

1 0Be 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, A ONE-HALF OF ONE PERCENT HIGHER EDUCATION
8 FUNDING FEE SHALL BE ASSESSED ON ALL CONSTRUCTION PROJECTS AND USED TO
9 PROMOTE PUBLIC COLORADO COLLEGES AND UNIVERSITIES. THIS FEE SHALL BE ASSESSED
10 ON THE ESTIMATED COST OF ALL NEW CONSTRUCTION PROJECTS IN COLORADO AS
11 DETERMINED BY A RESPECTIVE BUILDING AND ZONING DEPARTMENT AND COLLECTED
12 BEFORE A PERMIT TO BUILD OR ANY SUBSEQUENT PERMIT NEEDED TO COMPLETE SUCH
13 PROJECT FOR INTENDED PURPOSE SHALL BE ISSUED. A NINETY-DAY CURE PERIOD SHALL
14 EXIST AFTER THE COMPLETION OF A CONSTRUCTION PROJECT TO ASSESS THE FINAL
15 AMOUNT OF THIS FEE AND TO COLLECT OR REFUND ANY BALANCE DUE. NO FEE SHALL BE
16 ASSESSED WHEN THE ESTIMATED TOTAL COST OF A CONSTRUCTION PROJECT IS LESS THAN
17 ONE HUNDRED THOUSAND DOLLARS SUBJECT TO REVIEW UPON COMPLETION. LAND
18 ACQUISITIONS SHALL NOT BE CONSIDERED IN THIS FEE. CONSTRUCTION PROJECTS
19 EXEMPTED FROM THIS FEE SHALL BE: PUBLICLY OWNED PROJECTS; PRIVATELY OWNED
20 HEALTH AND EDUCATIONAL FACILITIES; FARMS AND RANCHES; RAILROADS AND UTILITIES;
21 HOUSES OF WORSHIP SUCH AS CHURCHES, MOSQUES AND SYNAGOGUES.

22 (2) ALL HIGHER EDUCATION FUNDING FEES SHALL BE TRANSMITTED TO THE STATE
23 TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHER EDUCATION CASH FUND,
24 WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO THIS
25 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO APPROPRIATION
26 BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
27 IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
28 PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY
29 LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
30 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
31 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL
32 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
33 FUND OR ANY OTHER FUND.

34 (3) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL BE EMPOWERED TO
35 CONTROL THE EXPENDITURE OF THE REVENUES FROM THIS FUND FOR THE PURPOSE OF THE
36 EXPANSION AND IMPROVEMENT OF COLORADO PUBLIC COLLEGES AND UNIVERSITIES
37 INCLUDING THE CREATION OF NEW SUCH INSTITUTIONS. THIS AT LEAST THIRTY PERCENT
38 OF SAID MONEYS SHALL BE USED TO SUBSIDIZE LOWER TUITION COSTS AND PROVIDE
39 SCHOLARSHIPS FOR COLORADO RESIDENTS. MONEYS FROM THIS FEE SHALL NOT BE USED
40 FOR ATHLETIC DEPARTMENTS OR PROGRAMS.

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

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

47 (a) "CONSTRUCTION PROJECTS" MEANS NEW CONSTRUCTION OR REMODELING OF
48 BUILDINGS, PRIVATE ROADS, PIPELINES, DITCHES, SIDEWALKS, DAMS, EXCAVATION,
49 LANDSCAPING, GOLF COURSES, AND ANY OTHER CONSTRUCTION WORK RELATED TO NON-
50 EXEMPTED PROJECTS.

51 (b) "EDUCATIONAL FACILITIES" MEANS ANY BUSINESS INSTITUTION DEDICATED TO
52 ELEMENTARY, MIDDLE OR HIGH SCHOOL EDUCATION, OR TO HIGHER EDUCATION OFFERING
53 AN ASSOCIATE, BACHELOR, MASTER, DOCTORATE, LAW OR MEDICAL DEGREE.

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

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(d) "HEALTH FACILITIES" MEANS ANY BUSINESS INSTITUTION WHERE PEOPLE RECEIVE MEDICAL, SURGICAL, OR PSYCHIATRIC TREATMENT AND NURSING CARE.

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

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

(g) "PUBLICLY OWNED" MEANS A PROJECT CONSTRUCTED FOR THE EXCLUSIVE OWNERSHIP OF THE FEDERAL, STATE OR LOCAL GOVERNMENTS REGARDLESS OF HOW SUCH PROJECT IS FINANCED.

(h) "UTILITIES" MEANS CONSTRUCTION RELATED TO PROVIDING WATER AND SEWER SERVICES, AND PROVIDING ENERGY IN ALL FORMS THROUGHOUT THE STATE, INCLUDING, BUT NOT LIMITED TO, EXPLORATION AND EXTRACTION OF ENERGY SOURCES, AND RENEWABLE ENERGY SOURCES SUCH AS WIND AND SOLAR. ALSO INCLUDED ARE COMMERCIAL BUILDINGS OWNED BY ENERGY COMPANIES AND USED FOR RELATED PURPOSES INCLUDING ADMINISTRATION.

(i) "COLORADO RESIDENTS" MEANS PERSONS WHO ARE CITIZENS OF THE UNITED STATES OF AMERICA AND ARE:

(1) PERSONS AT LEAST TWENTY THREE YEARS OF AGE AND HAVE RESIDED IN COLORADO FOR THE LAST TWELVE MONTHS AND HAVE COMPLETED TWO OF THE FOLLOWING PROCEDURES IN COLORADO; REGISTERED TO VOTE; WORKED AND FILED A STATE INCOME TAX RETURN; OBTAINED A DRIVERS LICENSE; HAVE PURCHASED A HOME.

(2) PERSONS UNDER THE AGE OF TWENTY THREE YEARS OLD AND WHOSE PARENTS OR LEGAL GUARDIANS QUALIFY FOR THE PROVISIONS IN (i) (1).

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