

CHAPTER 76

EDUCATION - POSTSECONDARY

SENATE BILL 22-121

BY SENATOR(S) Zenzinger and Simpson;
 also REPRESENTATIVE(S) Rich and McLachlan, Bacon, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich,
 Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Ortiz, Sirota, Titone, Valdez A.,
 Valdez D.

AN ACT

CONCERNING INCREASING THE AMOUNT OF TUITION REVENUES PLEDGED BY AN INSTITUTION OF HIGHER EDUCATION.

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

SECTION 1. In Colorado Revised Statutes, 23-5-103, **amend** (1) as follows:

23-5-103. Pledge of income. (1) ~~(a)~~ The governing board of any one or more state educational institutions, including but not limited to the state colleges under the control and operation of their respective boards of trustees, that enters into ~~such~~ a contract for the advancement of money is authorized, in connection with or as a part of ~~such~~ THE contract, to pledge the net income derived or to be derived from ~~such~~ land or facilities ~~so~~ constructed, acquired, and equipped as security for the repayment of the money advanced ~~therefor~~, IN THE CONTRACT, together with interest, ~~thereon~~, and for the establishment and maintenance of reserves in connection ~~therewith~~, and, WITH THE CONTRACT. For the same purpose, any such governing board is also authorized, subject to the limitations specified in section 23-5-119.5 (5), to pledge the net income derived or to be derived from other facilities that are included in a designated enterprise or, if not included, other facilities that are not acquired and not to be acquired with money appropriated to the institution by the state of Colorado, and to pledge the net income, fees, and revenues derived from such sources, if unpledged, or, if pledged, the net income, fees, and revenues currently in excess of the amount required to meet principal, interest, and reserve requirements in connection with outstanding obligations to which ~~such~~ THE net income, fees, and revenues have ~~heretofore~~ been pledged. ~~Except as provided in paragraph (b) of this subsection (1);~~ A governing board of an institution or group of institutions designated as an enterprise pursuant to section 23-5-101.7 that has

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

entered into a contract for the advancement of money on behalf of ~~such an~~ THE institution or group of institutions may pledge up to ~~ten~~ ONE HUNDRED percent of tuition revenues of ~~such an~~ THE enterprise, except for general fund money appropriated by the general assembly, and all or a portion of a facility construction fee that may be imposed as security for the repayment of the money advanced pursuant to ~~said~~ THE contract. The pledge of tuition revenues or the imposition of a facility construction fee ~~shall include~~ INCLUDES a process for student input consistent with the institutional plan for student fees adopted by the governing board of the applicable institution pursuant to section 23-5-119.5.

~~(b) Commencing on and after March 31, 2016, a governing board of an institution or group of institutions designated as an enterprise pursuant to section 23-5-101.7 that has entered into a contract for the advancement of money on behalf of the institution or group of institutions may pledge up to one hundred percent of tuition revenues of the enterprise, except for general fund money appropriated by the general assembly, if:~~

~~(I) The contract for the advancement of money for which the institution is pledging tuition revenue is not subject to the higher education revenue bond intercept program set forth in section 23-5-139; and~~

~~(II) The institution is not a party to any existing contract for the advancement of money on behalf of the institution or group of institutions that is subject to the higher education revenue bond intercept program set forth in section 23-5-139.~~

SECTION 2. In Colorado Revised Statutes, 23-5-139, **amend** (1)(b) introductory portion and (1)(b)(III)(B) as follows:

23-5-139. Higher education revenue bond intercept program - definitions.

(1) (b) If an institution issues a revenue bond pursuant to this ~~article~~ ARTICLE 5 on or after June 6, 2016, or issues a refunding bond pursuant to article 54, 56, or 57 of title 11 ~~C.R.S.~~; on or after June 6, 2016, and the governing board ~~wishes for such~~ WANTS THE revenue or refunding bond to be an intercept bond, then:

(III) The pledged revenues for the new intercept bond issue include not less than:

(B) ~~Ten~~ ONE HUNDRED percent of tuition if the institution is an enterprise, as defined in section 24-77-102 (3); ~~C.R.S.~~;

SECTION 3. In Colorado Revised Statutes, 23-54-102, **amend** (1)(a) introductory portion and (1)(a)(V) as follows:

23-54-102. Board of trustees - creation - members - powers - duties.

(1) (a) Effective July 1, 2002, there is established the board of trustees for Metropolitan state university of Denver, referred to in this ~~article~~ ARTICLE 54 as the "board of trustees", ~~which shall consist~~ THAT CONSISTS of eleven members and ~~shall be~~ IS the governing authority for Metropolitan state university of Denver. The board of trustees created by this subsection (1) ~~shall be, and is hereby declared to be,~~ IS a body corporate and, as such and by the names designated in this section, may:

(V) Transfer, assign, or pledge portions of its student fees, auxiliary revenues,

capital facilities fees, and up to ~~ten~~ ONE HUNDRED percent of tuition ~~moneys~~ MONEY to the Auraria higher education center to provide a source of repayment for revenue bonds or other loans or financial obligations incurred by the center to finance construction of an auxiliary facility, as defined in section 23-5-101.5 (2)(a); a complementary facility, as defined in section 23-70-105.5 (1); any other facility necessary or useful to the accomplishment of the mission of Metropolitan state university of Denver; or the infrastructure necessary to support any of the types of facilities specified in this ~~subparagraph (V)~~ SUBSECTION (1)(a)(V).

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 7, 2022