

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-1002.03 Stephanie Schrab x4330

SENATE BILL 26-183

SENATE SPONSORSHIP

Mullica and Kirkmeyer,

HOUSE SPONSORSHIP

Winter T. and Lindsay,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING STATE FUNDING FOR CAPITAL CONSTRUCTION COSTS FOR
102 A PROJECT BEING UNDERTAKEN BY THE COLORADO SCHOOL OF
103 MINES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE
104 STATE TO ISSUE FINANCED PURCHASE OF AN ASSET OR
105 CERTIFICATE OF PARTICIPATION AGREEMENTS TO FINANCE A
106 PORTION OF CAPITAL COSTS ASSOCIATED WITH THE RENEWAL
107 OF CRITICAL BUILDING SYSTEMS FOR THE COLORADO SCHOOL
108 OF MINES' GUGGENHEIM HALL.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

<http://leg.colorado.gov>.)

The bill requires the state treasurer, on behalf of the state, to execute, no later than December 31, 2026, financed purchase of an asset or certificate of participation agreements (financing agreements) to finance a portion of the capital costs related to the capital renewal of a facility at the Colorado school of mines. The financing agreements are to be issued in an aggregate principal amount not to exceed \$13 million plus reasonable and necessary administrative, monitoring, and closing costs and interest, including capitalized interest. The anticipated annual state-funded payments for the principal and interest components due under the financing agreements must not exceed the difference between \$17.5 million and the amount of the annual state-funded payments for the agreements entered into pursuant to House Bill 24-1231, with principal amortization not occurring before July 1, 2027. The proceeds from the financing agreements will be used for the renewal of critical building systems of Guggenheim hall at the Colorado school of mines.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-36-125 as
3 follows:

4 **24-36-125. Financed purchase of an asset or certificate of**
5 **participation agreements - fund capital costs related to a project at**
6 **Colorado school of mines - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "AGREEMENT" MEANS ONE OR MORE FINANCED PURCHASE OF
10 AN ASSET OR CERTIFICATE OF PARTICIPATION AGREEMENTS EXECUTED AS
11 REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION.

12 (b) "BOARD" MEANS THE BOARD OF TRUSTEES OF THE COLORADO
13 SCHOOL OF MINES, CREATED IN SECTION 23-41-102 (1)(a).

14 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SECTIONS
15 24-82-102 (1)(b) AND 24-82-801, AND PURSUANT TO SECTION 24-36-121,
16 NO LATER THAN DECEMBER 31, 2026, THE STATE, ACTING BY AND

1 THROUGH THE STATE TREASURER, SHALL EXECUTE AN AGREEMENT FOR
2 THE PURPOSE DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE TOTAL
3 AMOUNT OF THE PRINCIPAL OF WHICH AGREEMENT SHALL NOT EXCEED
4 THIRTEEN MILLION DOLLARS, PLUS REASONABLE AND NECESSARY
5 ADMINISTRATIVE, MONITORING, AND CLOSING COSTS AND INTEREST,
6 INCLUDING CAPITALIZED INTEREST.

7 (b) THE ANTICIPATED ANNUAL STATE-FUNDED PAYMENTS FOR THE
8 PRINCIPAL AND INTEREST COMPONENTS OF THE AMOUNT PAYABLE UNDER
9 AN AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (2)(a) OF THIS
10 SECTION SHALL NOT EXCEED THE DIFFERENCE BETWEEN SEVENTEEN
11 MILLION FIVE HUNDRED THOUSAND DOLLARS AND THE AMOUNT OF THE
12 ANNUAL STATE-FUNDED PAYMENTS FOR THE AGREEMENT ENTERED INTO
13 PURSUANT TO SECTION 24-36-124 (2)(b), WITH PRINCIPAL AMORTIZATION
14 NOT OCCURRING BEFORE JULY 1, 2027.

15 (c) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,
16 AT THE STATE TREASURER'S SOLE DISCRETION, MAY ENTER INTO AN
17 AGREEMENT AUTHORIZED BY SUBSECTION (2)(a) OF THIS SECTION WITH
18 ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR COMMERCIAL
19 BANK ACTING AS A TRUSTEE AS THE LESSOR.

20 (d) THE AGREEMENT MUST PROVIDE THAT ALL OBLIGATIONS OF
21 THE STATE UNDER THE AGREEMENT ARE SUBJECT TO THE ACTION OF THE
22 GENERAL ASSEMBLY IN ANNUALLY MAKING MONEY AVAILABLE FOR ALL
23 PAYMENTS THEREUNDER. PAYMENTS UNDER THE AGREEMENT MUST BE
24 MADE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY,
25 AS APPLICABLE, FROM THE GENERAL FUND OR FROM ANY OTHER LEGALLY
26 AVAILABLE SOURCE OF MONEY.

27 (e) THE AGREEMENT MUST ALSO PROVIDE THAT THE OBLIGATIONS

1 OF THE STATE DO NOT CREATE STATE DEBT WITHIN THE MEANING OF ANY
2 PROVISION OF THE STATE CONSTITUTION OR STATE LAW CONCERNING OR
3 LIMITING THE CREATION OF STATE DEBT AND THAT THE OBLIGATIONS ARE
4 NOT A MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER
5 FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION
6 20(4) OF ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT
7 RENEW THE AGREEMENT, THE SOLE SECURITY AVAILABLE TO THE LESSOR
8 IS THE PROPERTY THAT IS THE SUBJECT OF THE NONRENEWED AGREEMENT.

9 (f) (I) THE AGREEMENT MAY CONTAIN TERMS, PROVISIONS, AND
10 CONDITIONS AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE,
11 DEEMS APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT THE
12 AGREEMENT MUST SPECIFICALLY AUTHORIZE THE STATE OR THE BOARD TO
13 RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE
14 SUBJECT OF THE AGREEMENT ON OR BEFORE THE EXPIRATION OF THE
15 TERMS OF THE AGREEMENT.

16 (II) THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, HAS
17 THE AUTHORITY TO DETERMINE WHAT COLLATERAL TO USE FOR THE
18 AGREEMENT AS THE STATE TREASURER DEEMS APPROPRIATE.

19 (g) THE AGREEMENT 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 AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR
23 SOLD ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR
24 AND NOT BY THE STATE. THE INSTRUMENTS DO NOT CREATE A
25 RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE
26 STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE
27 PURCHASERS. THE INSTRUMENTS ARE NOT A NOTE, BOND, OR OTHER

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

7 (h) INTEREST PAID UNDER AN AGREEMENT AUTHORIZED PURSUANT
8 TO SUBSECTION (2)(a) OF THIS SECTION, INCLUDING INTEREST
9 REPRESENTED BY THE INSTRUMENTS, IS EXEMPT FROM COLORADO INCOME
10 TAX.

11 (i) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER
12 AND THE BOARD, IS AUTHORIZED TO ENTER INTO ANCILLARY AGREEMENTS
13 AND INSTRUMENTS THAT ARE NECESSARY OR APPROPRIATE IN
14 CONNECTION WITH AN AGREEMENT, INCLUDING DEEDS, GROUND LEASES,
15 SUBLEASES, EASEMENTS, OR OTHER INSTRUMENTS RELATED TO THE REAL
16 PROPERTY ON WHICH THE FACILITIES ARE LOCATED.

17 (j) THE PROVISIONS OF SECTION 24-30-202 (5)(b) DO NOT APPLY
18 TO AN AGREEMENT OR TO ANY ANCILLARY AGREEMENT OR INSTRUMENT
19 ENTERED INTO PURSUANT TO THIS SUBSECTION (2). THE STATE
20 CONTROLLER OR THEIR DESIGNEE SHALL WAIVE ANY PROVISION OF THE
21 FISCAL RULES PROMULGATED PURSUANT TO SECTIONS 24-30-202 (1) AND
22 (13) THAT THE STATE CONTROLLER FINDS INCOMPATIBLE OR INAPPLICABLE
23 WITH RESPECT TO AN AGREEMENT OR AN ANCILLARY AGREEMENT OR
24 INSTRUMENT.

25 (3)(a) BEFORE EXECUTING THE AGREEMENT, TO PROTECT AGAINST
26 FUTURE INTEREST RATE INCREASES, THE STATE, ACTING BY AND THROUGH
27 THE STATE TREASURER AND AT THE DISCRETION OF THE STATE

1 TREASURER, MAY ENTER INTO AN INTEREST RATE EXCHANGE AGREEMENT
2 PURSUANT TO ARTICLE 59.3 OF TITLE 11. THE INTEREST RATE EXCHANGE
3 AGREEMENT IS A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF
4 ARTICLE 59.3 OF TITLE 11. ANY PAYMENTS MADE BY THE STATE UNDER AN
5 INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO THIS
6 SUBSECTION (3) MUST BE MADE SOLELY FROM MONEY AVAILABLE TO THE
7 STATE TREASURER FROM THE EXECUTION OF THE AGREEMENT ENTERED
8 INTO PURSUANT TO SUBSECTION (2) OF THIS SECTION OR FROM MONEY
9 DESCRIBED IN SUBSECTION (2)(d) OF THIS SECTION.

10 (b) AN INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO
11 PURSUANT TO THIS SUBSECTION (3) MUST ALSO PROVIDE THAT THE
12 OBLIGATIONS OF THE STATE DO NOT CREATE STATE DEBT WITHIN THE
13 MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR STATE LAW
14 CONCERNING OR LIMITING THE CREATION OF STATE DEBT OR ANY
15 MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL
16 OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) OF
17 ARTICLE X OF THE STATE CONSTITUTION.

18 (c) ANY MONEY RECEIVED BY THE STATE UNDER AN INTEREST
19 RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO THIS
20 SUBSECTION (3) MUST BE USED TO MAKE PAYMENTS ON AN AGREEMENT
21 ENTERED INTO PURSUANT TO SUBSECTION (2) OF THIS SECTION OR TO PAY
22 THE COSTS RELATED TO THE PURPOSES SET FORTH IN SUBSECTION (4) OF
23 THIS SECTION FOR WHICH AN AGREEMENT WAS EXECUTED.

24 (4) THE PROCEEDS OF AN AGREEMENT ENTERED INTO PURSUANT
25 TO SUBSECTION (2)(a) OF THIS SECTION MUST BE USED TO FUND CAPITAL
26 CONSTRUCTION COSTS RELATED TO THE RENEWAL, PHYSICAL
27 IMPROVEMENT, AND FUNCTIONAL IMPROVEMENT OF CRITICAL BUILDING

1 SYSTEMS IN THE COLORADO SCHOOL OF MINES' GUGGENHEIM HALL.

2 **SECTION 2. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.