

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0268.01 Ed DeCecco

HOUSE BILL 08-1081

HOUSE SPONSORSHIP

Lundberg,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROPERTY TAX CREDITS TO SUPPORT EDUCATION IN THE
102 STATE.

Bill Summary

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

Creates 3 property tax credits (education-related credits), which are as follows:

- A credit for tuition payments to an independent or parochial school or other educational expenses for a student who previously attended a public school.
- A credit for contributions to a school tuition organization.
- A credit for tuition payments to an independent or

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.

parochial school or other educational expenses that does not require a student to have previously attended a public school.

Establishes who may claim an education-related credit. Prohibits a credit from being refunded or carried forward to a subsequent property tax year. Requires an affidavit, which must include certain information, to be submitted in order to claim the credit. Permits the credit to be transferred and establishes procedures related thereto.

Requires the state treasurer to transfer a specified amount of moneys, which are based on the number of the credits claimed for tuition paid to an independent or parochial school or other educational expenses for each student who previously attended a public school, from the state general fund to both the school tuition organization tax credit cash fund and the private school education tax credit cash fund. Establishes a mechanism for a county treasurer to be reimbursed for the revenue lost due to education-related credits by the state treasurer from these funds, as well as the general fund, depending on the education-related credit that is claimed.

Specifies that the tax credits granted by the act shall not affect a school district's share of its total program for purposes of the "Public School Finance Act of 1994".

Defines terms. Makes legislative findings and declarations.

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

2 **SECTION 1.** Title 39, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 3.3**

5 **Property Tax Credits Related to Education**

6 **39-3.3-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) NONGOVERNMENTAL SCHOOLS PLAY AN IMPORTANT ROLE IN
9 ACHIEVING COLORADO'S EDUCATIONAL GOAL OF ENHANCING
10 EDUCATIONAL OPPORTUNITIES FOR ALL CHILDREN.

11 (b) ALL COLORADANS SUPPORT PUBLIC EDUCATION THROUGH
12 SALES AND INCOME TAXES. PUBLIC EDUCATION IS ALSO SUPPORTED BY
13 PROPERTY TAXES PAID BY HOMEOWNERS AND INDIRECTLY PAID BY

1 RENTERS AS A PORTION OF THEIR RENT.

2 (c) AS A RESULT OF SECTION 17 OF ARTICLE IX OF THE STATE
3 CONSTITUTION, WHICH WAS APPROVED BY VOTERS IN THE 2000 GENERAL
4 ELECTION, PUBLIC EDUCATION IN THIS STATE WILL BE ADEQUATELY
5 FUNDED. IT IS THEREFORE GOOD PUBLIC POLICY TO MAKE EDUCATIONAL
6 CHOICES AVAILABLE TO MORE FAMILIES WITHOUT IMPROPERLY INVOLVING
7 THE STATE IN THE DIRECT SUPPORT OF PAROCHIAL SCHOOLS.

8 (d) IF A STUDENT LEAVES A PUBLIC SCHOOL IN ORDER TO ATTEND
9 AN INDEPENDENT OR PAROCHIAL SCHOOL OR A HOME-BASED
10 EDUCATIONAL PROGRAM, IT SAVES BOTH THE PUBLIC SCHOOL DISTRICT
11 AND THE STATE MONEY THAT WOULD HAVE BEEN NEEDED TO PAY FOR THE
12 STUDENT'S PUBLIC SCHOOL EDUCATION. THE STATE CAN USE THESE
13 SAVINGS TO OFFER PROPERTY TAX CREDITS THAT WILL HELP INCREASE
14 CHOICE IN EDUCATION.

15 (e) SINCE NO STATE MONEY GOES DIRECTLY TO PAROCHIAL
16 SCHOOLS, THIS SYSTEM AVOIDS THE STATE IMPERMISSIBLY SUPPORTING OR
17 INFLUENCING PAROCHIAL EDUCATION.

18 **39-3.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "AFFIDAVIT" MEANS THE AFFIDAVIT DESCRIBED IN SECTION
21 39-3.3-106, C.R.S.

22 (2) "EDUCATION-RELATED CREDIT" MEANS A PROPERTY TAX
23 CREDIT CREATED BY SECTION 39-3.3-103, 39-3.3-104, OR 39-3.3-105.

24 (3) "PARENT" INCLUDES A LEGAL GUARDIAN OR ANY OTHER
25 PERSON WHO HAS PHYSICAL CUSTODY OF A CHILD.

26 (4) "QUALIFIED STUDENT" MEANS A STUDENT WHO, DURING A
27 STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2008, ATTENDS AN

1 INDEPENDENT OR PAROCHIAL SCHOOL IN THE STATE OR PARTICIPATES IN
2 A HOME-BASED EDUCATIONAL PROGRAM AND WHO, DURING THE ENTIRE
3 PRIOR STATE FISCAL YEAR:

4 (a) WAS ENROLLED IN A PUBLIC SCHOOL; OR

5 (b) HAD NOT YET ATTAINED THE AGE OF SIX YEARS.

6 (5) "RENTER" MEANS A PERSON WHO OCCUPIES A RESIDENTIAL
7 PROPERTY AS THAT PERSON'S PRINCIPAL RESIDENCE DURING THE PROPERTY
8 TAX YEAR FOR WHICH A CREDIT PROVIDED UNDER THIS ARTICLE IS
9 CLAIMED AND WHO HAS A LEASEHOLD INTEREST IN THE RESIDENTIAL
10 PROPERTY.

11 (6) "SCHOOL TUITION ORGANIZATION" MEANS A CHARITABLE
12 ORGANIZATION IN THIS STATE THAT IS EXEMPT FROM FEDERAL TAXATION
13 UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE
14 OF 1986", AS AMENDED, ALLOCATES NINETY PERCENT OR MORE OF ITS
15 ANNUAL REVENUE FOR EDUCATIONAL SCHOLARSHIPS OR TUITION GRANTS
16 TO CHILDREN TO ALLOW THEM TO ATTEND ANY INDEPENDENT OR
17 PAROCHIAL SCHOOL OF THEIR PARENTS' OR GUARDIANS' CHOICE, AND DOES
18 NOT LIMIT THE AVAILABILITY OF SUCH SCHOLARSHIPS OR GRANTS TO THE
19 STUDENTS OF ONLY ONE SCHOOL.

20 **39-3.3-103. Property tax credit for tuition and educational**
21 **expenses for qualified student.** (1) (a) FOR ANY PROPERTY TAX YEAR
22 COMMENCING ON OR AFTER JANUARY 1, 2008, THE PARENT OF A
23 QUALIFIED STUDENT SHALL BE ENTITLED TO A PROPERTY TAX CREDIT FOR
24 TUITION OR OTHER EDUCATIONAL EXPENSES PAID BY THE PARENT DURING
25 THE PROPERTY TAX YEAR FOR THE QUALIFIED STUDENT. THE PARENT MAY
26 CLAIM OR TRANSFER THE CREDIT PURSUANT TO SECTION 39-3.3-106.

27 (b) FOR A QUALIFIED STUDENT WHO WAS PREVIOUSLY A FULL-TIME

1 STUDENT IN A PUBLIC SCHOOL, THE AMOUNT OF THE CREDIT CREATED BY
2 THIS SECTION SHALL BE EQUAL TO ONE THOUSAND DOLLARS. FOR A
3 QUALIFIED STUDENT WHO WAS PREVIOUSLY A PART-TIME STUDENT IN A
4 PUBLIC SCHOOL, THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO FIVE
5 HUNDRED DOLLARS.

6 (c) FOR EACH PROPERTY TAX YEAR AFTER A PARENT IS ENTITLED
7 TO CLAIM THE CREDIT CREATED IN PARAGRAPH (a) OF THIS SUBSECTION
8 (1), A PARENT SHALL BE ENTITLED TO A PROPERTY TAX CREDIT FOR
9 TUITION OR OTHER EDUCATIONAL EXPENSES PAID BY THE PARENT DURING
10 THE PROPERTY TAX YEAR FOR EACH STUDENT WHO PREVIOUSLY MET THE
11 DEFINITION OF A QUALIFIED STUDENT, SO LONG AS THE STUDENT IS A
12 RESIDENT OF COLORADO AND CONTINUES TO BE ENROLLED AT AN
13 INDEPENDENT OR PAROCHIAL SCHOOL OR IN A HOME-BASED EDUCATIONAL
14 PROGRAM AND UNTIL SUCH TIME THAT THE STUDENT GRADUATES HIGH
15 SCHOOL. THE LIMITS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION
16 (1) THAT APPLIED WHEN THE STUDENT WAS A QUALIFIED STUDENT SHALL
17 APPLY FOR A CREDIT CLAIMED PURSUANT TO THIS PARAGRAPH (c).

18 (2) THE CREDIT CREATED BY THIS SECTION MAY NOT BE REFUNDED
19 OR CARRIED FORWARD TO A SUBSEQUENT PROPERTY TAX YEAR.

20 **39-3.3-104. School tuition organization tax credit cash fund -**
21 **creation - property tax credit for contributions to school tuition**
22 **organization.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE AND
23 THE STATE TREASURER SHALL TRANSFER AN AMOUNT EQUAL TO ONE-HALF
24 OF THE TOTAL AMOUNT THAT THE STATE TREASURER REIMBURSES THE
25 COUNTY TREASURERS PURSUANT TO SECTION 39-3.3-107 (2) (a) FROM THE
26 STATE GENERAL FUND TO THE SCHOOL TUITION ORGANIZATION TAX
27 CREDIT CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY.

1 THE TREASURER SHALL MAKE THE TRANSFER SIMULTANEOUS WITH THE
2 REIMBURSEMENT. THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY
3 APPROPRIATED TO THE STATE TREASURER FOR THE PURPOSE OF
4 REIMBURSING A COUNTY TREASURER FOR A DECLINE IN REVENUE THAT IS
5 A RESULT OF THE PROPERTY TAX CREDIT CREATED BY THIS SECTION. ANY
6 MONEYS IN THE FUND NOT EXPENDED FOR THIS PURPOSE MAY BE INVESTED
7 BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND
8 INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE
9 FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
10 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
11 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
12 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

13 (2) (a) FOR ANY PROPERTY TAX YEAR COMMENCING ON OR AFTER
14 JANUARY 1, 2010, AN INDIVIDUAL SHALL BE ENTITLED TO A PROPERTY TAX
15 CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS MADE BY THE INDIVIDUAL
16 TO A SCHOOL TUITION ORGANIZATION DURING THE PROPERTY TAX YEAR,
17 BUT ONLY TO THE EXTENT THAT THE INDIVIDUAL DOES NOT OTHERWISE
18 DEDUCT THE CONTRIBUTIONS FROM HIS OR HER FEDERAL TAXABLE
19 INCOME.

20 (b) THE AMOUNT OF THE CREDIT CREATED BY THIS SECTION SHALL
21 BE EQUAL TO THE ACTUAL VOLUNTARY CASH CONTRIBUTION MADE TO A
22 SCHOOL TUITION ORGANIZATION, ONE THOUSAND DOLLARS, OR THE
23 AMOUNT DETERMINED BY THE STATE TREASURER PURSUANT TO
24 SUBSECTION (3) OF THIS SECTION.

25 (3) IN ORDER TO CLAIM OR TRANSFER THE CREDIT CREATED BY
26 THIS SECTION, AN INDIVIDUAL SHALL MAIL A NOTICE OF INTENT TO CLAIM
27 OR TRANSFER THE CREDIT TO THE STATE TREASURER, WHICH SHALL BE

1 POSTMARKED NO LATER THAN DECEMBER 31 OF THE YEAR IN WHICH THE
2 VOLUNTARY CASH CONTRIBUTION WAS MADE TO A SCHOOL TUITION
3 ORGANIZATION. IN THE NOTICE, THE INDIVIDUAL SHALL IDENTIFY A
4 RETURN MAILING ADDRESS AND SPECIFY THAT THE INDIVIDUAL SEEKS TO
5 CLAIM OR TRANSFER THE PROPERTY TAX CREDIT CREATED BY THIS
6 SECTION. ON JANUARY 15, 2010, AND EACH JANUARY 15 THEREAFTER,
7 THE STATE TREASURER SHALL CALCULATE THE AMOUNT EQUAL TO THE
8 TOTAL MONEYS IN THE SCHOOL TUITION ORGANIZATION TAX CREDIT CASH
9 FUND AS OF THAT DATE DIVIDED BY THE NUMBER OF INDIVIDUALS WHO
10 FILED A NOTICE OF INTENT TO CLAIM OR TRANSFER THE PROPERTY TAX
11 CREDIT IN THE PRIOR CALENDAR YEAR. IF THE CALCULATED AMOUNT IS
12 LESS THAN ONE THOUSAND DOLLARS, THEN THIS LESSER AMOUNT SHALL
13 BE THE MAXIMUM AMOUNT OF THE CREDIT THAT MAY BE CLAIMED OR
14 TRANSFERRED FOR THAT PROPERTY TAX YEAR. ON OR BEFORE FEBRUARY
15 1, 2010, AND EACH FEBRUARY 1 THEREAFTER, THE STATE TREASURER
16 SHALL MAIL A LETTER TO EACH INDIVIDUAL AT THE ADDRESS INCLUDED IN
17 THE NOTICE OF INTENT TO NOTIFY THE INDIVIDUAL OF THE MAXIMUM
18 AMOUNT OF THE CREDIT FOR THAT PROPERTY TAX YEAR. THE STATE
19 TREASURER SHALL POST THE MAXIMUM AMOUNT ON A WEB SITE HE OR SHE
20 MAINTAINS.

21 (4) THE CREDIT CREATED BY THIS SECTION MAY NOT BE REFUNDED
22 OR CARRIED FORWARD TO A SUBSEQUENT PROPERTY TAX YEAR.

23 **39-3.3-105. Private school education tax credit cash fund -**
24 **creation - property tax credit for tuition and educational expenses for**
25 **other students.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE AND
26 THE STATE TREASURER SHALL TRANSFER AN AMOUNT EQUAL TO ONE-HALF
27 OF THE TOTAL AMOUNT THAT THE STATE TREASURER REIMBURSES THE

1 COUNTY TREASURERS PURSUANT TO SECTION 39-3.3-107 (2)(a) FROM THE
2 STATE GENERAL FUND TO THE PRIVATE SCHOOL EDUCATION TAX CREDIT
3 CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. THE
4 TREASURER SHALL MAKE THE TRANSFER SIMULTANEOUS WITH THE
5 REIMBURSEMENT. THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY
6 APPROPRIATED TO THE STATE TREASURER FOR THE PURPOSE OF
7 REIMBURSING A COUNTY TREASURER FOR A DECLINE IN REVENUE THAT IS
8 A RESULT OF THE PROPERTY TAX CREDIT CREATED BY THIS SECTION. ANY
9 MONEYS IN THE FUND NOT EXPENDED FOR THIS PURPOSE MAY BE INVESTED
10 BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND
11 INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE
12 FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
13 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
14 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
15 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

16 (2) (a) FOR ANY PROPERTY TAX YEAR COMMENCING ON OR AFTER
17 JANUARY 1, 2010, A PARENT SHALL BE ENTITLED TO A PROPERTY TAX
18 CREDIT FOR TUITION OR OTHER EDUCATIONAL EXPENSES PAID BY THE
19 PARENT DURING THE PROPERTY TAX YEAR FOR EACH CHILD WHO ATTENDS
20 AN INDEPENDENT OR PAROCHIAL SCHOOL OR PARTICIPATES IN A
21 HOME-BASED EDUCATIONAL PROGRAM. THE PARENT MAY CLAIM OR
22 TRANSFER THE CREDIT PURSUANT TO SECTION 39-3.3-106.

23 (b) THE AMOUNT OF THE CREDIT CREATED BY THIS SECTION SHALL
24 BE EQUAL TO THE LESSER OF ONE THOUSAND DOLLARS OR THE AMOUNT
25 DETERMINED BY THE STATE TREASURER PURSUANT TO SUBSECTION (3) OF
26 THIS SECTION.

27 (3) IN ORDER TO CLAIM OR TRANSFER THE CREDIT CREATED BY

1 THIS SECTION, A PARENT IS REQUIRED TO MAIL TO THE STATE TREASURER
2 A NOTICE OF INTENT TO CLAIM OR TRANSFER THE CREDIT, WHICH SHALL BE
3 POSTMARKED NO LATER THAN DECEMBER 31 OF THE YEAR IN WHICH THE
4 EDUCATIONAL EXPENSES WERE PAID BY THE PARENT. IN THE NOTICE, THE
5 PARENT SHALL IDENTIFY A RETURN MAILING ADDRESS AND SPECIFY THAT
6 THE PARENT SEEKS TO CLAIM OR TRANSFER THE PROPERTY TAX CREDIT
7 CREATED BY THIS SECTION. ON JANUARY 15, 2010, AND EACH JANUARY
8 15 THEREAFTER, THE STATE TREASURER SHALL CALCULATE THE AMOUNT
9 EQUAL TO THE TOTAL MONEYS IN THE PRIVATE SCHOOL EDUCATION TAX
10 CREDIT CASH FUND AS OF THAT DATE DIVIDED BY THE NUMBER OF
11 PARENTS WHO FILED A NOTICE OF INTENT TO CLAIM OR TRANSFER THE
12 CREDIT IN THE PRIOR CALENDAR YEAR. IF THE CALCULATED AMOUNT IS
13 LESS THAN ONE THOUSAND DOLLARS, THEN THIS LESSER AMOUNT SHALL
14 BE THE MAXIMUM AMOUNT OF THE CREDIT THAT MAY BE CLAIMED OR
15 TRANSFERRED FOR THAT PROPERTY TAX YEAR. ON OR BEFORE FEBRUARY
16 1, 2010, AND EACH FEBRUARY 1 THEREAFTER, THE STATE TREASURER
17 SHALL MAIL A LETTER TO EACH PARENT AT THE ADDRESS INCLUDED IN THE
18 NOTICE OF INTENT TO NOTIFY THE PARENT OF THE MAXIMUM AMOUNT OF
19 THE CREDIT FOR THAT PROPERTY TAX YEAR. THE STATE TREASURER
20 SHALL POST THE MAXIMUM AMOUNT ON A WEB SITE HE OR SHE MAINTAINS.

21 (4) A PARENT MAY NOT USE THE SAME TUITION PAYMENTS OR
22 OTHER EDUCATIONAL EXPENSES FOR PURPOSES OF CLAIMING THE CREDIT
23 PURSUANT TO THIS SECTION AND THE CREDIT CLAIMED PURSUANT TO
24 SECTION 39-3.3-103.

25 (5) THE CREDIT CREATED BY THIS SECTION MAY NOT BE REFUNDED
26 OR CARRIED FORWARD TO A SUBSEQUENT PROPERTY TAX YEAR.

27 **39-3.3-106. Claiming property tax credit - affidavit - transfers**

1 **of credit.** (1) (a) IN ORDER TO CLAIM OR TRANSFER AN
2 EDUCATION-RELATED CREDIT, A PARENT OR INDIVIDUAL SHALL PREPARE
3 A SIGNED AFFIDAVIT CONTAINING THE FOLLOWING:

4 (I) THE NAME, ADDRESS, AND PHONE NUMBER OF THE PARENT OR
5 INDIVIDUAL; AND

6 (II) THE AMOUNT OF THE CREDIT CLAIMED.

7 (b) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO
8 PARAGRAPH (a) OF THIS SUBSECTION (1), AN AFFIDAVIT RELATED TO THE
9 CREDIT CREATED IN SECTION 39-3.3-103 SHALL CONTAIN THE FOLLOWING
10 INFORMATION:

11 (I) THE NAME OF THE SCHOOL DISTRICT IN WHICH THE QUALIFIED
12 STUDENT WAS ENROLLED PRIOR TO TRANSFERRING TO AN INDEPENDENT OR
13 PAROCHIAL SCHOOL OR PARTICIPATING IN A HOME-BASED EDUCATIONAL
14 PROGRAM;

15 (II) THE NAME OF THE INDEPENDENT OR PAROCHIAL SCHOOL THAT
16 THE QUALIFIED STUDENT ATTENDS, OR IF THE STUDENT IS IN A
17 HOME-BASED EDUCATIONAL PROGRAM, THE SCHOOL DISTRICT THAT THE
18 PARENT SENT A NOTICE PURSUANT TO SECTION 22-33-104.5 (3)(e), C.R.S.;
19 AND

20 (III) WHETHER THE QUALIFIED STUDENT WAS A FULL-TIME OR
21 PART-TIME STUDENT DURING HIS OR HER LAST YEAR IN PUBLIC SCHOOL.

22 (c) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO
23 PARAGRAPH (a) OF THIS SUBSECTION (1), AN AFFIDAVIT RELATED TO THE
24 CREDIT CREATED IN SECTION 39-3.3-104 SHALL CONTAIN THE FOLLOWING:

25 (I) THE NAME OF THE SCHOOL TUITION ORGANIZATION TO WHICH
26 THE MADE A VOLUNTARY CASH CONTRIBUTION;

27 (II) THE AMOUNT OF THE VOLUNTARY CASH CONTRIBUTION; AND

1 (III) A COPY OF THE LETTER SENT BY THE STATE TREASURER TO
2 THE INDIVIDUAL PURSUANT TO SECTION 39-3.3-104 (3), WHICH SHALL BE
3 ATTACHED TO THE AFFIDAVIT AND BECOME PART THEREOF.

4 (d) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO
5 PARAGRAPH (a) OF THIS SUBSECTION (1), AN AFFIDAVIT RELATED TO THE
6 CREDIT CREATED IN SECTION 39-3.3-105 SHALL CONTAIN THE FOLLOWING:

7 (I) THE NAME OF THE INDEPENDENT OR PAROCHIAL SCHOOL THAT
8 THE QUALIFIED STUDENT ATTENDS, OR IF THE STUDENT IS IN A
9 HOME-BASED EDUCATIONAL PROGRAM, THE SCHOOL DISTRICT THAT THE
10 PARENT SENT A NOTICE PURSUANT TO SECTION 22-33-104.5 (3)(e), C.R.S.;
11 AND

12 (II) A COPY OF THE LETTER SENT BY THE STATE TREASURER TO THE
13 INDIVIDUAL PURSUANT TO SECTION 39-3.3-105 (3), WHICH SHALL BE
14 ATTACHED TO THE AFFIDAVIT AND BECOME PART THEREOF.

15 (2) A PARENT OR INDIVIDUAL WHO PREPARES AN AFFIDAVIT MAY
16 SUBMIT THE AFFIDAVIT AS PARTIAL OR FULL PAYMENT OF PROPERTY TAXES
17 ON REAL PROPERTY OWNED BY THE PARENT OR INDIVIDUAL THAT ARE
18 LEVIED BY ALL LOCAL GOVERNMENTS IN WHICH THE PROPERTY IS LOCATED
19 IN THE PROPERTY TAX YEAR FOR WHICH THE CREDIT IS CLAIMED.

20 (3) (a) AN EDUCATION-RELATED CREDIT MAY BE SOLD OR
21 OTHERWISE TRANSFERRED; EXCEPT THAT THE CASH VALUE OF THE RETURN
22 CONSIDERATION SHALL NOT BE LESS THAN NINETY PERCENT OF THE
23 AMOUNT OF THE VALUE OF THE CREDIT. THE TRANSFER SHALL INCLUDE
24 THE ASSIGNMENT OF THE AFFIDAVIT. THE CREDIT MAY BE TRANSFERRED
25 MORE THAN ONCE, BUT ONLY THE TAXPAYER WHO SUBMITS THE ASSIGNED
26 AFFIDAVIT SHALL BE ELIGIBLE TO CLAIM THE CREDIT.

27 (b) IF AN EDUCATION-RELATED CREDIT IS TRANSFERRED TO A

1 PERSON WHO HOLDS MONEY IN ESCROW FOR THE PAYMENT OF PROPERTY
2 TAXES FOR A TAXPAYER, THE PERSON SHALL REFUND TO THE TAXPAYER
3 THE AMOUNT OF THE CREDIT CLAIMED IN THE AFFIDAVIT, UP TO THE
4 AMOUNT OF THE PROPERTY TAXES, WITHIN THIRTY DAYS OF PAYING THE
5 TAXES.

6 (c) THE PROVISIONS OF THIS SUBSECTION (3) SHALL APPLY TO BOTH
7 PROPERTY OWNERS AND RENTERS.

8 (4) IN ORDER TO CLAIM AN EDUCATION-RELATED CREDIT, THE
9 AFFIDAVIT MUST BE RECEIVED BY A COUNTY TREASURER NO LATER THAN
10 APRIL 1 OF THE YEAR FOLLOWING THE PROPERTY TAX YEAR FOR WHICH
11 THE CREDIT IS CLAIMED.

12 (5) THE COUNTY TREASURER SHALL APPLY THE
13 EDUCATION-RELATED CREDIT AGAINST THE PROPERTY TAX LIABILITY OF
14 THE TAXPAYER CLAIMING THE CREDIT WITHIN TEN DAYS AFTER RECEIVING
15 A VALID AFFIDAVIT.

16 **39-3.3-107. Reimbursement for local governments -**
17 **apportionment of taxes.** (1) ON OR BEFORE APRIL 15 OF THE YEAR
18 FOLLOWING THE PROPERTY TAX YEAR FOR WHICH AN EDUCATION-RELATED
19 CREDIT IS CLAIMED, THE COUNTY TREASURER WHO APPLIES THE CREDIT
20 AGAINST A TAXPAYER'S PROPERTY TAX LIABILITY PURSUANT TO SECTION
21 39-3.3-106 (5) SHALL SEND THE AFFIDAVIT TO THE STATE TREASURER FOR
22 REIMBURSEMENT OF THE CREDIT. A COUNTY TREASURER SHALL SUBMIT
23 AN EDUCATION-RELATED CREDIT IN A MANNER SPECIFIED BY THE STATE
24 TREASURER THAT PERMITS THE STATE TREASURER TO CLEARLY IDENTIFY
25 WHETHER THE EDUCATION-RELATED CREDIT WAS CLAIMED PURSUANT TO
26 SECTION 39-3.3-103, 39-3.3-104, OR 39-3.3-105.

27 (2) THE STATE TREASURER SHALL REIMBURSE A COUNTY

1 TREASURER AS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION
2 FROM THE FOLLOWING FUNDS:

3 (a) FROM THE STATE GENERAL FUND FOR A CREDIT CREATED BY
4 SECTION 39-3.3-103, TO THE EXTENT THAT SUCH MONEY IS APPROPRIATED
5 BY THE GENERAL ASSEMBLY FOR SUCH PURPOSE;

6 (b) FROM THE SCHOOL TUITION ORGANIZATION TAX CREDIT CASH
7 FUND FOR A CREDIT CREATED BY SECTION 39-3.3-104; AND

8 (c) FROM THE PRIVATE SCHOOL EDUCATION TAX CREDIT CASH
9 FUND FOR A CREDIT CREATED BY SECTION 39-3.3-105.

10 (3) IF THE AMOUNT OF THE EDUCATION-RELATED CREDIT CLAIMED
11 BY A TAXPAYER IS LESS THAN THE TOTAL AMOUNT OF THE PROPERTY
12 TAXES OWED BY THE TAXPAYER, THE COUNTY TREASURER SHALL REDUCE
13 THE TOTAL TAXES BY THE CREDIT AND APPORTION, CREDIT, OR DISTRIBUTE
14 THE DIFFERENCE IN THE MANNER SET FORTH IN SECTION 39-10-107. UPON
15 RECEIPT OF REIMBURSEMENT FROM THE STATE TREASURER, THE COUNTY
16 TREASURER SHALL APPORTION, CREDIT, OR DISTRIBUTE THE
17 REIMBURSEMENT IN THE SAME MANNER.

18 **39-3.3-108. Effect on "Public School Finance Act of 1994".**
19 FOR PURPOSES OF SECTION 22-54-106 (1) (a) (I), C.R.S., A TAX CREDIT
20 CLAIMED PURSUANT TO THIS ARTICLE BY A TAXPAYER ON PROPERTY
21 LOCATED IN A SCHOOL DISTRICT SHALL NOT REDUCE THE AMOUNT OF
22 PROPERTY TAX REVENUE THAT THE SCHOOL DISTRICT IS ENTITLED TO
23 RECEIVE FROM THE PROPERTY TAX LEVY.

24 **SECTION 2.** 24-75-402 (5), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF THE FOLLOWING NEW
26 PARAGRAPHS to read:

27 **24-75-402. Cash funds - limit on uncommitted reserves -**

1 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
2 provision of this section to the contrary, the following cash funds are
3 excluded from the limitations specified in this section:

4 (t) THE SCHOOL TUITION ORGANIZATION TAX CREDIT CASH FUND
5 CREATED IN SECTION 39-3.3-104, C.R.S.; AND

6 (u) THE PRIVATE SCHOOL EDUCATION TAX CREDIT CASH FUND
7 CREATED IN SECTION 39-3.3-105, C.R.S.

8 **SECTION 3. Effective date.** This act shall take effect at 12:01
9 a.m. on the day following the expiration of the ninety-day period after
10 final adjournment of the general assembly that is allowed for submitting
11 a referendum petition pursuant to article V, section 1 (3) of the state
12 constitution; except that, if a referendum petition is filed against this act
13 or an item, section, or part of this act within such period, then the act,
14 item, section, or part, if approved by the people, shall take effect on the
15 date of the official declaration of the vote thereon by proclamation of the
16 governor.