

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0584.01 Jason Gelender x4330

HOUSE BILL 16-1354

HOUSE SPONSORSHIP

Mitsch Bush and Becker J., Moreno, Becker K., Fields, Wilson

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A SCHOOL DISTRICT TO IMPOSE AN**
102 **ADDITIONAL MILL LEVY FOR THE SOLE PURPOSE OF FUNDING**
103 **CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF THE**
104 **DISTRICT WITHOUT BORROWING MONEY.**

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>.)

The bill authorizes a school district, with voter approval, to impose an additional mill levy for the sole purpose of funding its capital construction and facility maintenance needs without borrowing money.

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.

HOUSE
Amended 2nd Reading
March 28, 2016

Revenue raised from such a mill levy must be credited to a supplemental capital construction and maintenance fund of the district and used for the sole purpose of paying for capital construction and facility maintenance needs of the district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-404, **amend**
3 (2) (a), (2) (b), (3) introductory portion, (3) (a), (3) (b), (3) (d), and (3)
4 (g); and **add** (2) (c) as follows:

5 **22-30.5-404. Needs-based inclusion of charter schools in**
6 **district bond elections - eligibility - allocation of bond revenues.** (2) A
7 charter school that has capital construction needs may seek to obtain
8 moneys to fund such capital construction needs by requesting that the
9 board of education of its chartering school district:

10 (a) Include the charter school's capital construction needs as part
11 of a ballot question for approval of bonded indebtedness to be submitted
12 by the district to the voters of the district; ~~or~~

13 (b) Submit a ballot question for approval of a special mill levy to
14 the voters of the district pursuant to section 22-30.5-405; ~~OR~~

15 (c) ~~INCLUDE THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION~~
16 ~~NEEDS AS PART OF A BALLOT QUESTION FOR APPROVAL OF AN ADDITIONAL~~
17 ~~MILL LEVY FOR ONGOING CASH FUNDING FOR THE CAPITAL CONSTRUCTION~~
18 ~~AND MAINTENANCE NEEDS OF THE DISTRICT TO BE SUBMITTED BY THE~~
19 ~~DISTRICT TO THE VOTERS OF THE DISTRICT PURSUANT TO SECTION~~
20 ~~22-54-108.7.~~

21 (3) A charter school that seeks to have its capital construction
22 needs included as part of a ballot question to be submitted by the board
23 of education of its chartering school district to the voters of the district or

1 that seeks to obtain funding for its capital construction needs through the
2 imposition of a special mill levy pursuant to section 22-30.5-405 OR AN
3 ADDITIONAL MILL LEVY PURSUANT TO SECTION 22-54-108.7 shall submit
4 a capital construction plan to the board of education of its chartering
5 school district. The plan shall include:

6 (a) A statement of reasons why the capital construction to be
7 financed by bonded indebtedness or a special OR ADDITIONAL mill levy
8 is necessary;

9 (b) A description of the capital construction to be financed by
10 bonded indebtedness or revenues from a special OR ADDITIONAL mill levy;

11 (d) An estimate of the total cost of completing the capital
12 construction to be financed by bonded indebtedness or a special OR
13 ADDITIONAL mill levy and, if any moneys other than proceeds of bonded
14 indebtedness or a special OR ADDITIONAL mill levy and interest earned on
15 such proceeds are to be used to finance the capital construction, a
16 breakdown of the moneys that will be used to finance the capital
17 construction;

18 (g) A statement of reasons why revenue sources other than bonded
19 indebtedness or a special OR ADDITIONAL mill levy are inadequate to fully
20 finance the capital construction; and

21 **SECTION 2.** In Colorado Revised Statutes, 22-45-103, **add** (1)
22 (j) as follows:

23 **22-45-103. Funds.** (1) The following funds are created for each
24 school district for purposes specified in this article:

25 (j) **Supplemental capital construction and maintenance fund.**

26 THE REVENUE FROM A TAX LEVIED PURSUANT TO SECTION 22-54-108.7
27 FOR THE PURPOSE OF PROVIDING ONGOING CASH FUNDING FOR THE

1 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF A SCHOOL
2 DISTRICT, AND NO OTHER MONEY OTHER THAN INTEREST AND INCOME
3 CREDITED TO THE FUND PURSUANT TO THIS PARAGRAPH (j), SHALL BE
4 DEPOSITED IN THE SUPPLEMENTAL CAPITAL CONSTRUCTION AND
5 MAINTENANCE FUND OF THE DISTRICT. THE DISTRICT MAY EXPEND MONEY
6 FROM THE FUND ONLY FOR THE PURPOSE OF PROVIDING CASH FUNDING FOR
7 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT AND
8 MAY NOT PLEDGE ANY MONEY IN THE FUND FOR THE REPAYMENT OF ANY
9 EXISTING OR NEW BORROWING. ALL INTEREST AND INCOME DERIVED FROM
10 THE DEPOSIT AND INVESTMENT OF MONEY IN THE SUPPLEMENTAL CAPITAL
11 CONSTRUCTION AND MAINTENANCE FUND SHALL BE CREDITED TO THE
12 FUND.

13 **SECTION 3.** In Colorado Revised Statutes, **add 22-54-108.7** as
14 follows:

15 **22-54-108.7. Authorization of additional local revenues for**
16 **cash funding of capital construction and maintenance needs -**
17 **definition.** (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY
18 DISTRICT THAT CHOOSES TO RAISE AND EXPEND LOCAL PROPERTY TAX
19 REVENUE IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED
20 IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY
21 REVENUE GENERATED BY PROPERTY TAX LEVIED PURSUANT TO SECTIONS
22 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, AND 22-54-108.5, MAY
23 SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE
24 AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX
25 REVENUE, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE
26 LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND
27 22-54-108, TO PROVIDE ONGOING CASH FUNDING FOR THE CAPITAL

1 CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT. A QUESTION
2 AUTHORIZED BY THIS PARAGRAPH (a) MUST BE SUBMITTED AT AN
3 ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE
4 STATE CONSTITUTION AND TITLE 1, C.R.S.

5 (b) IF A MAJORITY OF THE VOTES CAST IN AN ELECTION HELD
6 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ARE IN FAVOR OF
7 THE QUESTION, THE DISTRICT SHALL LEVY AN ADDITIONAL MILL LEVY
8 EACH YEAR AND SHALL DEPOSIT THE REVENUE RECEIVED FROM THE
9 ADDITIONAL MILL LEVY INTO THE SUPPLEMENTAL CAPITAL CONSTRUCTION
10 AND MAINTENANCE FUND OF THE DISTRICT CREATED IN SECTION 22-45-103
11 (1) (j).

12 (2) FOR PURPOSES OF THIS SECTION, "CAPITAL CONSTRUCTION"
13 HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (2), C.R.S.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.