

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**

**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**Sonnenberg,**

**House Committees**  
Education

**Senate Committees**  
State, Veterans, & Military Affairs

**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, NEW TECHNOLOGY, EXISTING  
104 TECHNOLOGY UPGRADE, AND MAINTENANCE NEEDS OF THE  
105 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

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  
3rd Reading Unamended  
April 1, 2016

HOUSE  
Amended 2nd Reading  
March 28, 2016

construction and facility maintenance needs without borrowing money. 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 NEW TECHNOLOGY, EXISTING TECHNOLOGY UPGRADE, AND MAINTENANCE  
19 NEEDS OF THE DISTRICT TO BE SUBMITTED BY THE DISTRICT TO THE  
20 VOTERS OF THE DISTRICT PURSUANT TO SECTION 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, technology, and**  
26 **maintenance fund.** THE REVENUE FROM A TAX LEVIED PURSUANT TO  
27 SECTION 22-54-108.7 FOR THE PURPOSE OF PROVIDING ONGOING CASH

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

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

17 **22-54-108.7. Authorization of additional local revenues for**  
18 **cash funding of capital construction, new technology, existing**  
19 **technology upgrade, and maintenance needs - definition.**

20 (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY DISTRICT  
21 THAT CHOOSES TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUE IN  
22 EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN  
23 ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY  
24 REVENUE GENERATED BY PROPERTY TAX LEVIED PURSUANT TO SECTIONS  
25 22-54-106, 22-54-107, 22-54-107.5, 22-54-108, AND 22-54-108.5, MAY  
26 SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE  
27 AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX

1 REVENUE, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE  
2 LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND  
3 22-54-108, TO PROVIDE ONGOING CASH FUNDING FOR THE CAPITAL  
4 CONSTRUCTION, NEW TECHNOLOGY, EXISTING TECHNOLOGY UPGRADE,  
5 AND MAINTENANCE NEEDS OF THE DISTRICT. A QUESTION AUTHORIZED BY  
6 THIS PARAGRAPH (a) MUST BE SUBMITTED AT AN ELECTION HELD IN  
7 ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE  
8 CONSTITUTION AND TITLE 1, C.R.S.

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

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

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