

## CHAPTER 235

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**EDUCATION - PUBLIC SCHOOLS**

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## SENATE BILL 16-209

BY SENATOR(S) Todd and Holbert, Newell;  
also REPRESENTATIVE(S) Buckner and Priola, Duran, Fields, Hamner, Kraft-Tharp, Lee, Melton, Rosenthal, Ryden, Young.

**AN ACT****CONCERNING AUTHORIZING A SCHOOL DISTRICT BOARD OF EDUCATION TO CONSTRUCT A BUILDING FOR LEASE TO A STATE INSTITUTION OF HIGHER EDUCATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 22-32-110, **add** (1) (f.5) as follows:

**22-32-110. Board of education - specific powers.** (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(f.5) SUBJECT TO PRIOR APPROVAL BY THE COMMISSIONER OF EDUCATION AS PROVIDED IN SECTION 22-2-112 (5), TO LEASE DISTRICT PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION FOR USE BY THE INSTITUTION FOR A TERM AGREED TO BY THE DISTRICT AND THE INSTITUTION. IN ADDITION TO OR IN LIEU OF MONETARY LEASE PAYMENTS, THE BOARD OF EDUCATION MAY AGREE TO RECEIVE IN-KIND SERVICES PROVIDED BY THE INSTITUTION TO THE DISTRICT OR ITS EMPLOYEES OR GRADUATES WHO RESIDE WITHIN COLORADO, SUCH AS REDUCED TUITION RATES AND SCHOLARSHIPS FOR THE SCHOOL DISTRICT'S EMPLOYEES OR GRADUATES WHO RESIDE WITHIN COLORADO. IF THE SCHOOL DISTRICT RECEIVES IN-KIND SERVICES AS PROVIDED IN THIS PARAGRAPH (f.5), THE DOLLAR VALUE OF THE IN-KIND SERVICES THAT THE SCHOOL DISTRICT RECEIVES MUST EQUAL THE DOLLAR AMOUNT OF THE LEASE PAYMENT FOR WHICH THE IN-KIND SERVICE IS SUBSTITUTED. NO LATER THAN DECEMBER 31, 2018, AND NO LATER THAN DECEMBER 31 EVERY THREE YEARS THEREAFTER, THE SCHOOL DISTRICT SHALL SUBMIT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT SPECIFYING THE AMOUNT OF BONDED INDEBTEDNESS INCURRED TO BUILD A BUILDING THAT IS LEASED TO AN

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

INSTITUTION OF HIGHER EDUCATION AS PROVIDED IN THIS PARAGRAPH (f.5), AN ACCOUNTING OF THE VALUE OF ANY IN-KIND SERVICES RECEIVED, AND THE IMPACT ON THE SCHOOL DISTRICT AS A RESULT OF THE LEASE.

**SECTION 2.** In Colorado Revised Statutes, 22-42-102, **amend** (2) (a) (VIII); and **add** (2) (a) (X) as follows:

**22-42-102. Bonded indebtedness - elections.** (2) (a) The board of education of any school district, at any regular biennial school election or at a special election called for the purpose, shall submit to the eligible electors of the district the question of contracting a bonded indebtedness for one or more of the following purposes:

(VIII) For supporting charter school capital construction as defined in section 22-30.5-403 (4) or the land and facilities needs of a charter school as defined in section 22-30.5-403 (3), without title or ownership of charter school capital assets being held by the school district or ownership or use restrictions placed on the charter school by the school district; ~~or~~

(X) SUBJECT TO PRIOR APPROVAL BY THE COMMISSIONER OF EDUCATION AS PROVIDED IN SECTION 22-2-112 (5), FOR CONSTRUCTING A BUILDING THAT THE SCHOOL DISTRICT MAY LEASE TO A STATE INSTITUTION OF HIGHER EDUCATION. IF A BOARD OF EDUCATION SEEKS VOTER APPROVAL TO CONTRACT BONDED INDEBTEDNESS FOR THIS PURPOSE, THE BALLOT QUESTION MUST SPECIFICALLY STATE THAT THE BONDED INDEBTEDNESS IS INCURRED "FOR THE PURPOSE OF CONSTRUCTING A BUILDING THAT THE SCHOOL DISTRICT MAY LEASE TO A STATE INSTITUTION OF HIGHER EDUCATION".

**SECTION 3.** In Colorado Revised Statutes, 22-2-112, **add** (5) as follows:

**22-2-112. Commissioner - duties.** (5) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT INTENDS TO SEEK VOTER APPROVAL OF BONDED INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A BUILDING THAT THE SCHOOL DISTRICT MAY LEASE TO A STATE INSTITUTION OF HIGHER EDUCATION OR THAT INTENDS TO LEASE OTHER SCHOOL DISTRICT PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION, AND THAT INTENDS, IN EITHER SITUATION, TO RECEIVE IN-KIND SERVICES IN LIEU OF PART OR ALL OF THE LEASE PAYMENTS, MUST SUBMIT TO THE COMMISSIONER A LETTER OF INTENT TO LEASE PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION. THE COMMISSIONER SHALL APPROVE THE FIRST THREE LETTERS OF INTENT THAT ARE SUBMITTED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5) AND SHALL NOT APPROVE SUBSEQUENT SUBMITTALS UNTIL JULY 1, 2021, AT WHICH POINT THE COMMISSIONER MAY APPROVE THE FIRST THREE LETTERS OF INTENT SUBMITTED AFTER THAT DATE. A SCHOOL DISTRICT BOARD OF EDUCATION MAY PROCEED WITH PLANS TO LEASE PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION OR TO SEEK VOTER APPROVAL OF BONDED INDEBTEDNESS TO CONSTRUCT A BUILDING FOR LEASE TO A STATE INSTITUTION OF HIGHER EDUCATION ONLY IF THE SCHOOL DISTRICT'S LETTER OF INTENT IS APPROVED BY THE COMMISSIONER. THE PROVISIONS OF THIS SUBSECTION (5) DO NOT APPLY TO A BUILDING LEASE BETWEEN A SCHOOL DISTRICT AND A STATE INSTITUTION OF HIGHER EDUCATION THAT EXISTS AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (5).

**SECTION 4.** In Colorado Revised Statutes, 23-1-106, **add** (9) (f) as follows:

**23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning - legislative declaration - definitions.**

(9) (f) THE GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO AN AGREEMENT TO LEASE A BUILDING FROM A SCHOOL DISTRICT, AS AUTHORIZED IN SECTION 22-32-110(1) (f.5), C.R.S., SHALL NOTIFY THE CAPITAL DEVELOPMENT COMMITTEE OF THE EXISTENCE OF THE AGREEMENT AND PROVIDE TO THE COMMITTEE A SUMMARY OF THE TERMS OF THE AGREEMENT.

**SECTION 5. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2016