

CHAPTER 346

TAXATION

HOUSE BILL 08-1395

BY REPRESENTATIVE(S) Marostica, Carroll T., Ferrandino, Gardner B., Gardner C., Hodge, Kerr J., King, Looper, Lundberg, Marshall, Massey, May M., McFadyen, McNulty, Mitchell V., Riesberg, Roberts, Rose, Sonnenberg, Stephens, Summers, Swalm, Vaad, White, Witwer, Garza-Hicks, Stafford, and Soper;
also SENATOR(S) Windels, Bacon, Penry, Gibbs, Mitchell S., Schultheis, Tupa, and Ward.

AN ACT

CONCERNING A PROPERTY TAX EXEMPTION FOR CERTAIN PROPERTY LEASED BY GOVERNMENTAL ENTITIES THAT USE THE PROPERTY FOR GOVERNMENTAL PURPOSES.

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

SECTION 1. 39-3-124 (1), Colorado Revised Statutes, is amended to read:

39-3-124. Property used by governmental entity - installment sales or lease agreement - lease-purchase or leveraged lease agreement - exemption.

(1) (a) Property, real and personal, ~~which~~ THAT is used by the state or any of its political subdivisions pursuant to the provisions of any installment sales agreement, lease-purchase agreement, or any other agreement whereby the state or such political subdivision shall be entitled to acquire title to such property at the end of the agreement term without cost or for only nominal consideration shall be exempt from the levy and collection of property tax.

(b) (I) ON AND AFTER JANUARY 1, 2009, THE PART OF REAL PROPERTY THAT IS USED BY THE STATE, A POLITICAL SUBDIVISION, OR A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE PROVISIONS OF ANY LEASE OR RENTAL AGREEMENT FOR AT LEAST A ONE-YEAR TERM, WITH OR WITHOUT AN OPTION TO PURCHASE, AND PURSUANT TO WHICH THE SUBJECT REAL PROPERTY IS USED FOR PURPOSES OF THE STATE, POLITICAL SUBDIVISION, OR INSTITUTION OF HIGHER EDUCATION, AS APPLICABLE, SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX. IF THE STATE OR ANY POLITICAL SUBDIVISION OR STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION ENTERS INTO A LEASE OR RENTAL AGREEMENT OR IS ALREADY IN A LEASE OR RENTAL AGREEMENT ON OR AFTER JANUARY 1, 2009, AND IS EXEMPT FROM THE LEVY AND COLLECTION OF

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

PROPERTY TAX PURSUANT TO THIS SECTION, THE STATE, POLITICAL SUBDIVISION, OR STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION, AS APPLICABLE, SHALL FILE A COPY OF THE LEASE OR RENTAL AGREEMENT WITH THE COUNTY ASSESSOR'S OFFICE. THE STATE OR A POLITICAL SUBDIVISION OR INSTITUTION OF HIGHER EDUCATION SHALL NOTIFY THE COUNTY ASSESSOR'S OFFICE IN THE EVENT THAT THE LEASE OR RENTAL AGREEMENT IS TERMINATED PRIOR TO THE TERM STATED IN SUCH LEASE OR RENTAL AGREEMENT. NOTHING IN THIS PARAGRAPH (b) SHALL AFFECT PROPERTY TAX EXEMPTIONS ALLOWED PURSUANT TO SECTION 8-82-104, 22-32-127, 29-4-227, 30-11-104.2, 31-15-802, OR 43-1-214, C.R.S.

(II) FOR PURPOSES OF THIS PARAGRAPH (b), "STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION" INCLUDES, BUT NEED NOT BE LIMITED TO, ALL POSTSECONDARY INSTITUTIONS IN THE STATE SUPPORTED IN WHOLE OR IN PART BY STATE FUNDS, INCLUDING JUNIOR COLLEGES AND COMMUNITY COLLEGES, EXTENSION PROGRAMS OF THE STATE-SUPPORTED UNIVERSITIES AND COLLEGES, LOCAL DISTRICT COLLEGES, AREA VOCATIONAL SCHOOLS, AND THE INSTITUTIONS GOVERNED BY THE REGENTS OF THE UNIVERSITY OF COLORADO.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 29, 2008