

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1265.01 Julie Pelegrin x2700

**SENATE BILL 16-209**

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**SENATE SPONSORSHIP**

**Todd and Holbert,**

**HOUSE SPONSORSHIP**

**Buckner and Priola,**

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**Senate Committees**  
Finance

**House Committees**  
Finance

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZING A SCHOOL DISTRICT BOARD OF EDUCATION**  
102 **TO CONSTRUCT A BUILDING FOR LEASE TO A STATE INSTITUTION**  
103 **OF HIGHER EDUCATION.**

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**Bill Summary**

*(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/bills summaries>.)*

The bill authorizes a school district board of education to lease school district property to a state institution of higher education and to accept in-kind services from the institution as all or part of the lease payments. The bill clarifies that a school district may issue bonds to construct a building for lease to a state institution of higher education.

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.*

SENATE  
3rd Reading Unamended  
May 4, 2016

SENATE  
2nd Reading Unamended  
May 3, 2016

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

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

4           **22-32-110. Board of education - specific powers.** (1) In addition  
5 to any other power granted to a board of education of a school district by  
6 law, each board of education of a school district shall have the following  
7 specific powers, to be exercised in its judgment:

8           (f.5) **SUBJECT TO PRIOR APPROVAL BY THE COMMISSIONER OF**  
9 **EDUCATION AS PROVIDED IN SECTION 22-2-112 (5), TO LEASE DISTRICT**  
10 **PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION IN COLORADO**  
11 **WITH OPEN ADMISSION STANDARDS FOR USE BY THE INSTITUTION FOR A**  
12 **TERM AGREED TO BY THE DISTRICT AND THE INSTITUTION. IN ADDITION TO**  
13 **OR IN LIEU OF MONETARY LEASE PAYMENTS, THE BOARD OF EDUCATION**  
14 **MAY AGREE TO RECEIVE IN-KIND SERVICES PROVIDED BY THE INSTITUTION**  
15 **TO THE DISTRICT OR ITS EMPLOYEES OR GRADUATES WHO RESIDE WITHIN**  
16 **COLORADO, SUCH AS REDUCED TUITION RATES AND SCHOLARSHIPS FOR**  
17 **THE SCHOOL DISTRICT'S EMPLOYEES OR GRADUATES WHO RESIDE WITHIN**  
18 **COLORADO. IF THE SCHOOL DISTRICT RECEIVES IN-KIND SERVICES AS**  
19 **PROVIDED IN THIS PARAGRAPH (f.5), THE DOLLAR VALUE OF THE IN-KIND**  
20 **SERVICES THAT THE SCHOOL DISTRICT RECEIVES MUST EQUAL THE DOLLAR**  
21 **AMOUNT OF THE LEASE PAYMENT FOR WHICH THE IN-KIND SERVICE IS**  
22 **SUBSTITUTED. NO LATER THAN DECEMBER 31, 2018, AND NO LATER THAN**  
23 **DECEMBER 31 EVERY THREE YEARS THEREAFTER, THE SCHOOL DISTRICT**  
24 **SHALL SUBMIT TO THE EDUCATION COMMITTEES OF THE HOUSE OF**  
25 **REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A**  
26 **REPORT SPECIFYING THE AMOUNT OF BONDED INDEBTEDNESS INCURRED**

1 TO BUILD A BUILDING THAT IS LEASED TO AN INSTITUTION OF HIGHER  
2 EDUCATION AS PROVIDED IN THIS PARAGRAPH (f.5), AN ACCOUNTING OF  
3 THE VALUE OF ANY IN-KIND SERVICES RECEIVED, AND THE IMPACT ON THE  
4 SCHOOL DISTRICT AS A RESULT OF THE LEASE.

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

7 **22-42-102. Bonded indebtedness - elections.** (2) (a) The board  
8 of education of any school district, at any regular biennial school election  
9 or at a special election called for the purpose, shall submit to the eligible  
10 electors of the district the question of contracting a bonded indebtedness  
11 for one or more of the following purposes:

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

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

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

3           **22-2-112. Commissioner - duties. (5)** ON AND AFTER THE  
4 EFFECTIVE DATE OF THIS SUBSECTION (5), THE BOARD OF EDUCATION OF  
5 A SCHOOL DISTRICT THAT INTENDS TO SEEK VOTER APPROVAL OF BONDED  
6 INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A BUILDING THAT THE  
7 SCHOOL DISTRICT MAY LEASE TO A STATE INSTITUTION OF HIGHER  
8 EDUCATION OR THAT INTENDS TO LEASE OTHER SCHOOL DISTRICT  
9 PROPERTY TO A STATE INSTITUTION OF HIGHER EDUCATION MUST SUBMIT  
10 TO THE COMMISSIONER A LETTER OF INTENT TO LEASE PROPERTY TO A  
11 STATE INSTITUTION OF HIGHER EDUCATION. THE COMMISSIONER SHALL  
12 APPROVE THE FIRST THREE LETTERS OF INTENT THAT ARE SUBMITTED  
13 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5) AND SHALL NOT  
14 APPROVE SUBSEQUENT SUBMITTALS UNTIL JULY 1, 2021, AT WHICH POINT  
15 IT MAY APPROVE THE FIRST THREE LETTERS OF INTENT SUBMITTED AFTER  
16 THAT DATE. A SCHOOL DISTRICT BOARD OF EDUCATION MAY PROCEED  
17 WITH PLANS TO LEASE PROPERTY TO A STATE INSTITUTION OF HIGHER  
18 EDUCATION OR TO SEEK VOTER APPROVAL OF BONDED INDEBTEDNESS TO  
19 CONSTRUCT A BUILDING FOR LEASE TO A STATE INSTITUTION OF HIGHER  
20 EDUCATION ONLY IF THE SCHOOL DISTRICT'S LETTER OF INTENT IS  
21 APPROVED BY THE COMMISSIONER.

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

24           **23-1-106. Duties and powers of the commission with respect**  
25 **to capital construction and long-range planning - legislative**  
26 **declaration - definitions. (9) (f)** THE GOVERNING BOARD OF A STATE  
27 INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO AN AGREEMENT TO

1 LEASE A BUILDING FROM A SCHOOL DISTRICT, AS AUTHORIZED IN SECTION  
2 22-32-110 (1) (f.5), C.R.S., SHALL NOTIFY THE CAPITAL DEVELOPMENT  
3 COMMITTEE OF THE EXISTENCE OF THE AGREEMENT AND PROVIDE TO THE  
4 COMMITTEE A SUMMARY OF THE TERMS OF THE AGREEMENT.

5         **SECTION 5. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2016 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.