

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 08-1083.01 Nicole Myers

HOUSE BILL 08-1395

HOUSE SPONSORSHIP

Marostica, Carroll T., Ferrandino, Gardner B., Gardner C., Hodge, Kerr J., King, Looper, Lundberg, Marshall, Massey, May M., McFadyen, McNulty, Mitchell V., Riesberg, Roberts, Rose, Sonnenberg, Stephens, Summers, Swalm, Vaad, White, and Witwer

SENATE SPONSORSHIP

Windels, Bacon, and Penry

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROPERTY TAX EXEMPTION FOR CERTAIN PROPERTY**
102 **LEASED BY GOVERNMENTAL ENTITIES THAT USE THE PROPERTY**
103 **FOR GOVERNMENTAL PURPOSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows a property tax exemption to the state, a political subdivision, or a state-supported institution of higher education (governmental entity) that enters into a rental or lease agreement for real property, with or without the right to purchase such property, so long as the governmental entity uses the property for the purposes of the governmental entity.

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 28, 2008

HOUSE
Amended 2nd Reading
April 25, 2008

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

2 **SECTION 1.** 39-3-124 (1), Colorado Revised Statutes, is
3 amended to read:

4 **39-3-124. Property used by governmental entity - installment**
5 **sales or lease agreement - lease-purchase or leveraged lease**
6 **agreement - exemption.** (1) (a) Property, real and personal, ~~which~~ THAT
7 is used by the state or any of its political subdivisions pursuant to the
8 provisions of any installment sales agreement, lease-purchase agreement,
9 or any other agreement whereby the state or such political subdivision
10 shall be entitled to acquire title to such property at the end of the
11 agreement term without cost or for only nominal consideration shall be
12 exempt from the levy and collection of property tax.

13 (b) (I) ~~THE PART OF REAL PROPERTY THAT IS USED BY THE STATE,~~
14 ~~A POLITICAL SUBDIVISION, OR A STATE-SUPPORTED INSTITUTION OF HIGHER~~
15 ~~EDUCATION PURSUANT TO THE PROVISIONS OF ANY LEASE OR RENTAL~~
16 ~~AGREEMENT FOR AT LEAST A ONE-YEAR TERM,~~ WITH OR WITHOUT AN
17 OPTION TO PURCHASE, AND PURSUANT TO WHICH THE SUBJECT REAL
18 PROPERTY IS USED FOR PURPOSES OF THE STATE, POLITICAL SUBDIVISION,
19 OR INSTITUTION OF HIGHER EDUCATION, AS APPLICABLE, SHALL BE EXEMPT
20 FROM THE LEVY AND COLLECTION OF PROPERTY TAX. ~~IF THE STATE OR~~
21 ~~ANY POLITICAL SUBDIVISION OR STATE-SUPPORTED INSTITUTION OF~~
22 ~~HIGHER EDUCATION ENTERS INTO A LEASE OR RENTAL AGREEMENT AND IS~~
23 ~~EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX PURSUANT~~
24 ~~TO THIS SECTION, THE STATE, POLITICAL SUBDIVISION, OR~~
25 ~~STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION, AS APPLICABLE,~~
26 ~~SHALL FILE A COPY OF THE LEASE OR RENTAL AGREEMENT WITH THE~~

1 COUNTY ASSESSOR'S OFFICE OR THE COUNTY CLERK AND RECORDER'S
2 OFFICE. THE STATE OR A POLITICAL SUBDIVISION OR INSTITUTION OF
3 HIGHER EDUCATION SHALL NOTIFY THE COUNTY ASSESSOR'S OFFICE OR
4 THE COUNTY CLERK AND RECORDER'S OFFICE, AS APPLICABLE, IN THE
5 EVENT THAT THE LEASE OR RENTAL AGREEMENT IS TERMINATED PRIOR TO
6 THE TERM STATED IN SUCH LEASE OR RENTAL AGREEMENT. NOTHING IN
7 THIS PARAGRAPH (b) SHALL AFFECT PROPERTY TAX EXEMPTIONS ALLOWED
8 PURSUANT TO SECTION 8-82-104, 22-32-127, 29-4-227, 30-11-104.2,
9 31-15-802, OR 43-1-214, C.R.S.

10 (II) FOR PURPOSES OF THIS PARAGRAPH (b), "STATE-SUPPORTED
11 INSTITUTION OF HIGHER EDUCATION" INCLUDES, BUT NEED NOT BE LIMITED
12 TO, ALL POSTSECONDARY INSTITUTIONS IN THE STATE SUPPORTED IN
13 WHOLE OR IN PART BY STATE FUNDS, INCLUDING JUNIOR COLLEGES AND
14 COMMUNITY COLLEGES, EXTENSION PROGRAMS OF THE STATE-SUPPORTED
15 UNIVERSITIES AND COLLEGES, LOCAL DISTRICT COLLEGES, AREA
16 VOCATIONAL SCHOOLS, AND THE INSTITUTIONS GOVERNED BY THE
17 REGENTS OF THE UNIVERSITY OF COLORADO.

18 (III) THE PROVISIONS OF THIS PARAGRAPH (b) SHALL APPLY TO
19 LEASES OR RENTAL AGREEMENTS ENTERED INTO OR RENEWED ON OR
20 AFTER JANUARY 1, 2009.

21 **SECTION 2. Effective date.** This act shall take effect at 12:01
22 a.m. on the day following the expiration of the ninety-day period after
23 final adjournment of the general assembly that is allowed for submitting
24 a referendum petition pursuant to article V, section 1 (3) of the state
25 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
26 except that, if a referendum petition is filed against this act or an item,
27 section, or part of this act within such period, then the act, item, section,

- 1 or part, if approved by the people, shall take effect on the date of the
- 2 official declaration of the vote thereon by proclamation of the governor.