

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0584.01 Jason Gelender x4330

**HOUSE BILL 16-1354**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Education

**Senate Committees**

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**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.**

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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://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.*

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-404, **amend**  
3 (2) (a), (2) (b), (3) introductory portion, (3) (a), and (3) (b); and **add** (2)  
4 (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 **SECTION 2.** In Colorado Revised Statutes, 22-45-103, **add** (1)  
12 (j) as follows:

13 **22-45-103. Funds.** (1) The following funds are created for each  
14 school district for purposes specified in this article:

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

16 THE REVENUE FROM A TAX LEVIED PURSUANT TO SECTION 22-54-108.7  
17 FOR THE PURPOSE OF PROVIDING ONGOING CASH FUNDING FOR THE  
18 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF A SCHOOL  
19 DISTRICT, AND NO OTHER MONEY OTHER THAN INTEREST AND INCOME  
20 CREDITED TO THE FUND PURSUANT TO THIS PARAGRAPH (j), SHALL BE  
21 DEPOSITED IN THE SUPPLEMENTAL CAPITAL CONSTRUCTION AND  
22 MAINTENANCE FUND OF THE DISTRICT. THE DISTRICT MAY EXPEND MONEY  
23 FROM THE FUND ONLY FOR THE PURPOSE OF PROVIDING CASH FUNDING FOR  
24 CAPITAL CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT AND  
25 MAY NOT PLEDGE ANY MONEY IN THE FUND FOR THE REPAYMENT OF ANY  
26 EXISTING OR NEW BORROWING. ALL INTEREST AND INCOME DERIVED FROM  
27 THE DEPOSIT AND INVESTMENT OF MONEY IN THE SUPPLEMENTAL CAPITAL

1 CONSTRUCTION AND MAINTENANCE FUND SHALL BE CREDITED TO THE  
2 FUND.

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

5 **22-54-108.7. Authorization of additional local revenues for**  
6 **cash funding of capital construction and maintenance needs -**

7 **definition.** (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY  
8 DISTRICT THAT CHOOSES TO RAISE AND EXPEND LOCAL PROPERTY TAX  
9 REVENUE IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED  
10 IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY  
11 REVENUE GENERATED BY PROPERTY TAX LEVIED PURSUANT TO SECTIONS  
12 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, AND 22-54-108.5, MAY  
13 SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE  
14 AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX  
15 REVENUE, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE  
16 LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND  
17 22-54-108, TO PROVIDE ONGOING CASH FUNDING FOR THE CAPITAL  
18 CONSTRUCTION AND MAINTENANCE NEEDS OF THE DISTRICT. A QUESTION  
19 AUTHORIZED BY THIS PARAGRAPH (a) MUST BE SUBMITTED AT AN  
20 ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE  
21 STATE CONSTITUTION AND TITLE 1, C.R.S.

22 (b) IF A MAJORITY OF THE VOTES CAST IN AN ELECTION HELD  
23 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ARE IN FAVOR OF  
24 THE QUESTION, THE DISTRICT SHALL LEVY AN ADDITIONAL MILL LEVY  
25 EACH YEAR AND SHALL DEPOSIT THE REVENUE RECEIVED FROM THE  
26 ADDITIONAL MILL LEVY INTO THE SUPPLEMENTAL CAPITAL CONSTRUCTION  
27 AND MAINTENANCE FUND OF THE DISTRICT CREATED IN SECTION 22-45-103

1 (1) (j).

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

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