A BILL FOR AN ACT

CONCERNING THE AUTHORIZATION FOR COUNTY GOVERNMENTS TO OBTAIN VOTER APPROVAL TO LEVY SPECIFIED TAXES FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO SPECIFIED INSTITUTIONS OF HIGHER EDUCATION WITHIN THEIR 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
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.

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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
colleges and community colleges - legislative declaration - definitions.

(1) The general assembly hereby finds, determines, and declares that:

(a) State colleges and community colleges play a significant role in providing residents of the state with the opportunity to matriculate at an institution of higher education;

(b) State colleges and community colleges not only provide their resident populations and other residents of the state with an opportunity to obtain a college degree, but also serve as generators of economic development and job growth within their communities and statewide;

(c) The financial resources of such institutions are increasingly strained, adversely affecting the ability of such institutions to achieve their mission;

(d) By enacting this section, the general assembly intends to ease the financial strain on state colleges and community colleges by allowing county governments to place before the voters the question of whether the county shall levy a sales or ad valorem tax on behalf of a state college or community college that has its main campus located within the territorial boundaries of the county. As a result, these institutions will gain from alternate sources of funding that have been approved by the voters at the local level.

(2) As used in this section, unless the context otherwise requires:

(a) "Community college" means any community technical
COLLEGE UNDER THE CONTROL OF THE STATE BOARD. SUCH INSTITUTIONS INCLUDE THOSE LISTED IN SECTION 23-60-205, C.R.S.

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

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

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

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

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

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

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

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

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

(3) (a) (I) UPON THE PASSAGE OF A RESOLUTION BY THE GOVERNING BOARD OF A STATE COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF A PARTICULAR COUNTY REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO PLACE THE QUESTION BEFORE THE ELECTORS OF THE COUNTY, THE BOARD OF COUNTY COMMISSIONERS, BY RESOLUTION OR ORDINANCE, MAY 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 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(II) UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD ACTING ON BEHALF OF A COMMUNITY COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF A PARTICULAR COUNTY REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO PLACE THE QUESTION BEFORE THE ELECTORS OF THE COUNTY, THE BOARD OF COUNTY COMMISSIONERS, BY RESOLUTION OR ORDINANCE, MAY 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 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COUNTY MAY ONLY IMPOSE THE TAX AUTHORIZED BY SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) IN ORDER TO RAISE MONEYS ON BEHALF OF A STATE COLLEGE OR A COMMUNITY COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE COUNTY’S TERRITORIAL BOUNDARIES. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE A COUNTY TO IMPOSE THE TAX AUTHORIZED BY SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) IN
ORDER TO RAISE MONEYS ON BEHALF OF A UNIVERSITY, REGARDLESS OF
WHETHER THE MAIN CAMPUS OF THE UNIVERSITY IS LOCATED WITHIN THE
TERRITORIAL BOUNDARIES OF THE COUNTY.

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

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

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

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

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

(c) A COUNTY GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF THE GOVERNING BODY OF THE STATE COLLEGE OR THE 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 PURSUANT TO THIS SECTION.

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

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

(b) ANY COUNTY SALES TAX SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED, TO THE EXTENT FEASIBLE, PURSUANT TO SECTION 29-2-106, C.R.S.
(7) The state college or community college may use the revenue collected pursuant to subparagraph (I) or (II) of paragraph (a) of subsection (3) of this section to:

(a) Assist residents of the county in defraying tuition expenses associated with attending a state college or community college;

(b) Provide supplemental funding in connection with the operating costs of current or future programs offered by a state college or community college;

(c) Construct new or renovate existing state college or community college facilities;

(d) Provide capital funding for technology enhancement and supplemental equipment for the state college or community college; and

(e) Undertake such additional uses of the revenue received as may be jointly agreed upon by the county and the governing body of the state college or the state board, as applicable, by means of an intergovernmental agreement, into which agreement the parties are hereby authorized to enter.

(8) Notwithstanding any other provision of this section, any determination about the use of tax revenues collected pursuant to this section on behalf of any particular state college or community college shall be made in consultation with the county and the governing body of the state college or the state board, as applicable. No revenues shall be expended pursuant to this section without the prior consent of the governing body of the state college or the state board.
THE COUNTY TREASURER SHALL COLLECT AND ENFORCE THE
TAXES AUTHORIZED BY SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF
SUBSECTION (3) OF THIS SECTION AT THE TIME AND IN THE FORM AND
MANNER AND WITH LIKE INTEREST AND PENALTIES AS OTHER TAXES ARE
COLLECTED AND, WHEN COLLECTED, SHALL PAY THE SAME TO THE STATE
COLLEGE OR COMMUNITY COLLEGE. THE PAYMENT OF SUCH COLLECTIONS
SHALL BE MADE MONTHLY TO THE TREASURER OF THE STATE COLLEGE OR
COMMUNITY COLLEGE AND PAID INTO THE DEPOSITORY OF THE STATE
COLLEGE OR COMMUNITY COLLEGE TO THE CREDIT OF THE INSTITUTION.

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

SECTION 2. Act subject to petition - 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 (August
11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part shall not take effect
unless approved by the people at the general election to be held in
November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.