

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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April 30, 2024  
Date

Committee on Finance.

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

HB24-1295 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 23-15-102, **amend**  
3 (1)(a) as follows:

4 **23-15-102. Legislative declaration.** (1) The general assembly  
5 hereby finds and declares that:

6 (a) It is the intent of the general assembly to create the Colorado  
7 educational and cultural facilities authority to lend money to educational  
8 institutions and cultural institutions; to authorize the authority to acquire,  
9 construct, reconstruct, repair, alter, improve, extend, own, lease, and  
10 dispose of properties to the end that the authority may be able to promote  
11 the welfare of the people of this state; to authorize the authority to  
12 administer the Colorado education savings program; to permit the bonds  
13 or certificates of participation of the authority and the bonds or  
14 certificates of participation of other issuers to be designated as Colorado  
15 education savings bonds or certificates; and to vest such authority with  
16 powers to enable such authority to accomplish such purposes; ~~It is not the~~  
17 ~~intent of the general assembly to authorize the authority to operate any~~  
18 ~~such educational or cultural facility.~~

19 **SECTION 2.** In Colorado Revised Statutes, 23-15-103, **amend**  
20 (8.5)(a)(I)(A) and (8.5)(a)(II)(A) as follows:

21 **23-15-103. Definitions.** As used in this article, unless the context  
22 otherwise requires:

23 (8.5) (a) (I) (A) "Facility", in the case of a participating  
24 educational institution, means any structure or building suitable for use  
25 as a housing facility, an instructional facility, an administration building,  
26 a research facility, a laboratory, a maintenance, storage, or utility facility,  
27 an auditorium, a dining hall, a food service and preparation facility, a

1 mental or physical health-care facility, a recreational facility, A HOTEL, or  
2 a student center facility or any other structure or facility required or useful  
3 for the operation of an educational institution, including, but not limited  
4 to: Offices, parking lots and garages, EATING OR DRINKING  
5 ESTABLISHMENTS, GIFT SHOPS, LODGING, and other supporting service  
6 structures; any equipment, furnishings, and appurtenances necessary or  
7 useful in the operation of a participating educational institution; and the  
8 acquisition, preparation, and development of all real and personal  
9 property necessary or convenient as a site or sites for any such structure  
10 or facility.

11 (II) (A) "Facility", in the case of a cultural institution, means any  
12 property that is suitable for the particular purposes of a cultural  
13 institution, including, without limitation, any such property suitable for  
14 use as or in connection with the operation of any one or more of the  
15 following: An administrative facility, an aquarium, an assembly hall, an  
16 auditorium, a botanical garden, an exhibition or performance hall or  
17 structure, a gallery, a greenhouse, a library, a museum, a scientific  
18 laboratory, A FILM CENTER, A HOTEL, a housing facility that serves the  
19 cultural needs of its residents and is being financed as part of a multistate  
20 program of financing educational or cultural facilities under this article,  
21 a theater, or a zoological facility; and also including, without limitation,  
22 the books, works of art or music, and the animal, plant, or aquatic life or  
23 other items contained therein for display, exhibition, or performance. The  
24 term "facility" includes any other structure or facility required or useful  
25 for the operation of a cultural institution including, but not limited to,  
26 offices, parking lots and garages, EATING OR DRINKING ESTABLISHMENTS,  
27 GIFT SHOPS, LODGING, and other supporting service structures; any  
28 equipment, furnishings, and appurtenances necessary or useful in the  
29 operation of a cultural institution; and the acquisition, preparation, and  
30 development of all real and personal property necessary or convenient as  
31 a site or sites for any such structure or facility. The term "facility" also  
32 includes buildings on the national register of historic places which are  
33 owned ~~and~~ OR operated by nonprofit OR GOVERNMENTAL entities,  
34 INCLUDING THE AUTHORITY.

35 **SECTION 3.** In Colorado Revised Statutes, 23-15-107, **amend**  
36 (1) introductory portion, (1)(v), and (2); and **add** (1)(w) as follows:

37 **23-15-107. General powers of the authority.** (1) In addition to  
38 any other powers granted to the authority by this article 15, the authority  
39 ~~shall have~~ HAS the following powers:

40 (v) To designate as Colorado education savings bonds or  
41 certificates the bonds or certificates of participation of issuers other than  
42 the authority if the issuer has applied for such designation and the  
43 authority has determined that such instruments satisfy the criteria

1 established in section 23-15-110.5 (2); AND  
2 (w) TO ESTABLISH AND ADMINISTER ONE OR MORE FUNDS FOR  
3 LOANS, REVOLVING LOANS, OR GRANTS TO SUPPORT CAPITAL PROJECTS  
4 FOR FACILITIES, AS WELL AS OPERATIONS, MAINTENANCE, PROGRAMMING  
5 AND OTHER ENDEAVORS, FOR CULTURAL INSTITUTIONS AND EDUCATIONAL  
6 INSTITUTIONS FROM ANY SOURCES THAT MAY BE AVAILABLE TO THE  
7 AUTHORITY FOR ITS GENERAL PURPOSES, INCLUDING BUT NOT LIMITED TO  
8 NET FACILITY REVENUES, GRANTS, GIFTS, OR FEES.  
9 (2) The authority ~~shall not have~~ HAS the power to operate a facility  
10 ~~as a business~~, EITHER DIRECTLY OR INDIRECTLY THROUGH CONTRACTS FOR  
11 THE MANAGEMENT AND OPERATION OF A FACILITY, or ~~other than~~ as a  
12 lessee or lessor. IF THE AUTHORITY OPERATES A FACILITY, THE AUTHORITY  
13 MUST DIRECT ALL NET REVENUE FROM THE FACILITY TO THE PURPOSES SET  
14 FORTH IN THIS ARTICLE 15. IN ORDER TO ISOLATE OPERATING RISK ON A  
15 PROJECT-BY-PROJECT BASIS, THE AUTHORITY HAS THE POWER TO  
16 ESTABLISH, OR ADOPT A RESOLUTION APPROVING THE ESTABLISHMENT OF,  
17 ONE OR MORE SUBSIDIARY CONTROLLED ENTITIES. SUCH A CONTROLLED  
18 ENTITY ENJOYS AND IS ENTITLED TO THE SAME POWERS, PRIVILEGES, AND  
19 IMMUNITIES AS THE AUTHORITY SO LONG AS:  
20 (a) THE CONTROLLED ENTITY IS A NONPROFIT CORPORATION,  
21 LIMITED LIABILITY COMPANY, LIMITED LIABILITY LIMITED PARTNERSHIP,  
22 OR OTHER ENTITY FORMED PURSUANT TO STATE LAW AND THE AUTHORITY  
23 IS THE SOLE MEMBER OR PARTNER OF THE ENTITY;  
24 (b) THE AUTHORITY APPOINTS THE GOVERNING BODY OF OR AN  
25 AGENT TO OVERSEE THE CONTROLLED ENTITY AND MAY REMOVE A  
26 MEMBER OF THE GOVERNING BODY OR AGENT;  
27 (c) ANY REVENUE OF THE CONTROLLED ENTITY THAT IS NOT  
28 REQUIRED TO PAY ITS EXPENSES AND OBLIGATIONS AND TO FUND  
29 RESERVES FOR SUCH EXPENSES AND OBLIGATIONS AND, UPON DISSOLUTION  
30 OF THE CONTROLLED ENTITY, ANY ASSETS OF THE CONTROLLED ENTITY  
31 NOT REQUIRED TO PAY ITS EXPENSES AND OBLIGATIONS MUST BE  
32 DISTRIBUTED TO OR AT THE DIRECTION OF THE AUTHORITY AND SHALL NOT  
33 BE USED FOR OR ACCRUE TO THE BENEFIT OF ANY PRIVATE INTERESTS; AND  
34 (d) THE AUTHORITY MAY LOAN PROCEEDS FROM BONDS ISSUED BY  
35 THE AUTHORITY TO THE CONTROLLED ENTITY."

36 Renumber succeeding sections accordingly.

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