

## CHAPTER 70

---

**GOVERNMENT - STATE**

---

**HOUSE BILL 98-1150**

BY REPRESENTATIVES Epps, Lawrence, Mace, and Morrison;  
also SENATOR Powers.

**AN ACT**

CONCERNING THE TAXING AUTHORITY OF SCHOOL DISTRICTS TO SUPPORT SCHOOL LIBRARIES WHICH ARE SUPPORTED BY TAXES LEVIED PRIOR TO THE ENACTMENT OF THE "COLORADO LIBRARY LAW".

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

**SECTION 1. Legislative declaration.** The general assembly hereby declares that its purpose in enacting this act is to clarify that school districts that, with or without approval by the electors of the school district, began levying a tax to support school libraries before the enactment of the "Colorado Library Law" have been and shall continue to be authorized to levy a tax to support such libraries.

**SECTION 2.** 24-90-109 (4), Colorado Revised Statutes, is amended to read:

**24-90-109. Powers and duties of board of trustees.** (4) In addition to the powers and duties of a board of trustees specified in subsection (1) of this section, the board of trustees of a SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY, municipal LIBRARY, ~~or~~ county library, or a library district shall have the authority to request of the BOARD OF EDUCATION IN THE CASE OF A SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY, THE legislative body of the city or town in the case of a municipal library, or the board of county commissioners in the case of a county library or library district that an election be held to alter the maximum tax levied to support the SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY, municipal LIBRARY, ~~or~~ county library, or library district pursuant to section 24-90-112 (1) (b) (III). FOR PURPOSES OF THIS SUBSECTION (4), "SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY" MEANS ANY LIBRARY SOLELY ESTABLISHED AND MAINTAINED BY A SCHOOL DISTRICT FOR WHICH SUCH SCHOOL DISTRICT BEGAN LEVYING A TAX BEFORE THE ENACTMENT OF THE "COLORADO LIBRARY LAW" ON JULY 1, 1979. FOR ALL OTHER PURPOSES UNDER THIS ARTICLE, A SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY SHALL BE DEEMED A PUBLIC LIBRARY.

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** 24-90-112 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-90-112. Tax support - elections.** (1) (a) (V) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT BEGAN LEVYING A TAX FOR THE OPERATION AND MAINTENANCE OF A SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY BEFORE THE ENACTMENT OF THE "COLORADO LIBRARY LAW" ON JULY 1, 1979, IS AUTHORIZED TO CONTINUE TO LEVY SUCH TAX FOR SAID PURPOSES, SUBJECT TO THE LIMITATIONS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (1).

**SECTION 4.** 24-90-112 (1) (b) (I), (1) (b) (III), and (1) (b) (IV), Colorado Revised Statutes, are amended to read:

**24-90-112. Tax support - elections.** (1) (b) (I) (A) EXCEPT AS OTHERWISE PROVIDED UNDER SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) the legislative body for the specified governmental unit shall submit, after notice, the question of any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors for the establishment, operation, and maintenance of public libraries to a vote of the registered electors residing in the unit or that portion of a library district within the unit, as the case may be, at the next general election on the first Tuesday in November of odd-numbered years or on the unit's biennial election date.

(B) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL SUBMIT, AFTER NOTICE, THE QUESTION OF ANY AMOUNT OF TAX LEVY NOT PREVIOUSLY ESTABLISHED BY RESOLUTION FOR THE OPERATION AND MAINTENANCE OF SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARIES TO A VOTE OF THE REGISTERED ELECTORS RESIDING IN THE SCHOOL DISTRICT AT THE NEXT GENERAL ELECTION ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS OR ON THE SCHOOL DISTRICT'S BIENNIAL ELECTION DATE. FOR PURPOSES OF THIS SUBSECTION (1), "SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY" MEANS ANY LIBRARY SOLELY ESTABLISHED AND MAINTAINED BY A SCHOOL DISTRICT FOR WHICH SUCH SCHOOL DISTRICT BEGAN LEVYING A TAX BEFORE THE ENACTMENT OF THE "COLORADO LIBRARY LAW" ON JULY 1, 1979.

(III) Notwithstanding the authorization contained in paragraph (a) of this subsection (1) and in addition to the provisions of subparagraph (I) of this paragraph (b), upon request of the board of trustees of the municipal or county library or the library district, or upon resolution of the legislative body of the city or town by its own initiative in the case of a municipal library, OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT BY ITS OWN INITIATIVE IN THE CASE OF A SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY, or of the board of county commissioners by its own initiative in the case of a county library or library district, the legislative body of the city or town, THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT, or the board of county commissioners shall submit to a vote of the registered electors residing within the library service area a proposition containing the desired maximum tax levy specified in the request or resolution.

(IV) Following a vote by the people in which a maximum mill levy has been set for the support of a municipal or county library or a library district, such levy shall

remain in effect, subject to the requirements of section 29-1-301, C.R.S., until the people have established by subsequent vote pursuant to the provisions of this section a change in the levy. FOR A SCHOOL DISTRICT THAT BEGAN LEVYING A TAX FOR THE OPERATION AND MAINTENANCE OF A SCHOOL DISTRICT SUPPORTED PUBLIC LIBRARY BEFORE THE ENACTMENT OF THE "COLORADO LIBRARY LAW" ON JULY 1, 1979, SUCH MILL LEVY SHALL REMAIN IN EFFECT UNTIL THE PEOPLE HAVE ESTABLISHED, BY SUBSEQUENT VOTE PURSUANT TO THE PROVISIONS OF THIS SECTION, A CHANGE IN THE LEVY.

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

Approved: April 6, 1998