

1 Be it enacted by the people of the state of Colorado:
2 Article IX of the constitution of the state of Colorado is amended BY THE ADDITION
3 OF A NEW SECTION to read:
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5 **Section 18. Higher education funding fee on new construction**
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7 (1) BEGINNING JANUARY 1, 2008 AND THEREAFTER, A ONE PERCENT HIGHER EDUCATION
8 FUNDING FEE SHALL BE ASSESSED ON NEW CONSTRUCTION PROJECTS AND USED TO
9 PROVIDE ADDITIONAL FUNDING FOR COLORADO PUBLIC COLLEGES AND UNIVERSITIES.
10 THIS FEE SHALL BE ASSESSED ON THE COMBINED ESTIMATED COST OF A CONSTRUCTION
11 PROJECT AS DETERMINED BY A RESPECTIVE PLANNING AND ZONING DEPARTMENT AND THE
12 CURRENT ACTUAL VALUE OF THE IMPROVED LAND FOR SUCH PROJECT AS DETERMINED BY
13 THE RESPECTIVE ASSESSOR AND COLLECTED ON OR BEFORE THE ISSUANCE OF A PERMIT TO
14 BUILD OR ANY SUBSEQUENT PERMIT NEEDED TO COMPLETE SUCH PROJECT IS ISSUED. A
15 NINETY-DAY CURE PERIOD SHALL EXIST AFTER THE COMPLETION OF A CONSTRUCTION
16 PROJECT TO ASSESS THE FINAL AMOUNT OF THIS FEE AND TO COLLECT OR REFUND ANY
17 BALANCE DUE. A PROJECT NOT COMPLETED WITHIN THREE YEARS FROM INITIAL PERMIT
18 SHALL FORFEIT A RETURN OF SUCH BALANCE OF FEES. NO FEE SHALL BE ASSESSED WHEN
19 THE ESTIMATED TOTAL COST OF A CONSTRUCTION PROJECT IS LESS THAN ONE HUNDRED
20 THOUSAND DOLLARS SUBJECT TO REVIEW UPON COMPLETION. LAND ACQUISITIONS SHALL
21 NOT BE CONSIDERED FOR: APARTMENT BUILDINGS AND CONDOMINIUMS; REMODELING OF
22 AN EXISTING BUILDING WITHIN ORIGINAL LOT; AND REPLACEMENT OF A BUILDING ON
23 ORIGINAL LOT. CONSTRUCTION PROJECTS EXEMPTED FROM THIS FEE SHALL REQUIRE THAT
24 SUCH EXEMPTED USE CONTINUE FOR A PERIOD OF NOT LESS THAN TEN YEARS OR THE FEE
25 SHALL BE LEVIED BEFORE A SALE, TRANSFER, OR LEASE TO A NON EXEMPT PURPOSE IS
26 MADE. EXEMPTED PROJECTS INCLUDE: PUBLICLY OWNED PROJECTS; PRIVATELY OWNED
27 HEALTH AND EDUCATIONAL FACILITIES; FARMS AND RANCHES; RAILROADS AND UTILITIES;
28 HOUSES OF WORSHIP SUCH AS CHURCHES, MOSQUES, AND SYNAGOGUES; AND SENIOR
29 HOUSING PROJECTS.

30 (2) ALL HIGHER EDUCATION FUNDING FEES SHALL BE TRANSMITTED TO THE STATE
31 TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHER EDUCATION CASH FUND,
32 WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO THIS
33 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO APPROPRIATION
34 BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
35 IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
36 PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY
37 LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
38 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
39 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL
40 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
41 FUND OR ANY OTHER FUND. THIS FUND SHALL BE APPROPRIATED TO INSTITUTIONS OF
42 HIGHER EDUCATION BASED ON FACTORS SUCH AS TOTAL STUDENT ENROLLMENT, HIGHER
43 INSTITUTIONAL COSTS WITH REGARDS TO SPECIALIZED COURSE MATTER SUCH AS
44 MEDICAL, ENGINEERING, AND SCIENCES, OR ANY OTHER FACTORS AFFECTING A
45 PARTICULAR INSTITUTION'S DEMONSTRATED COSTS OF OPERATION IN A MANNER AS
46 PRESENTLY APPROPRIATED OR AS DETERMINED BY FUTURE ACTION BY THE GENERAL
47 ASSEMBLY. NOTWITHSTANDING ANY PROVISION OF SECTION 20 OF ARTICLE X OF THIS
48 CONSTITUTION TO THE CONTRARY, THESE FUNDS SHALL NOT CONSTITUTE GRANTS OR
49 REVENUE FROM THE STATE OR ANY LOCAL GOVERNMENT. AT LEAST TWENTY-FIVE
50 PERCENT OF ALLOCATED FUNDS SHALL BE USED TO REDUCE TUITION FOR COLORADO
51 RESIDENTS IN ALL PUBLIC COLLEGES AND UNIVERSITIES. AT LEAST FIVE PERCENT OF THIS
52 FUND FOR A PERIOD OF NOT LESS THAN FIVE YEARS SHALL BE USED FOR IMPROVED
53 SECURITY ON PUBLIC COLLEGE AND UNIVERSITY CAMPUSES INCLUDING BUT NOT LIMITED
54 TO SECURITY CAMERAS AND NON INTRUSIVE MEASURES. MONEYS FROM THIS FEE SHALL
55 NOT BE USED FOR ATHLETIC DEPARTMENTS OR PROGRAMS INCLUDING, BUT NOT LIMITED
56 TO, BUILDINGS, COACHES, PERSONNEL, STADIUMS AND EQUIPMENT.

1 (3) REVENUES FROM THIS FEE SHALL BE FOR THE BENEFIT OF COLORADO PUBLIC
2 COLLEGES AND UNIVERSITIES AND DO NOT CONSTITUTE "FISCAL YEAR SPENDING" FOR THE
3 PURPOSES OF SECTION 20 OF ARTICLE X OF THIS CONSTITUTION. MONEYS FROM THE FEE
4 SHALL NOT BE USED TO DISPLACE PUBLIC FUNDING COMMITMENTS ESTABLISHED PRIOR TO
5 THE PASSAGE OF THIS SECTION.

6 (4) LEGISLATION MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS SECTION 18,
7 BUT IN NO WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS
8 SECTION 18 OR THE POWERS HEREIN GRANTED.

9 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "ASSESSOR" MEANS THAT PART OF A STATE OR LOCAL GOVERNMENT WITH THE
11 RESPONSIBILITY TO ASSESS THE VALUE OF LAND AND COMPLETED PROJECTS FOR THE
12 PURPOSE OF TAXATION IN A PARTICULAR ZONING JURISDICTION.

13 (b) "COLORADO RESIDENTS" MEANS PERSONS WHO ARE CITIZENS OF THE UNITED STATES
14 OF AMERICA AND WHO ARE QUALIFIED AS COLORADO IN STATE RESIDENTS AS DEFINED BY
15 THE GENERAL ASSEMBLY FOR ALL INSTITUTIONS OF HIGHER EDUCATION.

16 (c) "CONSTRUCTION PROJECTS" MEANS NEW CONSTRUCTION OR REMODELING OF
17 BUILDINGS, PRIVATE ROADS, PIPELINES, DITCHES, SIDEWALKS, DAMS, EXCAVATION,
18 LANDSCAPING, GOLF COURSES, AND ANY OTHER CONSTRUCTION WORK RELATED TO NON-
19 EXEMPTED PROJECTS.

20 (d) "EDUCATIONAL FACILITIES" MEANS BUSINESS INSTITUTIONS DEDICATED TO
21 ELEMENTARY, MIDDLE OR HIGH SCHOOL EDUCATION, OR TO HIGHER EDUCATION OFFERING
22 AN ASSOCIATE, BACHELOR, MASTER, DOCTORATE, LAW, OR MEDICAL DEGREE.

23 (e) "FARMS AND RANCHES" MEANS FACILITIES USED FOR CULTIVATION, FEEDING AND
24 RAISING FOOD PRODUCTS, AND INCLUDE NEEDED BUILDINGS AND HOUSING LOCATED ON A
25 PARTICULAR COMMONLY OWNED AGRICULTURAL LAND PARCEL OR PARCELS.

26 (f) "HEALTH FACILITIES" MEANS BUSINESS INSTITUTIONS WHERE PEOPLE RECEIVE
27 MEDICAL, SURGICAL, OR PSYCHIATRIC TREATMENT AND NURSING CARE.

28 (g) "IMPROVED LAND" MEANS ANY LOT IN A RESIDENTIAL SUBDIVISION; THAT AREA OF A
29 COMMERCIAL OR INDUSTRIAL SITE EXCEPT THAT WHICH IS NOT USED FOR ANY PURPOSE
30 WITH THE EXCEPTION OF ANIMAL GRAZING AND ASSESSED AS VACANT LAND; A BUILDING
31 SITE AS PART OF AN ACREAGE CONTAINING ALL IMPROVEMENTS WITH NOT LESS THAN ONE
32 ACRE WHERE THE REMAINDER OF SUCH ACREAGE IS NATURALLY OCCURRING VEGETATION
33 AND ASSESSED AS VACANT LAND.

34 (h) "LOCAL GOVERNMENT" MEANS, WITHOUT REGARD TO HOME RULE STATUS, A
35 COUNTY, CITY AND COUNTY, CITY, MUNICIPALITY, TOWN, SCHOOL DISTRICT, SPECIAL
36 DISTRICT, OR ANY OTHER DEPARTMENT, AGENCY, OR INSTRUMENTALITY THEREOF, OR ANY
37 POLITICAL OR PUBLIC CORPORATION OF THE STATE.

38 (i) "PLANNING AND ZONING DEPARTMENT" MEANS THAT PART OF A STATE OR LOCAL
39 GOVERNMENT WITH THE RESPONSIBILITY TO ASSESS THE COST FOR AND DIRECT THE
40 ISSUANCE OF BUILDING PERMITS IN A PARTICULAR ZONING JURISDICTION.

41 (j) "PUBLIC COLLEGE AND UNIVERSITY" MEANS AN EDUCATIONAL FACILITY OFFERING AN
42 ASSOCIATE, BACHELOR, MASTER, DOCTORATE, LAW, OR MEDICAL DEGREE THAT IS OWNED
43 AND MAINTAINED BY A COLORADO STATE OR LOCAL GOVERNMENT AND REGULATED AT
44 LEAST IN PART BY THE COLORADO COMMISSION ON HIGHER EDUCATION.

45 (k) "PUBLICLY OWNED" MEANS A PROJECT CONSTRUCTED FOR THE EXCLUSIVE
46 OWNERSHIP OF A FEDERAL, STATE, OR LOCAL GOVERNMENT REGARDLESS OF HOW SUCH
47 PROJECT IS FINANCED.

48 (l) "SENIOR HOUSING" MEANS HOUSING PROJECTS CONSISTING OF AT LEAST TWELVE
49 SEPARATE DWELLINGS UNITS IN THE FORM OF AN APARTMENT OR CONDOMINIUM BUILDING
50 OR AT LEAST FOUR SUCH UNITS IN A TOWN HOME BUILDING WHERE THE TITLE DEEDS
51 SHALL REQUIRE THAT ALL OCCUPANTS SHALL BE AT LEAST SIXTY YEARS OF AGE.

52 (m) "UTILITIES" MEANS CONSTRUCTION RELATED TO PROVIDING WATER AND SEWER
53 SERVICES, AND PROVIDING ENERGY IN ALL FORMS THROUGHOUT THE STATE, INCLUDING,
54 BUT NOT LIMITED TO, EXPLORATION, EXTRACTION, GENERATION, AND TRANSMISSION OF
55 ENERGY SOURCES INCLUDING RENEWABLE ENERGY SOURCES SUCH AS WIND AND SOLAR,
56 AND BUILDINGS USED FOR SUCH RELATED PURPOSES INCLUDING ADMINISTRATION. THIS

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EXEMPTION INCLUDES ONLY THAT WHICH IS EXCLUSIVELY OWNED AND MAINTAINED BY UTILITIES.

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