



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 24-0196 Date: July 24, 2024
Prime Sponsors: Rep. Young; Daugherty Bill Status: Signed into Law
Sen. Kirkmeyer; Mullica Fiscal Analyst: Matt Bishop | 303-866-4796
matt.bishop@coleg.gov

Bill Topic: STATE FUNDING FOR HIGHER EDUCATION PROJECTS

Summary of Fiscal Impact: [X] State Revenue [] State Transfer [] Local Government
[X] State Expenditure [] TABOR Refund [] Statutory Public Entity

The bill directs the State Treasurer to execute a lease-purchase agreement to fund certain capital construction projects. It makes a one-time transfer from the General Fund in FY 2023-24, increases state revenue in FY 2024-25 only, and increases state expenditures beginning in FY 2024-25.

Appropriation Summary: No appropriation is required. See State Appropriations section.

Fiscal Note Status: The final fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under HB 24-1231

Table with 4 columns: Category, Sub-category, Current Year FY 2023-24, Budget Year FY 2024-25, Out Year FY 2027-28. Rows include Revenue, Expenditures, Transfers, and Other Budget Impacts.

Summary of Legislation

The bill directs the State Treasurer to execute a lease-purchase agreement of about \$247 million by December 31, 2024, to fund capital construction projects related to health care education. The bill describes conditions for the issuance, including the limitation for annual state-funded payments, which begin in FY 2027-28. The funds raised by the issuance will be used for:

- construction of the College of Osteopathic Medicine at the University of Northern Colorado;
- construction of the Health Institute Tower at Metropolitan State University of Denver;
- construction of the Veterinary Health Education Complex at Colorado State University; and
- renovation of the Valley Campus Main Building at Trinidad State College.

More information on these capital projects may be found [here](#).

[Senate Bill 22-056](#) authorized UNC to create a college and offer degrees in osteopathic medicine. As a condition of accreditation, the university must retain funds in escrow that can be used to reimburse students if the new program becomes unable to award degrees. The bill creates the College of Osteopathic Medicine Escrow Money Cash Fund and transfers the required amount to the new fund. When the money is released from escrow to the university, the amount of state support it receives that fiscal year is reduced by the same amount.

Background

The state enters into lease-purchase agreements using financial instruments called certificates of participation (COPs). In this type of lease-purchase agreement, the state transfers its interests in a property to a lessor in exchange for cash and then leases the property back through annual lease payments. The lessor assigns its interests to a trustee, usually a commercial bank, who holds the title to the property, collects lease payments from the state, and makes payments to the investors. The state renews the lease each year and makes annual payments authorized through the Long Bill. The interest rate paid by the state is fixed and depends on market conditions at the time COPs are priced for sale. When the lease ends, the state owns the facility at no or minimal additional cost.

State Revenue

In FY 2024-25, the bill increases state revenue by \$246,936,092 from issuance of the COPs. Favorable market conditions may result in more revenue being received. The revenue generated will be deposited in specific cash funds for state institutions of higher education. This revenue is not subject to TABOR.

State Transfers

The bill transfers \$41,250,000 from the General Fund to the College of Osteopathic Medicine Escrow Money Cash Fund on June 30, 2024.

State Expenditures

The bill increases state expenditures for capital projects and for lease payments on the COP.

Capital projects. In FY 2024-25, state expenditures will increase in the Department of Higher Education by the amount of revenue generated by the issuance, which is anticipated to be \$247 million. The amount each department expects to expend is shown in Table 2 below. Cash fund contributions reflect institutional funds and cash spending authority beyond the funds raised by the COP issuance will require additional legislative approval.

**Table 2
 Expenditures Under HB 24-1231**

	FY 2024-25	FY 2025-26	FY 2026-27	Total
Univ. of Northern Colorado	\$34,691,428	\$86,473,500	\$6,377,100	\$127,542,028
Colorado State University	\$50,000,000			\$50,000,000
<i>additional cash funds</i>	\$49,999,991	\$44,000,001		\$93,999,992
Metro. State Univ. of Denver	\$8,433,652	\$26,196,979	\$15,369,369	\$50,000,000
<i>additional cash funds</i>		\$15,000,000		\$15,000,000
Trinidad State College	\$6,337,816	\$13,056,248		\$19,394,064
			Subtotal—COP	\$246,936,092
			Subtotal—Additional CF	\$108,999,992
			Grand Total	\$355,936,084

For informational purposes, the total costs for the projects based on the institutions' FY 2024-25 capital budget requests are shown in Table 3 on the following page. State funds reflect the Capital Construction Fund, which is typically funded by an annual transfer from the General Fund. Cash Funds represent institutional revenue. Out-year costs not covered by the COP revenue will be addressed through the annual budget process.

Lease payments. The fiscal note assumes that payments on principal and interest, pursuant to the lease-purchase agreement, will begin in FY 2027-28. The bill limits such payments to \$17.5 million.

**Table 3
Capital Project Costs**

	Fund Source	FY 2024-25	FY 2025-26	FY 2026-27
University of Northern Colorado	State Funds	\$126,266,608	-	-
	Cash Funds	\$1,275,420	-	-
Colorado State University	State Funds	\$25,000,000	\$25,000,000	-
	Cash Funds	\$74,999,991	\$19,000,001	-
Metropolitan State University of Denver	State Funds	\$8,960,824	\$27,834,505	\$16,330,081
	Cash Funds	-	\$5,903,479	-
Trinidad State College	State Funds	\$6,337,816	\$13,056,248	-
	Cash Funds	-	-	-
	Total Cost	\$242,840,659	\$90,794,233	\$16,330,081
	Total State Funds	\$166,565,248	\$65,890,753	\$16,330,081
	Total Cash Funds	\$76,275,411	\$24,903,480	-
Grand Total (all years)				\$349,964,973

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

State Appropriations

While the bill does not require an appropriation, it adds an informational notation to capital construction appropriations indicating the anticipation that \$246,936,092 will be received through the COP and spent by institutions of higher education as shown in Table 2.

Effective Date

This bill was signed into law by the Governor and took effect on May 1, 2024.

State and Local Government Contacts

Governor	Higher Education	Joint Budget Committee Staff
Legislative Council Staff	Treasury	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).