

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0128.04 Julie Pelegrin x2700

HOUSE BILL 21-1164

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HOUSE SPONSORSHIP

Esgar and Garnett,

SENATE SPONSORSHIP

Zenzinger and Fenberg,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REDUCTIONS IN THE PROPERTY TAX CREDITS THAT  
102 APPLY TO SCHOOL DISTRICTS' TOTAL PROGRAM MILL LEVIES  
103 FOR PURPOSES OF FUNDING THE "PUBLIC SCHOOL FINANCE ACT  
104 OF 1994".

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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>.)*

For the 2020 property tax year, the existing statute corrects the total program mill levies for school districts that are not subject to constitutional property tax revenue restrictions but whose mill levies were

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.

erroneously reduced. Each school district that levies a higher number of mills as a result of the correction must grant a tax credit for the number of mills by which the levy is increased.

The bill requires the department of education to adopt a correction schedule to begin phasing out the tax credits in the 2021 property tax year. The correction schedule must apply consistently to each affected school district; must require each district's tax credit to phase out as quickly as possible, but by no more than one mill per year; and must ensure that the tax credits are fully phased out in 19 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-54-106, **amend**  
3 (2.1)(a) and (2.1)(d) as follows:

4 **22-54-106. Local and state shares of district total program -**  
5 **legislative declaration - definition - repeal.** (2.1) (a) (I) The general  
6 assembly finds that, for property tax years 1994 through 2006, subsection  
7 (2)(a)(III) of this section, as it existed before May 9, 2007, was wrongly  
8 interpreted and applied to reduce several districts' property tax mill levies  
9 to the number of mills that a district could levy under the property tax  
10 revenue limitation imposed by section 20 of article X of the state  
11 constitution, even though the district had obtained voter approval to retain  
12 and spend revenue in excess of that property tax revenue limitation. The  
13 general assembly finds, therefore, that the reductions in district mill levies  
14 for property tax years 1994 through 2006 were not authorized by statute  
15 and are void for purposes of determining a district's correct mill levy  
16 pursuant to this subsection (2.1) for the 2020 property tax year and  
17 property tax years thereafter, and the determination and levy of the correct  
18 number of mills that a district is required to levy pursuant to this  
19 subsection (2.1) does not require action by the district other than to certify  
20 the mill levy.

1           (II) THE GENERAL ASSEMBLY FURTHER FINDS THAT IMMEDIATELY  
2 CORRECTING THE UNAUTHORIZED REDUCTIONS IN MILL LEVIES BY  
3 RESTORING THE DISTRICT TOTAL PROGRAM MILL LEVIES TO THE CORRECT  
4 NUMBERS OF MILLS WITHOUT AWARDING A PROPERTY TAX CREDIT WOULD  
5 WORK AN UNACCEPTABLE HARDSHIP ON DISTRICT TAXPAYERS. THE  
6 GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO  
7 CORRECT THE UNAUTHORIZED REDUCTIONS IN MILL LEVIES BY REQUIRING  
8 THE DEPARTMENT OF EDUCATION TO ADOPT A CORRECTION SCHEDULE BY  
9 WHICH DISTRICTS MUST REDUCE THE PROPERTY TAX CREDIT AWARDED  
10 PURSUANT TO SUBSECTION (2.1)(d) OF THIS SECTION AND THEREBY GIVE  
11 FULL EFFECT TO THE RESTORATION OF THE CORRECT NUMBER OF MILLS.

12           (d) (I) ~~In a property tax year in which~~ FOR THE 2020 PROPERTY  
13 TAX YEAR, IF A DISTRICT, PURSUANT TO THIS SUBSECTION (2.1), IS REQUIRED TO  
14 LEVY A GREATER NUMBER OF MILLS THAN IT LEVIED IN THE 2019 PROPERTY TAX YEAR,  
15 THE DISTRICT BOARD OF EDUCATION BY RESOLUTION SHALL GRANT A TEMPORARY  
16 PROPERTY TAX CREDIT EQUAL TO THE NUMBER OF MILLS LEVIED IN THE APPLICABLE  
17 PROPERTY TAX YEAR THAT EXCEEDS THE NUMBER OF MILLS LEVIED IN THE 2019  
18 PROPERTY TAX YEAR.

19           (II) BEGINNING IN THE 2021 PROPERTY TAX YEAR AND FOR EACH  
20 PROPERTY TAX YEAR THEREAFTER THROUGH THE 2039 PROPERTY TAX  
21 YEAR, IF A DISTRICT, PURSUANT TO SUBSECTION (2.1)(c) OF THIS SECTION,  
22 IS REQUIRED TO LEVY A GREATER NUMBER OF MILLS THAN IT LEVIED IN  
23 THE 2019 PROPERTY TAX YEAR, THE SCHOOL DISTRICT BOARD OF  
24 EDUCATION SHALL GRANT A TEMPORARY PROPERTY TAX CREDIT EQUAL TO  
25 THE NUMBER OF MILLS REQUIRED FOR THE APPLICABLE PROPERTY TAX  
26 YEAR BY THE CORRECTION SCHEDULE ADOPTED BY THE DEPARTMENT OF  
27 EDUCATION PURSUANT TO SUBSECTION (2.1)(d)(III) OF THIS SECTION.

1           (III) THE DEPARTMENT OF EDUCATION SHALL ADOPT A  
2 CORRECTION SCHEDULE TO INCREMENTALLY REDUCE THE TEMPORARY  
3 PROPERTY TAX CREDITS REQUIRED IN THIS SUBSECTION (2.1)(d)  
4 BEGINNING IN THE 2021 PROPERTY TAX YEAR. THE CORRECTION SCHEDULE  
5 MUST APPLY IN THE SAME MANNER TO EACH DISTRICT AND MUST ENSURE  
6 THAT:

7           (A) EACH DISTRICT IS REQUIRED TO REDUCE ITS TEMPORARY  
8 PROPERTY TAX CREDIT AS QUICKLY AS POSSIBLE BUT BY NO MORE THAN  
9 ONE MILL EACH PROPERTY TAX YEAR; AND

10           (B) BY THE 2040 PROPERTY TAX YEAR, EACH DISTRICT IS LEVYING  
11 THE NUMBER OF MILLS REQUIRED IN SUBSECTION (2.1)(c) OF THIS SECTION  
12 WITHOUT GRANTING A TEMPORARY PROPERTY TAX CREDIT.

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