

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-1011.01 Julie Pelegrin x2700

SENATE BILL 22-202

SENATE SPONSORSHIP

Zenzinger and Rankin,

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVIDING STATE MATCHING MONEY FOR PROPERTY**
102 **TAX REVENUE COLLECTED BY SCHOOL DISTRICTS.**

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>.)

Beginning in the 2022-23 budget year, the bill directs the department of education (department) to annually distribute to each eligible school district and each eligible institute charter school an amount of state money as a matching amount to the property tax revenue the eligible district receives from mills levied for additional revenue (override mills). To determine the amount, if any, of state matching money, 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.*

department must calculate for each district:

- The district's maximum number of override mills; and
- The number of override mills the district may be expected to levy toward the district's maximum number of override mills (override mill capacity), based on the district's median household income.

If a district's override mill capacity is less than the maximum number of override mills, the district is eligible to receive matching state money. The department must calculate each eligible district's mill levy match amount as provided in the bill. An institute charter school that is located within an eligible district is eligible to receive a distribution of state money equal to the eligible district's per pupil mill levy match amount multiplied by the institute charter school's pupil enrollment. The department must calculate and distribute in June of each budget year the mill levy match amounts from the mill levy override match fund created in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-54-107.9 as
3 follows:

4 **22-54-107.9. Override mill levy match - calculation -**
5 **distribution - fund created - definitions.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADDITIONAL MILL LEVY REVENUE PER PUPIL AMOUNT" MEANS
8 THE AMOUNT OF AN ELIGIBLE DISTRICT'S ADDITIONAL MILL LEVY REVENUE,
9 AS DEFINED IN SECTION 22-32-108.5, FOR A BUDGET YEAR, DIVIDED BY
10 THE ELIGIBLE DISTRICT'S FUNDED PUPIL COUNT FOR THAT BUDGET YEAR.

11 (b) "APPLICABLE BUDGET YEAR" MEANS THE BUDGET YEAR IN
12 WHICH THE DEPARTMENT DISTRIBUTES MONEY PURSUANT TO THIS SECTION
13 TO A DISTRICT.

14 (c) "APPLICABLE PROPERTY TAX YEAR" MEANS THE PROPERTY TAX
15 YEAR THAT ENDS DURING THE APPLICABLE BUDGET YEAR.

16 (d) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED PURSUANT TO SECTION 24-1-115.

2 (e) "ELIGIBLE DISTRICT" MEANS A DISTRICT FOR WHICH THE
3 OVERRIDE MILL CAPACITY IS LESS THAN THE MAXIMUM NUMBER OF
4 OVERRIDE MILLS CALCULATED FOR THE DISTRICT.

5 (f) "ELIGIBLE INSTITUTE CHARTER SCHOOL" MEANS AN INSTITUTE
6 CHARTER SCHOOL THAT IS LOCATED WITHIN THE GEOGRAPHIC
7 BOUNDARIES OF AN ELIGIBLE DISTRICT.

8 (g) "MAXIMUM NUMBER OF OVERRIDE MILLS" MEANS THE NUMBER
9 OF OVERRIDE MILLS CALCULATED FOR A DISTRICT PURSUANT TO
10 SUBSECTION (3) OF THIS SECTION.

11 (h) "OVERRIDE MILL CAPACITY" MEANS THE NUMBER OF OVERRIDE
12 MILLS CALCULATED PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT
13 A DISTRICT MAY BE EXPECTED TO LEVY TOWARD THE DISTRICT'S MAXIMUM
14 NUMBER OF OVERRIDE MILLS.

15 (i) "OVERRIDE MILL PER PUPIL MATCH AMOUNT" MEANS THE
16 AMOUNT OF THE OVERRIDE MILL MATCH AMOUNT THAT THE DEPARTMENT
17 DISTRIBUTES TO AN ELIGIBLE DISTRICT PURSUANT TO SUBSECTION (5)(a)
18 OF THIS SECTION FOR A BUDGET YEAR, DIVIDED BY THE ELIGIBLE
19 DISTRICT'S FUNDED PUPIL COUNT FOR THAT BUDGET YEAR.

20 (j) "OVERRIDE MILLS" MEANS PROPERTY TAX MILLS THAT A
21 DISTRICT LEVIES PURSUANT TO SECTION 22-54-108.

22 (k) "SMALL RURAL DISTRICT" HAS THE SAME MEANING AS
23 PROVIDED IN SECTION 22-54-108.

24 (l) "TOTAL PROGRAM" MEANS THE AMOUNT OF TOTAL PROGRAM
25 FUNDING FOR A DISTRICT CALCULATED PURSUANT TO SECTION 22-54-104
26 (2) BEFORE APPLICATION OF THE BUDGET STABILIZATION FACTOR.

27 (2) (a) BEGINNING IN THE 2022-23 BUDGET YEAR AND FOR EACH

1 BUDGET YEAR THEREAFTER, THE DEPARTMENT, IN JUNE OF EACH BUDGET
2 YEAR, SHALL CALCULATE AND DISTRIBUTE AS A LUMP SUM TO EACH
3 ELIGIBLE DISTRICT AND EACH ELIGIBLE INSTITUTE CHARTER SCHOOL AN
4 OVERRIDE MILL MATCH AMOUNT AS PROVIDED IN THIS SECTION. THE
5 DEPARTMENT SHALL DISTRIBUTE THE OVERRIDE MILL MATCH AMOUNT
6 FROM MONEY ANNUALLY APPROPRIATED TO THE MILL LEVY OVERRIDE
7 MATCH FUND CREATED IN SUBSECTION (6) OF THIS SECTION. IN A BUDGET
8 YEAR IN WHICH THE GENERAL ASSEMBLY DOES NOT APPROPRIATE A
9 SUFFICIENT AMOUNT TO FULLY FUND THE DISTRIBUTIONS CALCULATED
10 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL REDUCE THE
11 AMOUNT OF EACH ELIGIBLE DISTRICT'S AND EACH ELIGIBLE INSTITUTE
12 CHARTER SCHOOL'S DISTRIBUTION BY THE SAME PERCENTAGE THAT THE
13 DEFICIT BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE
14 DISTRIBUTIONS CALCULATED PURSUANT TO THIS SECTION.

15 (b) THE OVERRIDE MILL MATCH AMOUNT THAT AN ELIGIBLE
16 DISTRICT RECEIVES PURSUANT TO THIS SECTION IS DEEMED TO BE
17 ADDITIONAL MILL LEVY REVENUE THAT IS SUBJECT TO DISTRIBUTION TO
18 THE CHARTER SCHOOLS OF THE DISTRICT IN THE SAME MANNER THAT THE
19 DISTRICT DISTRIBUTES OTHER ADDITIONAL MILL LEVY REVENUE THAT IT
20 COLLECTS TO THE CHARTER SCHOOLS OF THE DISTRICT PURSUANT TO
21 SECTION 22-32-108.5.

22 (3) (a) FOR THE 2022-23 BUDGET YEAR AND FOR EACH BUDGET
23 YEAR THEREAFTER, THE DEPARTMENT SHALL ANNUALLY DETERMINE EACH
24 DISTRICT'S MAXIMUM NUMBER OF OVERRIDE MILLS, WHICH IS EQUAL TO
25 THE NUMBER OF MILLS THAT A DISTRICT MAY LEVY FOR THE APPLICABLE
26 PROPERTY TAX YEAR TO GENERATE PROPERTY TAX REVENUE EQUAL TO
27 TWENTY-FIVE PERCENT, OR THIRTY PERCENT IN THE CASE OF A SMALL

1 RURAL DISTRICT, OF THE DISTRICT'S:

2 (I) TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR, IF TEN
3 PERCENT OR LESS OF THE DISTRICT'S FUNDED PUPIL COUNT FOR THE
4 APPLICABLE BUDGET YEAR IS ATTRIBUTABLE TO THE DISTRICT'S ONLINE
5 PUPIL ENROLLMENT; OR

6 (II) ADJUSTED TOTAL PROGRAM FOR THE APPLICABLE BUDGET
7 YEAR CALCULATED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, IF
8 MORE THAN TEN PERCENT OF THE DISTRICT'S FUNDED PUPIL COUNT FOR
9 THE APPLICABLE BUDGET YEAR IS ATTRIBUTABLE TO THE DISTRICT'S
10 ONLINE PUPIL ENROLLMENT.

11 (b) IF MORE THAN TEN PERCENT OF A DISTRICT'S FUNDED PUPIL
12 COUNT FOR THE APPLICABLE BUDGET YEAR IS ATTRIBUTABLE TO THE
13 DISTRICT'S ONLINE PUPIL ENROLLMENT, THE DEPARTMENT SHALL
14 CALCULATE THE DISTRICT'S ADJUSTED TOTAL PROGRAM AS FOLLOWS:

15 (I) THE DEPARTMENT SHALL REDUCE THE DISTRICT'S ONLINE PUPIL
16 ENROLLMENT IN ACCORDANCE WITH THE FOLLOWING FORMULA:

17 DISTRICT ONLINE PUPIL ENROLLMENT - (((DISTRICT FUNDED PUPIL
18 COUNT - DISTRICT ONLINE PUPIL ENROLLMENT) ÷ .9) X .1)

19 (II) THE DEPARTMENT SHALL SUBTRACT FROM THE DISTRICT'S
20 TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR AN AMOUNT EQUAL
21 TO THE DISTRICT'S REDUCED ONLINE PUPIL ENROLLMENT, CALCULATED
22 PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION, MULTIPLIED BY THE
23 PER PUPIL ONLINE FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR
24 AS DESCRIBED IN SECTION 22-54-104 (4.5)(c)(II), BEFORE APPLICATION OF
25 THE BUDGET STABILIZATION FACTOR.

26 (4) (a) FOR THE 2022-23 BUDGET YEAR AND EACH BUDGET YEAR
27 THEREAFTER, THE DEPARTMENT SHALL IDENTIFY THE FIVE-YEAR AVERAGE

1 MEDIAN HOUSEHOLD INCOME FOR EACH DISTRICT IN THE STATE, REFERRED
2 TO IN THIS SECTION AS THE "AVERAGE MEDIAN INCOME", USING THE
3 INFORMATION REPORTED BY THE UNITED STATES CENSUS BUREAU'S
4 AMERICAN COMMUNITY SURVEY FOR THE APPLICABLE BUDGET YEAR. THE
5 AVERAGE MEDIAN HOUSEHOLD INCOME FOR EACH DISTRICT IN THE STATE,
6 REFERRED TO IN THIS SECTION AS THE "AVERAGE MEDIAN INCOME", BY
7 AVERAGING THE MEDIAN HOUSEHOLD INCOME FOR EACH DISTRICT AS
8 DETERMINED BY THE UNITED STATES CENSUS BUREAU'S AMERICAN
9 COMMUNITY SURVEY FOR THE PRECEDING FIVE CALENDAR YEARS. THE
10 DEPARTMENT SHALL DETERMINE THE AMOUNT OF THE DIFFERENCE
11 BETWEEN THE HIGHEST AVERAGE MEDIAN INCOME AND LOWEST AVERAGE
12 MEDIAN INCOME AMONG ALL DISTRICTS IN THE STATE, REFERRED TO IN
13 THIS SECTION AS THE "MEDIAN INCOME GAP".

14 (b) USING THE AVERAGE MEDIAN INCOME FOR EACH DISTRICT, THE
15 DEPARTMENT SHALL ANNUALLY DETERMINE FOR EACH DISTRICT THE
16 DISTRICT'S OVERRIDE MILL CAPACITY, WHICH IS THE NUMBER OF OVERRIDE
17 MILLS THE DISTRICT MAY BE EXPECTED TO LEVY TOWARD THE DISTRICT'S
18 MAXIMUM NUMBER OF OVERRIDE MILLS, USING THE FOLLOWING FORMULA:

19
$$(((\text{DISTRICT AVERAGE MEDIAN INCOME} - \text{LOWEST DISTRICT}$$

20
$$\text{AVERAGE MEDIAN INCOME}) \div \text{MEDIAN INCOME GAP}) \times 20) + 15$$

21 (5) (a) FOR THE 2022-23 BUDGET YEAR AND EACH BUDGET YEAR
22 THEREAFTER, THE DEPARTMENT SHALL CALCULATE THE STATE MATCH
23 PERCENTAGE FOR EACH ELIGIBLE DISTRICT BY SUBTRACTING THE ELIGIBLE
24 DISTRICT'S OVERRIDE MILL CAPACITY FROM THE ELIGIBLE DISTRICT'S
25 MAXIMUM NUMBER OF OVERRIDE MILLS, THEN DIVIDING THE REMAINDER
26 BY THE ELIGIBLE DISTRICT'S OVERRIDE MILL CAPACITY. THE DEPARTMENT
27 SHALL ANNUALLY DISTRIBUTE TO EACH ELIGIBLE DISTRICT AN OVERRIDE

1 MILL MATCH AMOUNT EQUAL TO THE ELIGIBLE DISTRICT'S STATE MATCH
2 PERCENTAGE MULTIPLIED BY THE AMOUNT OF PROPERTY TAX REVENUE
3 GENERATED BY THE NUMBER OF OVERRIDE MILLS THAT THE ELIGIBLE
4 DISTRICT LEVIES FOR THE APPLICABLE PROPERTY TAX YEAR.

5 (b) FOR THE 2022-23 BUDGET YEAR AND EACH BUDGET YEAR
6 THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE TO EACH ELIGIBLE
7 INSTITUTE CHARTER SCHOOL AN OVERRIDE MILL MATCH AMOUNT EQUAL
8 TO THE OVERRIDE MILL PER PUPIL MATCH AMOUNT FOR THE ELIGIBLE
9 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT MULTIPLIED BY THE
10 ELIGIBLE INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE
11 APPLICABLE BUDGET YEAR; EXCEPT THAT THE DEPARTMENT SHALL
12 ENSURE THAT THE TOTAL PER PUPIL AMOUNT DISTRIBUTED TO AN ELIGIBLE
13 INSTITUTE CHARTER SCHOOL PURSUANT TO THIS SECTION AND SECTION
14 22-30.5-513.1 IN A SINGLE BUDGET YEAR DOES NOT EXCEED THE
15 COMBINED TOTAL OF THE ADDITIONAL MILL LEVY REVENUE PER PUPIL
16 AMOUNT AND OVERRIDE MILL PER PUPIL MATCH AMOUNT OF THE ELIGIBLE
17 INSTITUTE CHARTER SCHOOL'S ACCOUNTING DISTRICT FOR THE APPLICABLE
18 BUDGET YEAR.

19 (6) THE MILL LEVY OVERRIDE MATCH FUND IS CREATED IN THE
20 STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED OR
21 TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY. THE STATE
22 TREASURER SHALL CREDIT TO THE FUND ALL INTEREST AND INCOME
23 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND.
24 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, FOR
25 THE 2022-23 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE
26 DEPARTMENT SHALL DISTRIBUTE MONEY FROM THE FUND AS DESCRIBED
27 IN THIS SECTION. IN ADDITION, THE DEPARTMENT MAY EXPEND A PORTION

1 OF THE AMOUNT APPROPRIATED FROM THE FUND TO PAY THE DIRECT
2 COSTS THAT THE DEPARTMENT INCURS IN IMPLEMENTING THIS SECTION.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.