

CHAPTER 253

GOVERNMENT - STATE

SENATE BILL 15-207

BY SENATOR(S) Baumgardner and Scott, Kefalas, Sonnenberg, Donovan, Heath, Jahn, Johnston, Merrifield, Steadman, Todd;
also REPRESENTATIVE(S) Brown, Becker K., Vigil, Priola, Ryden, Thurlow.

AN ACT

**CONCERNING THE AUTHORITY OF THE STATE TO ENTER INTO LEASE-PURCHASE AGREEMENTS FOR
THE REFINANCING OF THE COLORADO BUREAU OF INVESTIGATION'S GRAND JUNCTION REGIONAL
OFFICE AND FORENSIC LABORATORY.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) The Colorado bureau of investigation's (CBI) Grand Junction regional office and forensic laboratory provides investigative assistance and forensic evidence analysis to support approximately 40,000 square miles, inhabited by about 416,000 residents, and policed by approximately 75 state, local, and county Colorado law enforcement agencies and is a key access point for law enforcement agencies in western Colorado;

(b) In 2006, CBI entered into an agreement pursuant to section 24-82-1202, Colorado Revised Statutes, with the City of Grand Junction to form a special purpose entity to issue \$12,665,000 in revenue bonds to finance construction of the facility. CBI has occupied the Grand Junction regional facility as a tenant since the facility was completed in 2008.

(c) Refinancing the 2006 revenue bonds through the state treasurer's office would generate present-value savings of approximately \$1,170,000, reduce the annual lease payment and interest rate, eliminate certain administrative expenses associated with the current financing structure, and grant CBI the title to the facility.

(2) It is therefore considered good public policy to authorize the state of Colorado, acting by and through the state treasurer, to enter into one or more lease-purchase agreements and other agreements as necessary to refinance the CBI's

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

regional office and forensic laboratory located in Grand Junction.

SECTION 2. Lease-purchase agreement. (1) (a) Subject to the requirements specified in paragraph (c) of this subsection (1), the state of Colorado, acting by and through the state treasurer, is authorized to execute a lease-purchase agreement for up to eighteen years for the state to refinance the Colorado bureau of investigation's Grand Junction regional office and forensic laboratory. The total amount of the principal component of said lease-purchase agreement shall not exceed eleven million dollars (\$11,000,000), plus reasonable and necessary administrative, monitoring, and closing costs and interest.

(b) Enactment of this act shall satisfy the requirements of sections 24-82-102 (1) (b) and 24-82-801, Colorado Revised Statutes, which require authorization of a lease-purchase agreement by a bill other than an annual general appropriation bill or a supplemental appropriation bill.

(c) The state controller must approve all agreements relating to the refinancing of the real property prior to closing.

(2) (a) The lease-purchase agreement authorized in subsection (1) of this section must provide that all of the obligations of the state under the agreement are subject to the action of the general assembly in annually making moneys available for all payments thereunder. The agreement must also provide that the obligations shall not be deemed or construed as creating an indebtedness of the state within the meaning of any provision of the state constitution or the laws of the state of Colorado concerning or limiting the creation of indebtedness by the state of Colorado and shall not constitute a multiple fiscal-year direct or indirect debt or other financial obligation of the state within the meaning of section 20 (4) of article X of the state constitution. In the event the state of Colorado does not renew the lease-purchase agreement authorized in subsection (1) of this section, the sole security available to the lessor shall be the real property that is the subject of the nonrenewed lease-purchase agreement.

(b) (I) The lease-purchase agreement authorized in subsection (1) of this section may contain such terms, provisions, and conditions as the state treasurer, acting on behalf of the state of Colorado, may deem appropriate, including all optional terms; except that the lease-purchase agreement must specifically authorize the state of Colorado to:

(A) Receive fee title to all real and personal property that is the subject of the lease-purchase agreement on or prior to the expiration of the terms of the lease-purchase agreement; and

(B) Reduce the term of the lease through prepayment of rental and other payments.

(II) Any title to property received by the state on or prior to the expiration of the terms of the lease-purchase agreement will be held by the state for the benefit and use of the Colorado bureau of investigation.

(c) The state of Colorado, acting through the state treasurer, is authorized to enter

into ancillary agreements and instruments as are deemed necessary or appropriate in connection with the lease-purchase agreements, including but not limited to ground leases, easements, or other instruments relating to the real property to be purchased.

(3) The provisions of section 24-30-202 (5) (b), Colorado Revised Statutes, shall not apply to the lease-purchase agreement authorized in subsection (1) of this section or any ancillary agreement entered into pursuant to paragraph (c) of subsection (2) of this section. Any provision of the fiscal rules promulgated pursuant to section 24-30-202 (1) and (13), Colorado Revised Statutes, that the state controller deems to be incompatible or inapplicable with respect to said lease-purchase agreements or any ancillary agreement may be waived by the controller or his or her designee.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2015