

Be it enacted by the people of the state of Colorado:
Article IX of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 18. Higher education funding fee on new construction

(1) BEGINNING JANUARY 1, 2008, A ONE-HALF OF ONE PERCENT HIGHER EDUCATION FUNDING FEE SHALL BE ASSESSED ON ALL CONSTRUCTION PROJECTS AND USED TO PROMOTE PUBLIC COLORADO COLLEGES AND UNIVERSITIES. THIS FEE SHALL BE ASSESSED ON THE ESTIMATED COST OF ALL NEW CONSTRUCTION IN COLORADO AS DETERMINED BY A RESPECTIVE LOCAL GOVERNMENT AND COLLECTED BEFORE A PERMIT TO BUILD OR ANY SUBSEQUENT PERMIT NEEDED TO COMPLETE SUCH PROJECT SHALL BE ISSUED. A NINETY DAY CURE PERIOD SHALL EXIST AFTER THE COMPLETION OF A CONSTRUCTION PROJECT TO ASSESS THE FINAL AMOUNT OF THIS FEE AND TO COLLECT OR REFUND ANY BALANCE DUE. NO FEE SHALL BE ASSESSED WHEN THE ESTIMATED TOTAL COST OF A CONSTRUCTION PROJECT IS LESS THAN ONE HUNDRED THOUSAND DOLLARS SUBJECT TO REVIEW UPON COMPLETION. LAND ACQUISITIONS SHALL NOT BE CONSIDERED IN THIS FEE. CONSTRUCTION PROJECTS EXEMPTED FROM THIS FEE INCLUDE: 1.) PUBLICLY OWNED PROJECTS, 2.) PRIVATELY OWNED HEALTH AND EDUCATIONAL FACILITIES, 3.) FARMS AND RANCHES, 4.) RAILROADS AND UTILITIES, 5.) HOUSES OF WORSHIP SUCH AS CHURCHES, SYNAGOGUES OR MOSQUES.

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

(3) A VOLUNTEER FINANCIAL BOARD MADE UP OF AT LEAST TWO COLLEGE EDUCATORS FROM EACH PUBLIC COLLEGE AND UNIVERSITY WITH LESS THAN TEN-THOUSAND STUDENTS AND FOUR SUCH EDUCATORS FROM THOSE WITH MORE THAN TEN-THOUSAND STUDENTS SHALL BE CREATED AND EMPOWERED BY THE GENERAL ASSEMBLY TO COMPLETELY OVERSEE AND ALLOCATE THE REVENUES FROM THIS FUND WITH THE PURPOSE OF SUPERIOR SCHOLASTIC ACHIEVEMENT IN COLORADO PUBLIC COLLEGES AND UNIVERSITIES INCLUDING THE CREATION OF NEW SUCH INSTITUTIONS. FOLLOWING THE CREATION OF SUCH BOARD, RULES AND REGULATIONS REGARDING THE DUTIES AND SELECTION OF BOARD MEMBERS, TERM LENGTHS, ETC. MAY BE CHANGED BY THE UNANIMOUS VOTE OF THE EXISTING BOARD MEMBERS. AT LEAST TWENTY PERCENT OF SAID MONEYS SHALL BE USED TO LOWER TUITION COSTS AND PROVIDE SCHOLARSHIPS FOR LEGAL IN-STATE RESIDENTS. MONEYS FROM THIS FEE SHALL NOT BE USED FOR ATHLETIC DEPARTMENTS OR PROGRAMS.

(4) REVENUES FROM THIS FEE ARE FIXED TO CONSTRUCTION RATES AND SHALL NOT BE SUBJECT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION. MONEYS FROM THE FEE SHALL NOT BE USED TO DISPLACE PUBLIC FUNDING COMMITMENTS ESTABLISHED PRIOR TO THE PASSAGE OF THIS AMENDMENT.

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

(a) "CONSTRUCTION PROJECT" MEANS CONSTRUCTION OF NEW BUILDINGS OR REMODELING OF SUCH INCLUDING PRIVATE ROADS, PIPELINES, DITCHES, SIDEWALKS, DAMS, EXCAVATION, LANDSCAPING, GOLF COURSES AND OTHER CONSTRUCTION WORK RELATED TO A NON-EXEMPTED PROJECT.

(b) "EDUCATIONAL FACILITY" MEANS ANY COMMERCIAL INSTITUTION DEDICATED TO

ELEMENTARY, MIDDLE OR HIGH SCHOOL EDUCATION, OR TO HIGHER EDUCATION OFFERING AN ASSOCIATE, BACHELOR, MASTER, DOCTORATE, LAW OR MEDICAL DEGREE.

(c) "FARM AND RANCH" MEANS CULTIVATION, FEEDING AND RAISING FOOD PRODUCTS INCLUDING NEEDED BUILDINGS AND HOUSING FOR SUCH PURPOSE ALL LOCATED ON A PARTICULAR AGRICULTURAL LAND SITE.

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

(e) "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.

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

(g) "UTILITIES" MEANS CONSTRUCTION RELATED TO PROVIDING WATER AND SEWER SERVICES, AND PROVIDING ENERGY IN ALL FORMS THROUGHOUT THE STATE INCLUDING EXPLORATION AND EXTRACTION OF SUCH ENERGY SOURCES.

PROponents:

DANIEL HAYES

15409 Hwy 72 Arvada CO 80007-8220

303 424 4455 email: impactfees@yahoo.com

ERIC LEVINE

Ft. Collins, CO. 80521

ericlevine@juno.com