WARD

April 5, 2013 Initiative 9 for the 2013 ballot

INCREASE STATE TAXES

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 BY THE ADDITION OF THE FOLLOWING SUBSECTIONS to read:

Section 17. Education – funding.

(10) SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND.

(a) THE STATE SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND IS CREATED IN THE STATE TREASURY.

(b) THE DEPARTMENT OF REVENUE OR ITS SUCCESSOR AGENCY SHALL ANNUALLY DETERMINE THE AMOUNT OF TAX REVENUE COLLECTED BY THE STATE OF COLORADO THAT IS ATTRIBUTABLE TO THE SALES TAX INCREMENT FOR SCHOOL DIVISION PERA EMPLOYER CONTRIBUTIONS. SUCH AMOUNTS SHALL BE DEPOSITED IN STATE SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND.

(c) THE STATE SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND SHALL BE CREATED TO FUND THE SCHOOL DIVISION EMPLOYER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION TO INCLUDE THE STATUTORY CONTRIBUTIONS, THE AMORTIZATION EQUALIZATION DISBURSEMENT (AED) AND SUPPLEMENTAL AED (SAED) PAYMENTS.

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

(e) ALL REVENUES COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE

COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE 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.

(f) EFFECTIVE JULY 1, 2014 SCHOOL DISTRICTS ARE PROHIBITED FROM USING ANY OF THEIR REVENUE TO FUND THE EMPLOYER CONTRIBUTION TO THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION (PERA).

SECTION 2. Part 1 of article 77 of title 24, Colorado Revised Statutes, is amended BY

THE ADDITION OF A NEW SECTION to read:

24-77-103.3. Voter approved revenue change-use of revenues. THE REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS, 39-26-106(1)(c), AND 39-26-202(2.5), C.R.S., SHALL CONSTITUTE A VOTER APPROVED REVENUE CHANGE AND MAY BE COLLECTED, KEPT, AND SPENT NOTWITHSTANDING ANY OTHER LIMITS IN THE CONSTITUTION OR OTHER LAW. ALL REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS 39-26-106(1)(c), AND 39-26-202(2.5), C.R.S., SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE SCHOOL DIVISION OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION. THE REVENUE SHALL BE APPROPRIATED FIRST AS THE EMPLOYER CONTRIBUTION THEN TO FUND THE ACTUARIALLY REQUIRED CONTRIBUTIONS TO ASSURE FULL FUNDING ON A 30 YEAR ACTUARIAL BASIS. THE PEOPLE INTEND THAT THE ALLOCATION OF MONIES REQUIRED BY THIS SECTION BE IN ADDITION TO AND NOT A SUBSTITUTE FOR MONIES OTHERWISE APPROPRIATED BY THE GENERAL ASSEMBLY, WHICH SHALL BE IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED FOR FISCAL YEAR 2011-12, FOR THE COSTS OF PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION.

SECTION 3. 39-26-106(1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-26-106. Schedule of Sales Tax. (1)(c) NOTWITHSTANDING THE TWO AND

NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1), BEGINNING JULY 1, 2014, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SUBSECTION (1) SHALL BE TWELVE AND NINETY ONE-HUNDREDTHS PERCENT AND THE INCREASED REVENUES SHALL BE DEPOSITED IN THE STATE SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND.

SECTION 4. 39-26-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-26-202. Authorization of tax. (2.5) NOTWITHSTANDING THE TWO AND NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, BEGINNING JULY 1, 2014, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SUBSECTION (1) SHALL BE TWELVE AND NINETY ONE-HUNDREDTHS PERCENT AND THE INCREASED REVENUES SHALL BE DEPOSITED IN THE STATE SCHOOL DIVISION PERA EMPLOYER CONTRIBUTION FUND.

SECTION 5. Effective date. This act shall take effect July 1, 2014.

Carol Baum
cbaum@q.com
1447 S. Welch Ct
Lakewood, CO 80228
303-989-2809

Steve Dorman
stevendorman@comcast.net
6337 S Benton Way
Littleton, CO 80123
720-283-8476