

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 5, 2016  
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB16-209 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 2, line 8, strike "To" and substitute
- 2 "SUBJECT TO PRIOR APPROVAL BY THE COMMISSIONER OF EDUCATION AS
- 3 PROVIDED IN SECTION 22-2-112 (5), TO".
  
- 4 Page 2, line 9, after "EDUCATION" insert "IN COLORADO WITH OPEN
- 5 ADMISSION STANDARDS".
  
- 6 Page 2, line 13, strike "GRADUATES," and substitute "GRADUATES WHO
- 7 RESIDE WITHIN COLORADO,".
  
- 8 Page 2, line 15, strike "GRADUATES." and substitute "GRADUATES WHO
- 9 RESIDE WITHIN COLORADO. IF THE SCHOOL DISTRICT RECEIVES IN-KIND
- 10 SERVICES AS PROVIDED IN THIS PARAGRAPH (f.5), THE DOLLAR VALUE OF
- 11 THE IN-KIND SERVICES THAT THE SCHOOL DISTRICT RECEIVES MUST EQUAL
- 12 THE DOLLAR AMOUNT OF THE LEASE PAYMENT FOR WHICH THE IN-KIND
- 13 SERVICE IS SUBSTITUTED. NO LATER THAN DECEMBER 31, 2018, AND NO
- 14 LATER THAN DECEMBER 31 EVERY THREE YEARS THEREAFTER, THE
- 15 SCHOOL DISTRICT SHALL SUBMIT TO THE EDUCATION COMMITTEES OF THE
- 16 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
- 17 COMMITTEES, A REPORT SPECIFYING THE AMOUNT OF BONDED
- 18 INDEBTEDNESS INCURRED TO BUILD A BUILDING THAT IS LEASED TO AN
- 19 INSTITUTION OF HIGHER EDUCATION AS PROVIDED IN THIS PARAGRAPH
- 20 (f.5), AN ACCOUNTING OF THE VALUE OF ANY IN-KIND SERVICES RECEIVED,

1 AND THE IMPACT ON THE SCHOOL DISTRICT AS A RESULT OF THE LEASE."

2 Page 3, line 3, strike "FOR" and substitute "SUBJECT TO PRIOR APPROVAL  
3 BY THE COMMISSIONER OF EDUCATION AS PROVIDED IN SECTION 22-2-112  
4 (5), FOR".

5 Page 3, line 4, after the period add "IF A BOARD OF EDUCATION SEEKS  
6 VOTER APPROVAL TO CONTRACT BONDED INDEBTEDNESS FOR THIS  
7 PURPOSE, THE BALLOT QUESTION MUST SPECIFICALLY STATE THAT THE  
8 BONDED INDEBTEDNESS IS INCURRED "FOR THE PURPOSE OF  
9 CONSTRUCTING A BUILDING THAT THE SCHOOL DISTRICT  
10 MAY LEASE TO A STATE INSTITUTION OF HIGHER  
11 EDUCATION".

12 Page 3, after line 4 insert:

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

15 **22-2-112. Commissioner - duties.** (5) ON AND AFTER THE  
16 EFFECTIVE DATE OF THIS SUBSECTION (5), THE BOARD OF EDUCATION OF  
17 A SCHOOL DISTRICT THAT INTENDS TO SEEK VOTER APPROVAL OF BONDED  
18 INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A BUILDING THAT THE  
19 SCHOOL DISTRICT MAY LEASE TO A STATE INSTITUTION OF HIGHER  
20 EDUCATION OR THAT INTENDS TO LEASE OTHER SCHOOL DISTRICT  
21 PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION MUST SUBMIT  
22 TO THE COMMISSIONER A LETTER OF INTENT TO LEASE PROPERTY TO A  
23 STATE INSTITUTION OF HIGHER EDUCATION. THE COMMISSIONER SHALL  
24 APPROVE THE FIRST THREE LETTERS OF INTENT THAT ARE SUBMITTED  
25 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5) AND SHALL NOT  
26 APPROVE SUBSEQUENT SUBMITTALS UNTIL JULY 1, 2021, AT WHICH POINT  
27 IT MAY APPROVE THE FIRST THREE LETTERS OF INTENT SUBMITTED AFTER  
28 THAT DATE. A SCHOOL DISTRICT BOARD OF EDUCATION MAY PROCEED  
29 WITH PLANS TO LEASE PROPERTY TO A STATE INSTITUTION OF HIGHER  
30 EDUCATION OR TO SEEK VOTER APPROVAL OF BONDED INDEBTEDNESS TO  
31 CONSTRUCT A BUILDING FOR LEASE TO A STATE INSTITUTION OF HIGHER  
32 EDUCATION ONLY IF THE SCHOOL DISTRICT'S LETTER OF INTENT IS  
33 APPROVED BY THE COMMISSIONER.

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

36 **23-1-106. Duties and powers of the commission with respect**  
37 **to capital construction and long-range planning - legislative**

1 **declaration - definitions.** (9) (f) THE GOVERNING BOARD OF A STATE  
2 INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO AN AGREEMENT TO  
3 LEASE A BUILDING FROM A SCHOOL DISTRICT, AS AUTHORIZED IN SECTION  
4 22-32-110 (1) (f.5), C.R.S., SHALL NOTIFY THE CAPITAL DEVELOPMENT  
5 COMMITTEE OF THE EXISTENCE OF THE AGREEMENT AND PROVIDE TO THE  
6 COMMITTEE A SUMMARY OF THE TERMS OF THE AGREEMENT."

7 Renumber succeeding section accordingly.

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