

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0644.01 Bob Lackner

HOUSE BILL 10-1157

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION FOR COUNTY GOVERNMENTS TO**
102 **OBTAIN VOTER APPROVAL TO LEVY SPECIFIED TAXES FOR THE**
103 **PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO SPECIFIED**
104 **INSTITUTIONS OF HIGHER EDUCATION WITHIN THEIR**
105 **TERRITORIAL BOUNDARIES THAT ARE NOT UNIVERSITIES.**

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://www.leg.state.co.us/billsummaries>.)

Upon the passage of a resolution by the board of a state college

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

that has its main campus located within the territorial boundaries of a particular county to place a question before the electors of the county, the bill authorizes the board of county commissioners, by resolution or ordinance, to submit to a vote of the registered electors residing within the territorial boundaries of the county the question of whether the county shall be authorized to impose either an ad valorem tax upon the valuation of assessment of all taxable property within the county or a sales tax to support the state college.

Upon the passage of a resolution by the state board for community colleges and occupational education (state board) acting on behalf of a community college that has its main campus located within the territorial boundaries of a particular county, the bill authorizes the board of county commissioners, by resolution or ordinance, to submit to a vote of the registered electors residing within the territorial boundaries of the county the question of whether the county shall be authorized to impose either an ad valorem tax upon the valuation of assessment of all taxable property within the county or a sales tax to support the community college.

The bill requires a county government to first obtain the consent of the governing body of the state college or state board, as applicable, prior to placing any question on the ballot seeking voter approval for the imposition or increase of a sales or ad valorem tax. The bill precludes the county from imposing the tax in order to raise moneys on behalf of a university.

The bill specifies requirements concerning the ballot question, the levying and collection of the sales and ad valorem taxes, and the distribution of the revenues collected from the taxes. The bill further specifies the permissible uses of revenue collected from the sales or ad valorem taxes under the act.

The bill requires any determination about the use of tax revenues collected on behalf of any particular state college or community college to be made in consultation with the county and the governing body of the state college or the state board, as applicable. The bill prohibits any tax revenues from being expended without the prior consent of the governing body of the state college or state board.

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

2 **SECTION 1.** Part 1 of article 11 of title 30, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **30-11-126. County sales or ad valorem tax to benefit state**

1 **colleges and community colleges - legislative declaration - definitions.**

2 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
3 THAT:

4 (a) STATE COLLEGES AND COMMUNITY COLLEGES PLAY A
5 SIGNIFICANT ROLE IN PROVIDING RESIDENTS OF THE STATE WITH THE
6 OPPORTUNITY TO MATRICULATE AT AN INSTITUTION OF HIGHER
7 EDUCATION;

8 (b) STATE COLLEGES AND COMMUNITY COLLEGES NOT ONLY
9 PROVIDE THEIR RESIDENT POPULATIONS AND OTHER RESIDENTS OF THE
10 STATE WITH AN OPPORTUNITY TO OBTAIN A COLLEGE DEGREE, BUT ALSO
11 SERVE AS GENERATORS OF ECONOMIC DEVELOPMENT AND JOB GROWTH
12 WITHIN THEIR COMMUNITIES AND STATEWIDE;

13 (c) THE FINANCIAL RESOURCES OF SUCH INSTITUTIONS ARE
14 INCREASINGLY STRAINED, ADVERSELY AFFECTING THE ABILITY OF SUCH
15 INSTITUTIONS TO ACHIEVE THEIR MISSION;

16 (d) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS
17 TO EASE THE FINANCIAL STRAIN ON STATE COLLEGES AND COMMUNITY
18 COLLEGES BY ALLOWING COUNTY GOVERNMENTS TO PLACE BEFORE THE
19 VOTERS THE QUESTION OF WHETHER THE COUNTY SHALL LEVY A SALES OR
20 AD VALOREM TAX ON BEHALF OF A STATE COLLEGE OR COMMUNITY
21 COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE TERRITORIAL
22 BOUNDARIES OF THE COUNTY. AS A RESULT, THESE INSTITUTIONS WILL
23 GAIN FROM ALTERNATE SOURCES OF FUNDING THAT HAVE BEEN APPROVED
24 BY THE VOTERS AT THE LOCAL LEVEL.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
26 REQUIRES:

27 (a) "COMMUNITY COLLEGE" MEANS ANY COMMUNITY TECHNICAL

1 COLLEGE UNDER THE CONTROL OF THE STATE BOARD. SUCH INSTITUTIONS
2 INCLUDE THOSE LISTED IN SECTION 23-60-205, C.R.S.

3 (b) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY.

4 (c) "STATE BOARD" MEANS THE STATE BOARD FOR COMMUNITY
5 COLLEGES AND OCCUPATIONAL EDUCATION CREATED IN SECTION
6 23-60-104 (1) (b), C.R.S.

7 (d) "STATE COLLEGE" MEANS ANY ONE OR MORE OF THE
8 FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

9 (I) ADAMS STATE COLLEGE, ESTABLISHED IN SECTION 23-51-101,
10 C.R.S.;

11 (II) FORT LEWIS COLLEGE, ESTABLISHED IN SECTION 23-52-101,
12 C.R.S.;

13 (III) MESA STATE COLLEGE, ESTABLISHED IN SECTION 23-53-101,
14 C.R.S.;

15 (IV) METROPOLITAN STATE COLLEGE OF DENVER, ESTABLISHED
16 IN SECTION 23-54-101, C.R.S.; AND

17 (V) WESTERN STATE COLLEGE OF COLORADO, ESTABLISHED IN
18 SECTION 23-56-101, C.R.S.

19 (e) "UNIVERSITY" MEANS AN INSTITUTION OF HIGHER EDUCATION
20 AND RESEARCH THAT GRANTS ACADEMIC DEGREES AT ALL LEVELS IN A
21 VARIETY OF SUBJECTS.

22 (3) (a) (I) UPON THE PASSAGE OF A RESOLUTION BY THE
23 GOVERNING BOARD OF A STATE COLLEGE THAT HAS ITS MAIN CAMPUS
24 LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF A PARTICULAR
25 COUNTY REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO PLACE
26 THE QUESTION BEFORE THE ELECTORS OF THE COUNTY, THE BOARD OF
27 COUNTY COMMISSIONERS, BY RESOLUTION OR ORDINANCE, MAY SUBMIT

1 TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE
2 TERRITORIAL BOUNDARIES OF THE COUNTY THE QUESTION OF WHETHER
3 THE COUNTY SHALL BE AUTHORIZED TO IMPOSE EITHER AN AD VALOREM
4 TAX UPON THE VALUATION OF ASSESSMENT OF ALL TAXABLE PROPERTY
5 WITHIN THE COUNTY OR A SALES TAX TO SUPPORT THE STATE COLLEGE IN
6 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

7 (II) UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD
8 ACTING ON BEHALF OF A COMMUNITY COLLEGE THAT HAS ITS MAIN
9 CAMPUS LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF A
10 PARTICULAR COUNTY REQUESTING THE BOARD OF COUNTY
11 COMMISSIONERS TO PLACE THE QUESTION BEFORE THE ELECTORS OF THE
12 COUNTY, THE BOARD OF COUNTY COMMISSIONERS, BY RESOLUTION OR
13 ORDINANCE, MAY SUBMIT TO A VOTE OF THE REGISTERED ELECTORS
14 RESIDING WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY THE
15 QUESTION OF WHETHER THE COUNTY SHALL BE AUTHORIZED TO IMPOSE
16 EITHER AN AD VALOREM TAX UPON THE VALUATION OF ASSESSMENT OF
17 ALL TAXABLE PROPERTY WITHIN THE COUNTY OR A SALES TAX TO SUPPORT
18 THE COMMUNITY COLLEGE IN ACCORDANCE WITH THE REQUIREMENTS OF
19 THIS SECTION.

20 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
21 A COUNTY MAY ONLY IMPOSE THE TAX AUTHORIZED BY SUBPARAGRAPH
22 (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) IN ORDER TO RAISE
23 MONEYS ON BEHALF OF A STATE COLLEGE OR A COMMUNITY COLLEGE
24 THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE COUNTY'S TERRITORIAL
25 BOUNDARIES. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
26 AUTHORIZE A COUNTY TO IMPOSE THE TAX AUTHORIZED BY
27 SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) IN

1 ORDER TO RAISE MONEYS ON BEHALF OF A UNIVERSITY, REGARDLESS OF
2 WHETHER THE MAIN CAMPUS OF THE UNIVERSITY IS LOCATED WITHIN THE
3 TERRITORIAL BOUNDARIES OF THE COUNTY.

4 (c) UPON PASSAGE OF A RESOLUTION BY THE BOARD OF COUNTY
5 COMMISSIONERS, THE QUESTION AUTHORIZED BY SUBPARAGRAPH (I) OR
6 (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE SUBMITTED TO
7 THE REGISTERED ELECTORS OF THE COUNTY AT AN ELECTION HELD IN
8 ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE
9 CONSTITUTION AND TITLE 1, C.R.S. THE QUESTION SHALL CONTAIN A
10 DESCRIPTION OF THE TAX, INCLUDING THE USE OF THE MONEYS LEVIED
11 AND COLLECTED, AND SHALL FURTHER STATE THE AMOUNT OF THE TAX TO
12 BE IMPOSED. IF A MAJORITY OF THE VOTES CAST AT ANY SUCH ELECTION
13 ARE IN FAVOR OF THE QUESTION, THE COUNTY SHALL BE AUTHORIZED TO
14 LEVY THE TAX UP TO THE MAXIMUM AMOUNT OF THE LEVY SPECIFIED IN
15 THE RESOLUTION AS WELL AS IN THE QUESTION SUBMITTED TO THE
16 ELECTORS.

17 (d) ANY TAXES LEVIED AND COLLECTED IN ACCORDANCE WITH THE
18 REQUIREMENTS OF THIS SECTION SHALL BE DISTRIBUTED BY THE COUNTY
19 TREASURER TO A STATE COLLEGE OR COMMUNITY COLLEGE IN
20 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (9) OF THIS SECTION.

21 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

22 (a) A BALLOT QUESTION SEEKING THE IMPOSITION OF OR AN
23 INCREASE IN AN AD VALOREM OR SALES TAX ON BEHALF OF A STATE
24 COLLEGE OR COMMUNITY COLLEGE PURSUANT TO THIS SECTION MAY ONLY
25 BE LEVIED BY A COUNTY UPON THE PASSAGE OF A RESOLUTION BY THE
26 GOVERNING BODY OF A STATE COLLEGE OR THE STATE BOARD, AS
27 APPLICABLE, REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO

1 PLACE THE QUESTION BEFORE THE REGISTERED ELECTORS OF THE COUNTY;

2 (b) ANY AD VALOREM OR SALES TAX LEVIED PURSUANT TO THIS
3 SECTION MAY ONLY BE LEVIED AND COLLECTED ON BEHALF OF A STATE
4 COLLEGE OR COMMUNITY COLLEGE IN ACCORDANCE WITH THE
5 REQUIREMENTS OF THIS SECTION; AND

6 (c) A COUNTY GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF
7 THE GOVERNING BODY OF THE STATE COLLEGE OR THE STATE BOARD, AS
8 APPLICABLE, PRIOR TO PLACING ANY QUESTION ON THE BALLOT SEEKING
9 VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF A SALES OR AD
10 VALOREM TAX PURSUANT TO THIS SECTION.

11 (5) ANY AD VALOREM TAX APPROVED BY THE VOTERS IN
12 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL BE IN
13 ADDITION TO ANY OTHER AD VALOREM TAX IMPOSED PURSUANT TO LAW.

14 (6) (a) IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THIS
15 SECTION, THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY MAY
16 LEVY A SALES TAX FOR THE PURPOSES SPECIFIED IN THIS SECTION OF NOT
17 MORE THAN ONE-HALF OF ONE PERCENT ON THE SALE OF TANGIBLE
18 PERSONAL PROPERTY OF RETAIL AND SERVICES TAXABLE IN SUCH COUNTY
19 PURSUANT TO THE PROVISIONS OF SECTION 39-26-104, C.R.S. ALL NET
20 REVENUES COLLECTED BY A COUNTY AFTER THE PAYMENT OF THE COSTS
21 OF COLLECTION, ADMINISTRATION, AND ENFORCEMENT TO THE
22 DEPARTMENT OF REVENUE IN ACCORDANCE WITH PARAGRAPH (b) OF THIS
23 SUBSECTION (6) SHALL BE USED EXCLUSIVELY FOR THE PURPOSES
24 SPECIFIED IN SUBSECTION (7) OF THIS SECTION.

25 (b) ANY COUNTY SALES TAX SHALL BE COLLECTED,
26 ADMINISTERED, AND ENFORCED, TO THE EXTENT FEASIBLE, PURSUANT TO
27 SECTION 29-2-106, C.R.S.

1 (7) THE STATE COLLEGE OR COMMUNITY COLLEGE MAY USE THE
2 REVENUE COLLECTED PURSUANT TO SUBPARAGRAPH (I) OR (II) OF
3 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION TO:

4 (a) ASSIST RESIDENTS OF THE COUNTY IN DEFRAYING TUITION
5 EXPENSES ASSOCIATED WITH ATTENDING A STATE COLLEGE OR
6 COMMUNITY COLLEGE;

7 (b) PROVIDE SUPPLEMENTAL FUNDING IN CONNECTION WITH THE
8 OPERATING COSTS OF CURRENT OR FUTURE PROGRAMS OFFERED BY A
9 STATE COLLEGE OR COMMUNITY COLLEGE;

10 (c) CONSTRUCT NEW OR RENOVATE EXISTING STATE COLLEGE OR
11 COMMUNITY COLLEGE FACILITIES;

12 (d) PROVIDE CAPITAL FUNDING FOR TECHNOLOGY ENHANCEMENT
13 AND SUPPLEMENTAL EQUIPMENT FOR THE STATE COLLEGE OR COMMUNITY
14 COLLEGE; AND

15 (e) UNDERTAKE SUCH ADDITIONAL USES OF THE REVENUE
16 RECEIVED AS MAY BE JOINTLY AGREED UPON BY THE COUNTY AND THE
17 GOVERNING BODY OF THE STATE COLLEGE OR THE STATE BOARD, AS
18 APPLICABLE, BY MEANS OF AN INTERGOVERNMENTAL AGREEMENT, INTO
19 WHICH AGREEMENT THE PARTIES ARE HEREBY AUTHORIZED TO ENTER.

20 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
21 ANY DETERMINATION ABOUT THE USE OF TAX REVENUES COLLECTED
22 PURSUANT TO THIS SECTION ON BEHALF OF ANY PARTICULAR STATE
23 COLLEGE OR COMMUNITY COLLEGE SHALL BE MADE IN CONSULTATION
24 WITH THE COUNTY AND THE GOVERNING BODY OF THE STATE COLLEGE OR
25 THE STATE BOARD, AS APPLICABLE. NO REVENUES SHALL BE EXPENDED
26 PURSUANT TO THIS SECTION WITHOUT THE PRIOR CONSENT OF THE
27 GOVERNING BODY OF THE STATE COLLEGE OR THE STATE BOARD.

1 (9) THE COUNTY TREASURER SHALL COLLECT AND ENFORCE THE
2 TAXES AUTHORIZED BY SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF
3 SUBSECTION (3) OF THIS SECTION AT THE TIME AND IN THE FORM AND
4 MANNER AND WITH LIKE INTEREST AND PENALTIES AS OTHER TAXES ARE
5 COLLECTED AND, WHEN COLLECTED, SHALL PAY THE SAME TO THE STATE
6 COLLEGE OR COMMUNITY COLLEGE. THE PAYMENT OF SUCH COLLECTIONS
7 SHALL BE MADE MONTHLY TO THE TREASURER OF THE STATE COLLEGE OR
8 COMMUNITY COLLEGE AND PAID INTO THE DEPOSITORY OF THE STATE
9 COLLEGE OR COMMUNITY COLLEGE TO THE CREDIT OF THE INSTITUTION.

10 (10) INSOFAR AS A PARTICULAR STATE COLLEGE OR COMMUNITY
11 COLLEGE, OR ANY AUXILIARY FACILITY OF SUCH INSTITUTION, HAS BEEN
12 DESIGNATED AS AN ENTERPRISE IN ACCORDANCE WITH THE REQUIREMENTS
13 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION
14 23-5-101.5 OR 23-5-101.7, C.R.S., AND, IN ORDER FOR THE INSTITUTION
15 TO PRESERVE SUCH DESIGNATION, ELECTS NOT TO ACCEPT THE FULL
16 AMOUNT OF ANY DISTRIBUTION OF TAX LEVIED AND COLLECTED ON ITS
17 BEHALF, THE EXCESS OF ANY SUCH TAXES SHALL BE REFUNDED BY THE
18 COUNTY TREASURER AS PROVIDED BY LAW.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part shall not take effect
26 unless approved by the people at the general election to be held in

1 November 2010 and shall take effect on the date of the official
2 declaration of the vote thereon by the governor.