

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0367.01 Esther van Mourik

SENATE BILL 10-069

---

SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

Sonnenberg,

---

Senate Committees  
State, Veterans & Military Affairs

House Committees

---

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER FROM THE GENERAL FUND TO THE  
102 HIGHWAY USERS TAX FUND OF AN AMOUNT EQUAL TO ONE  
103 PERCENT OF KINDERGARTEN THROUGH TWELFTH GRADE  
104 EDUCATION FUNDING BEGINNING IN STATE FISCAL YEAR 2011-12  
105 THROUGH STATE FISCAL YEAR 2020-21.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

For the state fiscal years 2001-02 through 2010-11, the state

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.*

constitution requires that the statewide base per pupil funding and total state funding for all categorical programs must grow annually by at least the rate of inflation plus an additional one percentage point. The constitution removes the requirement for the additional one percentage point for the state fiscal year 2011-12 and each fiscal year thereafter. The bill requires the amount calculated as the savings realized by not having to increase the statewide base per pupil funding and total state funding for all categorical programs by the additional one percentage point to be transferred to the highway users tax fund (HUTF) for the state fiscal year 2011-12. The bill then requires transfers to be made for the state fiscal years 2012-13 through 2020-21 to the HUTF in an amount equal to the previous state fiscal year's transfer plus an amount calculated as one percent of the statewide base per pupil funding and total state funding for all categorical programs.

---

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

2           **SECTION 1.** 43-4-203, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4           **43-4-203. Sources of revenue.** (2) (a) FOR THE 2011-12 STATE  
5 FISCAL YEAR, AN AMOUNT CALCULATED AS ONE PERCENT OF THE  
6 STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL  
7 CATEGORICAL PROGRAMS SHALL BE TRANSFERRED FROM THE GENERAL  
8 FUND TO THE HIGHWAY USERS TAX FUND.

9           (b) FOR THE 2012-13 STATE FISCAL YEAR THROUGH THE 2020-21  
10 STATE FISCAL YEAR, THERE SHALL BE TRANSFERRED FROM THE GENERAL  
11 FUND TO THE HIGHWAY USERS TAX FUND AN AMOUNT EQUAL TO THE  
12 PREVIOUS STATE FISCAL YEAR'S TRANSFER AS SPECIFIED IN THIS  
13 SUBSECTION (2) PLUS AN AMOUNT CALCULATED AS ONE PERCENT OF THE  
14 STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL  
15 CATEGORICAL PROGRAMS.

16           **SECTION 2.** The introductory portion to 43-4-205 (5), Colorado  
17 Revised Statutes, is amended to read:

1           **43-4-205. Allocation of fund.** (5) Revenues raised by the excise  
2 tax imposed on gasoline and special fuel pursuant to sections 39-27-102  
3 and 39-27-102.5, C.R.S., equal to the first seven cents per gallon of such  
4 tax, AND REVENUES TRANSFERRED PURSUANT TO SECTION 43-4-203 (2),  
5 shall be placed in the highway users tax fund to be allocated as follows:

6           **SECTION 3. Act subject to petition - effective date.** This act  
7 shall take effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part shall not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2010 and shall take effect on the date of the official  
15 declaration of the vote thereon by the governor.