

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0584.01 Jason Gelender x4330

HOUSE BILL 16-1354

HOUSE SPONSORSHIP

Mitsch Bush and Becker J., Moreno, Becker K., Fields, Wilson

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR A SCHOOL DISTRICT TO IMPOSE AN
102 ADDITIONAL MILL LEVY FOR THE SOLE PURPOSE OF FUNDING
103 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF THE
104 DISTRICT WITHOUT BORROWING MONEY.

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>.)

The bill authorizes a school district, with voter approval, to impose an additional mill levy for the sole purpose of funding its capital construction and facility maintenance needs without borrowing money.

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.

Revenue raised from such a mill levy must be credited to a supplemental capital construction and maintenance fund of the district and used for the sole purpose of paying for capital construction and facility maintenance needs of the district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-45-103, **add** (1)

3 (j) as follows:

4 **22-45-103. Funds.** (1) The following funds are created for each
5 school district for purposes specified in this article:

6 **(j) Supplemental capital construction and maintenance fund.**

7 THE REVENUE FROM A TAX LEVIED PURSUANT TO SECTION 22-54-108.7
8 FOR THE PURPOSE OF PROVIDING ONGOING CASH FUNDING FOR THE
9 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF A SCHOOL DISTRICT
10 SHALL BE DEPOSITED IN THE SUPPLEMENTAL CAPITAL CONSTRUCTION AND
11 MAINTENANCE FUND OF THE DISTRICT. THE DISTRICT MAY EXPEND MONEY
12 FROM THE FUND ONLY FOR THE PURPOSE OF PROVIDING CASH FUNDING FOR
13 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT AND
14 MAY NOT PLEDGE ANY MONEY IN THE FUND FOR THE REPAYMENT OF ANY
15 EXISTING OR NEW BORROWING. ALL INTEREST AND INCOME DERIVED FROM
16 THE DEPOSIT AND INVESTMENT OF MONEY IN THE SUPPLEMENTAL CAPITAL
17 CONSTRUCTION AND MAINTENANCE FUND SHALL BE CREDITED TO THE
18 FUND.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 22-54-108.7 as
20 follows:

21 **22-54-108.7. Authorization of additional local revenues for**
22 **cash funding of capital construction and maintenance needs -**
23 **definition.** (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY

1 DISTRICT THAT CHOOSES TO RAISE AND EXPEND LOCAL PROPERTY TAX
2 REVENUE IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED
3 IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY
4 REVENUE GENERATED BY PROPERTY TAX LEVIED PURSUANT TO SECTIONS
5 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, AND 22-54-108.5, MAY
6 SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE
7 AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX
8 REVENUE, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE
9 LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND
10 22-54-108, TO PROVIDE ONGOING CASH FUNDING FOR THE CAPITAL
11 CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT. A QUESTION
12 AUTHORIZED BY THIS PARAGRAPH (a) MUST BE SUBMITTED AT AN
13 ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE
14 STATE CONSTITUTION AND TITLE 1, C.R.S.

15 (b) IF A MAJORITY OF THE VOTES CAST IN AN ELECTION HELD
16 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ARE IN FAVOR OF
17 THE QUESTION, THE DISTRICT SHALL LEVY AN ADDITIONAL MILL LEVY
18 EACH YEAR AND SHALL DEPOSIT THE REVENUE RECEIVED FROM THE
19 ADDITIONAL MILL LEVY INTO THE SUPPLEMENTAL CAPITAL CONSTRUCTION
20 AND MAINTENANCE FUND OF THE DISTRICT CREATED IN SECTION 22-45-103
21 (1) (j).

22 (2) FOR PURPOSES OF THIS SECTION, "CAPITAL CONSTRUCTION"
23 HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (2), C.R.S.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.