

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0411.02 Ed DeCecco x4216

HOUSE BILL 18-1084

HOUSE SPONSORSHIP

Thurlow and Hamner,

SENATE SPONSORSHIP

Coram,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF THE ALLOWABLE USES OF COUNTY
102 LODGING TAX REVENUE.

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://leg.colorado.gov>.)

Counties are currently authorized, with prior voter approval, to levy a county lodging tax for the purpose of advertising and marketing local tourism. The bill eliminates the requirement that the lodging tax be used for advertising and marketing local tourism. If a county already has a lodging tax that is limited to advertising and marketing local tourism, then the county would need prior voter approval to begin using the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

lodging tax revenues for any other purpose. The requirement that election costs be reimbursed from a county lodging tax tourism fund, which will no longer be the sole depository of the county tourism tax revenue, is discontinued.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-11-107.5, **amend**
3 (1), (3)(b)(I), (3)(e), (3)(f)(I), and (4)(a); and **add** (3)(a.5) as follows:

4 **30-11-107.5. Lodging tax.** (1) In accordance with the procedures
5 set forth in this section, the board of county commissioners of each
6 county, ~~for the purpose of advertising and marketing local tourism,~~ may
7 levy a county lodging tax of not more than two percent on the purchase
8 price paid or charged to persons for rooms or accommodations as
9 included in the definition of "sale" in section 39-26-102 (11). ~~C.R.S.~~ No
10 tax shall apply within any municipality levying a lodging tax.

11 (3) (a.5) IF THE VOTERS OF A COUNTY HAVE APPROVED A COUNTY
12 LODGING TAX FOR THE PURPOSE OF ADVERTISING AND MARKETING LOCAL
13 TOURISM, THE BOARD OF COUNTY COMMISSIONERS MAY, BY RESOLUTION,
14 APPROVE A PROPOSAL TO PROSPECTIVELY ALLOW THE EXISTING COUNTY
15 LODGING TAX REVENUES TO BE USED FOR OTHER PURPOSES. THE COUNTY
16 SHALL REFER THE PROPOSAL TO THE REGISTERED ELECTORS OF THE
17 UNINCORPORATED AREAS AND THE MUNICIPALITIES SUBJECT TO THE
18 LODGING TAX AT THE NEXT GENERAL ELECTION.

19 (b) (I) ~~Such~~ A proposal ~~shall~~ FOR A COUNTY LODGING TAX MUST
20 contain a description of the proposed ~~county lodging tax, including its~~
21 ~~purposes, and shall~~ MUST state the amount to be imposed, and ~~shall~~ MUST
22 describe any municipality within the county ~~which~~ THAT has such a tax
23 and which ~~shall~~ IS therefore ~~be~~ excluded from the election proposed in

1 ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION
2 and any resulting lodging tax.

3 (e) Upon the adoption of the resolution by the board of county
4 commissioners approving such county lodging tax proposal IN
5 ACCORDANCE WITH SUBSECTION (3)(a) OR (3)(a.5) OF THIS SECTION, the
6 county clerk and recorder shall publish the text of ~~such county lodging tax~~
7 THE proposal four separate times, a week apart, in a newspaper of general
8 circulation within the county. The cost of the election ~~shall~~ MUST be
9 initially paid out of the general fund of the county. If the county lodging
10 tax is approved PRIOR TO SEPTEMBER 1, 2018, the general fund of the
11 county ~~shall~~ MUST be reimbursed out of the county lodging tax tourism
12 fund described in ~~paragraph (a) of subsection (4)~~ SUBSECTION (4)(a) of
13 this section. The conduct of the election shall conform, so far as
14 practicable, to the general election laws of the state.

15 (f) (I) If A PROPOSAL FOR A COUNTY LODGING TAX IS approved by
16 a majority of the registered electors from the municipality or
17 unincorporated area subject to the lodging tax voting thereon, the county
18 lodging tax ~~shall become~~ BECOMES effective as provided in section
19 29-2-106 (2). ~~C.R.S.~~ IF A PROPOSAL TO EXPAND THE ALLOWABLE USES AS
20 SET FORTH IN SUBSECTION (3)(a.5) OF THIS SECTION IS APPROVED BY A
21 MAJORITY OF THE REGISTERED ELECTORS FROM THE MUNICIPALITY OR
22 UNINCORPORATED AREA SUBJECT TO THE LODGING TAX VOTING THEREON,
23 THE COUNTY MAY USE THE LODGING TAX FOR THE OTHER PURPOSES.

24 (4) (a) THE COUNTY TREASURER SHALL CREDIT all revenue
25 collected from ~~such~~ A county lodging tax THAT IS DEDICATED FOR THE
26 PURPOSE OF ADVERTISING AND MARKETING LOCAL TOURISM, except the
27 amounts retained under subsection (2) of this section, ~~shall be credited to~~

1 a special fund designated as the county lodging tax tourism fund, hereby
2 created. ~~The fund shall be used~~ THE COUNTY SHALL ONLY USE THE MONEY
3 IN THE FUND to advertise and market tourism in accordance with
4 ~~paragraphs (b) and (c) of this subsection (4)~~ SUBSECTIONS (4)(b) AND
5 (4)(c) OF THIS SECTION and to reimburse the general fund of the county
6 for the cost of the election in accordance with ~~paragraph (d) of subsection~~
7 ~~(3)~~ SUBSECTION (3)(e) of this section. ~~No revenue collected from such~~
8 ~~county lodging tax shall be used~~ A COUNTY SHALL NOT USE ANY MONEY
9 IN THE FUND for any capital expenditures, with the exception of tourist
10 information centers.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.