

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0847.03 Jason Gelender x4330

HOUSE BILL 15-1344

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House Committees

Agriculture, Livestock, & Natural Resources

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A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF STATE CAPITAL CONSTRUCTION**
102 **PROJECTS THAT ARE INCLUDED IN THE NATIONAL WESTERN**
103 **CENTER OR CAPITOL COMPLEX MASTER PLANS, AND, IN**
104 **CONNECTION THEREWITH, AUTHORIZING THE STATE TO ENTER**
105 **INTO LEASE-PURCHASE AGREEMENTS TO FINANCE FACILITIES**
106 **FOR COLORADO STATE UNIVERSITY THAT ARE INCLUDED IN THE**
107 **NATIONAL WESTERN CENTER MASTER PLAN, CREATING THE**
108 **NATIONAL WESTERN CENTER TRUST FUND, AND CREATING A**
109 **CAPITOL COMPLEX MASTER PLAN IMPLEMENTATION FUND AS A**
110 **FUNDING SOURCE FOR PROJECTS THAT ARE INCLUDED IN THE**
111 **CAPITOL COMPLEX MASTER PLAN.**

Bill Summary

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The creation of the national western center (NWC) is a partnership among the western stock show association, the city and county of Denver, Colorado state university (CSU), the Denver museum of nature and science, and history Colorado, formed for the purpose of building and operating a new year-round, multi-purpose national western center on and near the existing site of the Denver coliseum and historic national western stock show complex.

Among other things, the NWC master plan provides for an integrated facilities program that includes a variety of facilities for CSU, including an equine sports medicine clinic, a collaborative community outreach veterinary clinic and clinical trials center, a water resources center, and a Colorado state university center that may include: a food systems innovation and learning center; a Denver urban extension center; an educational urban farm with demonstration fields; classrooms; laboratories; and a test kitchen and administrative space. Other facilities and CSU spaces may be identified as design progresses.

Subject to specific project approval by the Colorado commission on higher education, the office of state planning and budgeting, and the capital development committee and inclusion of the projects to be financed in the governor's annual executive budget proposed to the general assembly, the bill authorizes the state, acting by and through the state treasurer, to enter into lease-purchase agreements in a total principal amount not to exceed \$250 million and with a maximum term of 20 years for the purpose of financing the construction of facilities for CSU at the NWC and affiliated facilities on the CSU campus. Such a lease-purchase agreement does not create any liability or indebtedness of CSU.

No later than August 1, 2016, and no later than August 1 of each year thereafter, the national western center partnership must submit an annual national western center project report to the offices of the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The report must include an update on the national western center project work plan and a general progress report. If the NWC is requesting state funding based upon the phased development schedule for the national western center project, it must also provide information regarding necessary facility programming and an estimated budget.

The national western center trust fund is created, and the state treasurer is required to annually transfer general fund moneys to the trust fund for any fiscal year commencing on or after July 1, 2019, in the

amount of the annual payments due on any outstanding lease-purchase agreements subject to specified maximum limits on the amount of each annual transfer. Subject to annual appropriation by the general assembly, CSU may expend money from the trust fund to make lease payments.

The capitol complex master plan implementation fund is created. On and after July 1, 2019, the state treasurer must make annual transfers in specified amounts from the general fund to the implementation fund on July 1 of each fiscal year that commences on or after July 1, 2019, but before July 1, 2024. Once the balance of the implementation fund equals or exceeds a specified amount, and subject to project-specific approval by the capital development committee and annual appropriation by the general assembly, the department of personnel may expend money from the fund for any project that is included in the capitol complex master plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
3 31 of title 23 as follows:

4 **PART 9**

5 **FINANCING OF NATIONAL WESTERN**

6 **CENTER FACILITIES**

7 **23-31-901. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 HEREBY FINDS AND DECLARES THAT:

9 (a) THE NATIONAL WESTERN STOCK SHOW HAS BEEN HELD
10 ANNUALLY IN DENVER FOR ONE HUNDRED NINE YEARS, AND IT PROVIDES
11 MANY IMPORTANT BENEFITS TO THE STATE BECAUSE IT:

12 (I) IS A SHOWCASE EVENT FOR THE WESTERN AGRICULTURAL
13 INDUSTRY AND RELATED INDUSTRIES THAT PROMOTES, SUPPORTS, AND
14 HELPS TO PRESERVE THE RURAL WESTERN LIFESTYLE IN OUR
15 INCREASINGLY URBANIZED SOCIETY AND PROVIDES OPPORTUNITIES FOR
16 DISSEMINATION OF AGRICULTURAL INDUSTRY INNOVATIONS AND BEST
17 PRACTICES LOCALLY, REGIONALLY, NATIONALLY, AND INTERNATIONALLY;

1 (II) FUNDS SCHOLARSHIPS FOR STUDENTS STUDYING
2 AGRICULTURE, RURAL MEDICINE, AND VETERINARY SCIENCE AT
3 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AND IN WYOMING;
4 AND

5 (III) HAS AN ESTIMATED ANNUAL ECONOMIC IMPACT TO THE STATE
6 OF ABOUT ONE HUNDRED FIFTEEN MILLION DOLLARS, HOSTING MORE
7 NATIONAL-LEVEL COMPETITIONS THAN ANY OTHER REGIONAL VENUE, AND
8 IS CONSIDERED ONE OF THE LARGEST ANNUAL AGRICULTURAL
9 CONVENTIONS AND TRADE SHOWS IN THE UNITED STATES.

10 (b) IT IS IMPORTANT TO SUSTAIN AND GROW THE NATIONAL
11 WESTERN STOCK SHOW IN DENVER FOR THE NEXT ONE HUNDRED YEARS SO
12 THAT THE STATE CAN CONTINUE TO REALIZE THE BENEFITS THAT IT
13 PROVIDES AND ADDITIONAL BENEFITS ESTIMATED TO ACCRUE FROM ITS
14 TRANSFORMATIONAL REDEVELOPMENT, WHICH INCLUDE BUT ARE NOT
15 LIMITED TO:

16 (I) THE SIGNIFICANT ECONOMIC BENEFIT TO THE STATE THAT WILL
17 RESULT FROM THE REDEVELOPMENT AND TRANSFORMATION OF THE SITE;
18 AND

19 (II) THE FOLLOWING SIGNIFICANT ECONOMIC IMPACTS, WHICH AN
20 ECONOMIC ANALYSIS BY STRATEGIC ADVISORY GROUP ESTIMATES, OF
21 DEVELOPING THE COLORADO STATE UNIVERSITY FACILITIES AT THE
22 NATIONAL WESTERN CENTER BASED UPON THE CURRENT TEN-YEAR
23 BUILD-OUT OF THE SITE WITHOUT THE USE OF LEASE-PURCHASE
24 AGREEMENTS:

25 (A) AN ADDITIONAL ONE HUNDRED MILLION DOLLARS IN
26 ECONOMIC IMPACT TO THE STATE, WHICH THE CENTER WILL GENERATE
27 UPON COMPLETION;

1 (B) AN INCREASE TO OVER TWO MILLION TWO HUNDRED
2 THOUSAND IN TOTAL ATTENDANCE ANNUALLY;

3 (C) NINE HUNDRED SIXTY THOUSAND FIVE HUNDRED NEW VISITORS
4 ANNUALLY, FORTY PERCENT OF WHOM WILL COME FROM OUTSIDE OF
5 COLORADO;

6 (D) THREE THOUSAND NINE HUNDRED TWENTY CONSTRUCTION
7 JOBS; AND

8 (E) FIVE BILLION NINE HUNDRED MILLION DOLLARS IN NET NEW
9 VISITOR SPENDING OVER THIRTY YEARS;

10 (c) THE EXISTING GROUNDS AND FACILITIES WHERE THE NATIONAL
11 WESTERN STOCK SHOW IS HELD ARE CURRENTLY DIFFICULT TO ACCESS,
12 POORLY INTEGRATED WITH SURROUNDING NEIGHBORHOODS, AND
13 FUNCTIONALLY LIMITED;

14 (d) IN ORDER TO ENSURE THAT THE NATIONAL WESTERN STOCK
15 SHOW CAN REMAIN AND THRIVE IN DENVER FOR THE FORESEEABLE
16 FUTURE, AND THAT ADDITIONAL, BROAD-BASED BENEFITS OF YEAR-ROUND
17 ACTIVITY CAN BE REALIZED, THE NATIONAL WESTERN STOCK SHOW, THE
18 CITY AND COUNTY OF DENVER, COLORADO STATE UNIVERSITY, THE
19 DENVER MUSEUM OF NATURE AND SCIENCE, AND HISTORY COLORADO
20 FORMED THE NATIONAL WESTERN CENTER PARTNERSHIP;

21 (e) THE PURPOSE OF THE NATIONAL WESTERN CENTER
22 PARTNERSHIP IS TO REDEVELOP AND BETTER INTEGRATE WITH
23 SURROUNDING NEIGHBORHOODS THE EXISTING ONE HUNDRED THIRTY
24 ACRES OF LAND ON AND NEAR THE EXISTING SITE OF THE DENVER
25 COLISEUM AND NATIONAL WESTERN STOCK SHOW GROUNDS AND TO BUILD
26 AND OPERATE A NEW TWO-HUNDRED-SEVENTY ACRE STATE-OF-THE-ART,
27 MULTI-PURPOSE NATIONAL WESTERN CENTER TO:

1 (I) HOUSE THE NATIONAL WESTERN STOCK SHOW;

2 (II) SERVE AS A HUB FOR YEAR-ROUND CREATIVE, P-20
3 EXPERIENTIAL EDUCATIONAL, RESEARCH AND COMMERCIAL ACTIVITY
4 THAT PROMOTES, SUPPORTS, AND HELPS TO PRESERVE THE WESTERN
5 LIFESTYLE WHILE HIGHLIGHTING INNOVATION AND GLOBAL ISSUES OF
6 HEALTH, FOOD SYSTEMS, FOOD SECURITY, WATER, AND THE
7 ENVIRONMENT; AND

8 (III) PROVIDE AN ATTRACTIVE ENVIRONMENT FOR ADDITIONAL
9 AGRICULTURAL BUSINESS AND SCIENCE INVESTMENTS THAT WILL
10 INCREASE OTHER ECONOMIC AND WORKFORCE DEVELOPMENT ACTIVITY IN
11 THE SURROUNDING NEIGHBORHOODS, ENCOURAGE THE REVITALIZATION
12 OF THOSE NEIGHBORHOODS, AND POSITION THE STATE AS AN
13 AGRICULTURAL INNOVATIONS CLUSTER LEADER; AND

14 (f) AT LEAST TWENTY-FOUR FRONT RANGE CITIES AND TOWNS
15 ALREADY SUPPORT THE DEVELOPMENT OF THE NATIONAL WESTERN
16 CENTER.

17 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

18 (a) AGRICULTURE IS A FORTY-TWO BILLION DOLLAR PER YEAR
19 INDUSTRY IN THE STATE, AGRICULTURAL INNOVATION HAS BEEN GROWING
20 AT A RATE THAT IS FOUR TIMES THE OVERALL STATE ECONOMIC GROWTH
21 RATE, AND AGRICULTURE CONTINUES TO DRIVE ECONOMIC GROWTH AS A
22 MAJOR DRIVER OF TECHNOLOGICAL ADVANCEMENT, PATENT
23 DEVELOPMENT, AND ENTREPRENEURSHIP, MUCH OF WHICH HAS GLOBAL
24 APPLICABILITY;

25 (b) COLORADO RANKED THIRD IN THE NATION IN FEDERAL
26 SPENDING ON AGRICULTURAL RESEARCH AND DEVELOPMENT IN 2011,
27 WITH MUCH OF THE FUNDING BEING DIRECTED TO UNIVERSITIES AND

1 UNITED STATES DEPARTMENT OF AGRICULTURE LABORATORIES ON THE
2 FRONT RANGE;

3 (c) THE INVOLVEMENT OF COLORADO STATE UNIVERSITY AT THE
4 NATIONAL WESTERN CENTER IS A CRITICAL ELEMENT OF CONTINUED
5 GROWTH IN AGRICULTURAL INNOVATION BECAUSE IT WILL CREATE
6 RESEARCH AND DEVELOPMENT OPPORTUNITIES, SHOWCASE COLORADO'S
7 INNOVATION ECONOMY ON NATIONAL AND INTERNATIONAL STAGES, AND
8 CREATE PUBLIC-PRIVATE PARTNERSHIPS WITH MAJOR INDUSTRIES THAT
9 WILL ADVANCE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
10 (STEM) DISCIPLINES AND HAVE SIGNIFICANT ECONOMIC AND SCIENTIFIC
11 IMPACT;

12 (d) AS COLORADO'S LAND-GRANT UNIVERSITY, A SUBSTANTIAL
13 PART OF COLORADO STATE UNIVERSITY'S EDUCATIONAL MISSION IS TO
14 PROVIDE AGRICULTURE-RELATED RESEARCH, EDUCATION, AND OUTREACH
15 AND SUPPORT COLORADO'S AGRICULTURAL INDUSTRY, AND IT DOES SO BY:

16 (I) OFFERING A WIDE VARIETY OF HIGHLY RESPECTED
17 AGRICULTURE-RELATED UNDERGRADUATE AND GRADUATE DEGREE
18 PROGRAMS;

19 (II) OPERATING SEVERAL RESEARCH CENTERS AND INSTITUTES
20 AND A VETERINARY TEACHING HOSPITAL; AND

21 (III) PROVIDING ACCURATE AND UNBIASED INFORMATION TO THE
22 PUBLIC REGARDING AGRICULTURE, GARDENING, NUTRITION, AND NATURAL
23 RESOURCES-RELATED TOPICS THROUGH COLORADO STATE UNIVERSITY
24 EXTENSION AND ITS PROGRAMS.

25 (e) IN FURTHERANCE OF ITS MISSION AT COLORADO'S LAND GRANT
26 UNIVERSITY AND ONE OF THE NATION'S PREMIER AGRICULTURAL AND
27 VETERINARY INSTITUTIONS, COLORADO STATE UNIVERSITY'S FOCUS AT

1 THE NATIONAL WESTERN CENTER WILL BE TO ADVANCE ACADEMIC,
2 RESEARCH, AND OUTREACH INITIATIVES RELATED TO THE STATE'S
3 BROAD-BASED ECONOMY IN AGRICULTURE, FOOD SYSTEMS, HEALTH, AND
4 WESTERN CULTURE, BUT IT WILL NOT ISSUE UNDERGRADUATE OR
5 GRADUATE ACADEMIC DEGREES FROM THE NATIONAL WESTERN CENTER;

6 (f) THE NATIONAL WESTERN CENTER MASTER PLAN PROVIDES FOR
7 AN INTEGRATED FACILITIES PROGRAM THAT INCLUDES A VARIETY OF
8 FACILITIES FOR COLORADO STATE UNIVERSITY, INCLUDING AN EQUINE
9 SPORTS MEDICINE CLINIC, A COLLABORATIVE COMMUNITY OUTREACH
10 VETERINARY CLINIC AND CLINICAL TRIALS CENTER, A WATER RESOURCES
11 CENTER, AND A COLORADO STATE UNIVERSITY CENTER THAT MAY
12 INCLUDE: A FOOD SYSTEMS INNOVATION AND LEARNING CENTER; A
13 DENVER URBAN EXTENSION CENTER; AN EDUCATIONAL URBAN FARM WITH
14 DEMONSTRATION FIELDS; CLASSROOMS; LABORATORIES; A TEST KITCHEN
15 AND ADMINISTRATIVE SPACE; AND OTHER FACILITIES THAT ARE
16 CONSISTENT WITH THE NATIONAL WESTERN CENTER MASTER PLAN VISION
17 AND GUIDING PRINCIPLES THAT MAY BE ADDED AS THE SITE DEVELOPS. IN
18 ADDITION, THE NATIONAL WESTERN CENTER NEEDS SUPPORT FROM AND
19 INTEGRATION WITH COLORADO STATE UNIVERSITY'S ON-CAMPUS
20 PROGRAMS THAT SUPPORT THE NATIONAL WESTERN CENTER VISION AND
21 PROPOSED ACTIVITIES, INCLUDING TEACHING, RESEARCH, AND OUTREACH.
22 AN ON-CAMPUS EQUINE VETERINARY TEACHING HOSPITAL, THE MALONE
23 CENTER FOR BIOLOGIC AND TRANSLATIONAL THERAPIES, AND THE
24 ANATOMY TEACHING LABORATORY EXPANSION OR OTHER FACILITIES THAT
25 ARE SUPPORTIVE OF ACTIVITY AT THE NATIONAL WESTERN CENTER AS THE
26 SITE DEVELOPS WILL BE CRITICALLY CONNECTED TO THE NATIONAL
27 WESTERN CENTER PROJECT.

1 (g) AT FULL BUILD OUT OF THE TWO HUNDRED SEVENTY ACRE
2 NATIONAL WESTERN CENTER, THERE WILL BE ABUNDANT OPPORTUNITIES
3 FOR COMPLEMENTARY CO-LOCATION TO ADVANCE FOOD PRODUCTION,
4 FOOD SAFETY, ANIMAL HEALTH, NUTRITION, NATURAL RESOURCE
5 CONSERVATION, AND A BROAD RANGE OF RELATED AGRICULTURAL
6 INDUSTRIES, RESULTING IN ESTIMATED DIRECT EMPLOYMENT OF SIX
7 THOUSAND PEOPLE AND INDIRECT EMPLOYMENT OF AN ADDITIONAL TEN
8 THOUSAND PEOPLE;

9 (h) THE NATIONAL WESTERN CENTER'S CENTRALIZED LOCATION
10 RELATIVE TO THE STATE'S MAIN POPULATION CENTERS AND ITS
11 RELATIONSHIP TO THE STATE'S GREATEST CONCENTRATION OF
12 AGRICULTURAL PRODUCTION, COMMODITY PROCESSING, AND FOOD
13 MANUFACTURING TO THE NORTH, INCLUDING BUT NOT LIMITED TO THE
14 AVAILABILITY OF A SKILLED WORKFORCE PIPELINE AND PROXIMITY TO
15 SEVERAL PUBLIC AND PRIVATE UNIVERSITIES, WILL HELP IT DRIVE FUTURE
16 AGRICULTURAL INNOVATIONS; AND

17 (i) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF
18 THE STATE TO AUTHORIZE THE STATE, ACTING BY AND THROUGH THE
19 STATE TREASURER, TO ENTER INTO LEASE-PURCHASE AGREEMENTS FOR
20 THE PURPOSE OF PROVIDING FINANCING FOR THE CONSTRUCTION OF
21 FACILITIES FOR COLORADO STATE UNIVERSITY AT THE NATIONAL WESTERN
22 CENTER AND ON-CAMPUS AFFILIATED FACILITIES, AND SUCH FINANCING IS
23 CONTINGENT UPON APPROVAL, THROUGH ESTABLISHED STATE EXECUTIVE
24 AND LEGISLATIVE BRANCH CAPITAL CONSTRUCTION PROJECT REVIEW AND
25 APPROVAL PROCESSES, OF SPECIFIC PROJECTS TO BE FINANCED AND THE
26 VOTERS OF THE CITY AND COUNTY OF DENVER APPROVING AN EXTENSION
27 OF THE LODGING AND CAR RENTAL TAXES OR ANOTHER SIMILAR TAX,

1 WHICH WOULD GENERATE NECESSARY FUNDING FOR THE NATIONAL
2 WESTERN CENTER. FURTHER, IT IS IN THE BEST INTERESTS OF THE STATE TO
3 ACCELERATE THE DEVELOPMENT OF THE COLORADO STATE UNIVERSITY
4 EDUCATIONAL FACILITIES RESULTING IN THE FOLLOWING ECONOMIC
5 BENEFITS TO THE STATE:

6 (I) THE STATE WILL REALIZE THE ECONOMIC IMPACT OF THE
7 NATIONAL WESTERN CENTER SOONER;

8 (II) OVERALL FACILITY COSTS WILL BE REDUCED IF DESIGN AND
9 CONSTRUCTION IS STARTED SOONER; AND

10 (III) OVERALL FACILITY COSTS WILL ALSO BE REDUCED BY TAKING
11 ADVANTAGE OF HISTORICALLY LOW INTEREST RATES THAT ARE
12 CURRENTLY AVAILABLE.

13 **23-31-902. Annual project report - national western center**
14 **trust fund - creation - use.** (1) NO LATER THAN AUGUST 1, 2016, AND
15 NO LATER THAN AUGUST 1 OF EACH YEAR THEREAFTER, THE NATIONAL
16 WESTERN CENTER PARTNERSHIP SHALL SUBMIT AN ANNUAL NATIONAL
17 WESTERN CENTER PROJECT REPORT TO THE OFFICES OF THE GOVERNOR,
18 THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES,
19 AND THE PRESIDENT AND MINORITY LEADER OF THE SENATE. THE REPORT
20 MUST INCLUDE AN UPDATE ON THE NATIONAL WESTERN CENTER PROJECT
21 WORK PLAN AND A GENERAL PROGRESS REPORT. IF THE NATIONAL
22 WESTERN CENTER IS REQUESTING STATE FUNDING BASED UPON THE
23 PHASED DEVELOPMENT SCHEDULE FOR THE NATIONAL WESTERN CENTER
24 PROJECT, IT MUST PROVIDE INFORMATION REGARDING NECESSARY
25 FACILITY PROGRAMMING AND AN ESTIMATED BUDGET.

26 (2) THE NATIONAL WESTERN CENTER TRUST FUND IS CREATED IN
27 THE STATE TREASURY. THE TRUST FUND CONSISTS OF MONEYS

1 TRANSFERRED FROM THE GENERAL FUND TO THE TRUST FUND PURSUANT
2 TO SUBSECTION (3) OF THIS SECTION. INTEREST AND INCOME DERIVED
3 FROM THE DEPOSIT AND INVESTMENT OF THE TRUST FUND IS CREDITED TO
4 THE TRUST FUND. ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE
5 TRUST FUND AT THE END OF A FISCAL YEAR REMAINS IN THE TRUST FUND
6 AND SHALL NOT BE CREDITED TO THE GENERAL FUND OR ANY OTHER FUND.
7 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
8 BOARD OF GOVERNORS OF COLORADO STATE UNIVERSITY MAY EXPEND
9 MONEY FROM THE TRUST FUND TO MAKE LEASE PAYMENTS PAYABLE
10 UNDER THE TERMS OF LEASE-PURCHASE AGREEMENTS ENTERED INTO AS
11 AUTHORIZED BY SECTION 23-31-903. THE PRINCIPAL AND INTEREST OF THE
12 TRUST FUND SHALL NOT BE EXPENDED OR APPROPRIATED FOR ANY OTHER
13 PURPOSE.

14 (3) IF, IN ORDER TO CONTRIBUTE TO THE FINANCING OF THE
15 PHASED DEVELOPMENT OF THE NATIONAL WESTERN CENTER, THE STATE
16 ENTERS INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS AS
17 AUTHORIZED BY SECTION 23-31-903, ON JULY 1 OF ANY FISCAL YEAR
18 COMMENCING ON OR AFTER JULY 1, 2019, FOR WHICH MONEY IS DUE TO A
19 LESSOR UNDER SUCH A LEASE-PURCHASE AGREEMENT, THE STATE
20 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE NATIONAL
21 WESTERN CENTER TRUST FUND THE AMOUNT DUE TO ANY LESSOR DURING
22 THE FISCAL YEAR SUBJECT TO THE FOLLOWING LIMITATIONS:

23 (a) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
24 2019, BUT BEFORE JULY 1, 2024, THE MAXIMUM AMOUNT OF THE ANNUAL
25 TRANSFER IS FOUR MILLION DOLLARS; AND

26 (b) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
27 2024, THE MAXIMUM AMOUNT OF THE ANNUAL TRANSFER IS TWENTY

1 MILLION DOLLARS.

2 **23-31-903. Authorization for lease-purchase agreements.**

3 (1) (a) SUBJECT TO THE REQUIREMENTS SPECIFIED IN PARAGRAPH (c) OF
4 THIS SUBSECTION (1), THE STATE OF COLORADO, ACTING BY AND THROUGH
5 THE STATE TREASURER, MAY EXECUTE ONE OR MORE LEASE-PURCHASE
6 AGREEMENTS FOR UP TO TWENTY YEARS FOR THE STATE TO FINANCE THE
7 CONSTRUCTION OF FACILITIES FOR COLORADO STATE UNIVERSITY AT THE
8 NATIONAL WESTERN CENTER AND AFFILIATED FACILITIES AT THE
9 COLORADO STATE UNIVERSITY CAMPUS. THE TOTAL AMOUNT OF THE
10 PRINCIPAL COMPONENT OF SAID LEASE-PURCHASE AGREEMENT SHALL NOT
11 EXCEED TWO HUNDRED FIFTY MILLION DOLLARS, PLUS REASONABLE AND
12 NECESSARY ADMINISTRATIVE, MONITORING, AND CLOSING COSTS AND
13 INTEREST.

14 (b) ENACTMENT OF THIS PART 9 SATISFIES THE REQUIREMENTS OF
15 SECTIONS 24-82-102 (1) (b) AND 24-82-801, C.R.S., WHICH REQUIRE
16 AUTHORIZATION OF A LEASE-PURCHASE AGREEMENT BY A BILL OTHER
17 THAN AN ANNUAL GENERAL APPROPRIATION BILL OR A SUPPLEMENTAL
18 APPROPRIATION BILL.

19 (c) THE STATE SHALL NOT ENTER INTO A LEASE-PURCHASE
20 AGREEMENT AS AUTHORIZED BY THIS SECTION UNLESS THE SPECIFIC
21 FACILITIES TO BE FINANCED BY THE LEASE-PURCHASE AGREEMENT HAVE
22 BEEN INCLUDED IN THE UNIFIED, FIVE-YEAR CAPITAL IMPROVEMENTS
23 REPORT PREPARED AND TRANSMITTED BY THE COLORADO COMMISSION ON
24 HIGHER EDUCATION PURSUANT TO SECTION 23-1-106, PRIORITIZED FOR
25 FUNDING BY THE OFFICE OF STATE PLANNING AND BUDGETING IN ITS
26 SUBMISSION TO THE CAPITAL DEVELOPMENT COMMITTEE MADE PURSUANT
27 TO SECTION 24-37-304 (1) (c.3) (I) (C), C.R.S., RECOMMENDED FOR

1 FUNDING BY THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO
2 SECTION 2-3-1305, C.R.S., AND INCLUDED IN THE GOVERNOR'S ANNUAL
3 EXECUTIVE BUDGET PROPOSED TO THE GENERAL ASSEMBLY PURSUANT TO
4 SECTION 24-37-301, C.R.S. PRIOR TO CLOSING, THE STATE CONTROLLER
5 MUST APPROVE ALL AGREEMENTS RELATING TO THE FINANCING OF THE
6 FACILITIES, AND THE VOTERS OF THE CITY AND COUNTY OF DENVER MUST
7 APPROVE AN EXTENSION OF THE LODGING AND CAR RENTAL TAXES OR
8 ANOTHER SIMILAR TAX.

9 (2) (a) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN
10 SUBSECTION (1) OF THIS SECTION MUST PROVIDE THAT ALL OF THE
11 OBLIGATIONS OF THE STATE UNDER THE AGREEMENT ARE SUBJECT TO THE
12 ACTION OF THE GENERAL ASSEMBLY IN ANNUALLY MAKING MONEYS
13 AVAILABLE FOR ALL PAYMENTS THEREUNDER. PAYMENTS UNDER ANY
14 LEASE-PURCHASE AGREEMENT SHALL BE MADE ONLY FROM SUCH ACTION
15 OF THE GENERAL ASSEMBLY. NO LEASE-PURCHASE AGREEMENT
16 AUTHORIZED IN SUBSECTION (1) OF THIS SECTION CREATES ANY LIABILITY
17 OR INDEBTEDNESS OF COLORADO STATE UNIVERSITY. SUCH AN
18 AGREEMENT MUST ALSO PROVIDE THAT THE OBLIGATIONS DO NOT CREATE
19 AN INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION
20 OF THE STATE CONSTITUTION OR THE LAWS OF THE STATE OF COLORADO
21 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE
22 OF COLORADO AND DO NOT CONSTITUTE A MULTIPLE FISCAL-YEAR DIRECT
23 OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE
24 WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE
25 CONSTITUTION. IF THE STATE OF COLORADO DOES NOT RENEW A
26 LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION (1) OF THIS
27 SECTION, THE SOLE SECURITY AVAILABLE TO THE LESSOR IS THE REAL

1 PROPERTY THAT IS THE SUBJECT OF THE NONRENEWED LEASE-PURCHASE
2 AGREEMENT.

3 (b) (I) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN
4 SUBSECTION (1) OF THIS SECTION MAY CONTAIN SUCH TERMS, PROVISIONS,
5 AND CONDITIONS AS THE STATE TREASURER MAY DEEM APPROPRIATE,
6 INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT THE LEASE-PURCHASE
7 AGREEMENT MUST SPECIFICALLY AUTHORIZE THE STATE OF COLORADO TO:

8 (A) RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY
9 THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR
10 TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT;
11 AND

12 (B) REDUCE THE TERM OF THE LEASE THROUGH PREPAYMENT OF
13 RENTAL AND OTHER PAYMENTS.

14 (II) ANY TITLE TO PROPERTY RECEIVED BY THE STATE ON OR PRIOR
15 TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT
16 WILL BE HELD BY THE STATE FOR THE BENEFIT AND USE OF COLORADO
17 STATE UNIVERSITY.

18 (c) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED IN
19 SUBSECTION (1) OF THIS SECTION MAY PROVIDE FOR THE ISSUANCE,
20 DISTRIBUTION, AND SALE OF INSTRUMENTS EVIDENCING RIGHTS TO
21 RECEIVE RENTALS AND OTHER PAYMENTS MADE AND TO BE MADE UNDER
22 THE LEASE-PURCHASE AGREEMENT. THE INSTRUMENTS MAY BE ISSUED,
23 DISTRIBUTED, OR SOLD ONLY BY THE LESSOR OR ANY PERSON DESIGNATED
24 BY THE LESSOR AND NOT BY THE STATE. THE INSTRUMENTS DO NOT
25 CREATE A RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS
26 AND THE STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE
27 TO THE PURCHASERS. THE INSTRUMENTS ARE NOT NOTES, BONDS, OR ANY

1 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING
2 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE
3 STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE
4 STATE AND DO NOT CONSTITUTE A MULTIPLE FISCAL-YEAR DIRECT OR
5 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN
6 THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE
7 CONSTITUTION.

8 (d) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT
9 AUTHORIZED IN SUBSECTION (1) OF THIS SECTION, INCLUDING INTEREST
10 REPRESENTED BY THE INSTRUMENTS, IS EXEMPT FROM STATE TAX.

11 (e) THE STATE OF COLORADO, ACTING THROUGH THE STATE
12 TREASURER, IS AUTHORIZED TO ENTER INTO SUCH ANCILLARY
13 AGREEMENTS AND INSTRUMENTS AS ARE DEEMED NECESSARY OR
14 APPROPRIATE IN CONNECTION WITH THE LEASE-PURCHASE AGREEMENTS,
15 INCLUDING BUT NOT LIMITED TO GROUND LEASES, EASEMENTS, OR OTHER
16 INSTRUMENTS RELATING TO THE FACILITIES TO BE PURCHASED.

17 (3) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., DO NOT
18 APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION (1)
19 OF THIS SECTION OR TO ANY ANCILLARY AGREEMENT ENTERED INTO
20 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION. THE
21 STATE CONTROLLER OR HIS OR HER DESIGNEE MAY WAIVE ANY PROVISION
22 OF THE FISCAL RULES PROMULGATED PURSUANT TO SECTION 24-30-202 (1)
23 AND (13), C.R.S., THAT THE STATE CONTROLLER DEEMS TO BE
24 INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A
25 LEASE-PURCHASE AGREEMENT OR ANCILLARY AGREEMENT.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 24-75-307 as
27 follows:

