

CHAPTER 115

**EDUCATION - UNIVERSITIES AND COLLEGES**

SENATE BILL 00-176

BY SENATOR Blickensderfer;  
also REPRESENTATIVES Kester, Chavez, Coleman, Gottlieb, Kaufman, King, Miller, Mitchell, Morrison, Taylor, and S. Williams.

**AN ACT**

CONCERNING THE ADDITION OF CERTAIN ENTITIES TO THOSE ENTITIES THAT ARE ELIGIBLE FOR PARTICIPATION UNDER THE "COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY ACT".

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

**SECTION 1.** 23-15-102 (1), Colorado Revised Statutes, is amended to read:

**23-15-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

(b) IT IS IMPORTANT THAT EDUCATIONAL FACILITIES AND CULTURAL FACILITIES ARE MADE READILY AVAILABLE BY NETWORKS AND ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS AND CULTURAL INSTITUTIONS REGARDLESS OF WHETHER SUCH NETWORKS AND ORGANIZATIONS ARE LOCATED WITHIN THE STATE OF COLORADO OR HAVE FACILITIES LOCATED WITHIN OR OUTSIDE THE STATE OF COLORADO; AND

(c) IT IS A BENEFIT TO THE PEOPLE OF THE STATE OF COLORADO TO SERVE

---

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

MULTISTATE EDUCATIONAL INSTITUTIONS AND CULTURAL INSTITUTIONS SINCE EDUCATION-RELATED AND CULTURAL-RELATED EMPLOYMENT OPPORTUNITIES IN THIS STATE WILL BE CREATED AS A RESULT THEREOF.

**SECTION 2.** 23-15-103 (6.3) and (7) (a) and the introductory portion to 23-15-103 (8) (a), Colorado Revised Statutes, are amended, and the said 23-15-103 (8) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

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

(6.3) (a) "Cultural institution" means any governmental, quasi-governmental, or nonprofit institution ~~which~~ THAT engages in cultural, intellectual, scientific, educational, or artistic enrichment. "Cultural institution" includes, without limitation, any aquarium, botanical society, educational society, historical society, library, museum, gallery, performing arts association or society, nonprofit sports association, committee, or governing body, scientific society, natural history society or organization, zoological society, society for western history and western culture, and any private nonprofit foundation, nonprofit association, or other entity ~~which~~ THAT is organized principally for the support and benefit of any of the foregoing.

(b) "CULTURAL INSTITUTION" ALSO INCLUDES ANY GOVERNMENTAL, QUASI-GOVERNMENTAL, OR NONPROFIT INSTITUTION, CORPORATION, ASSOCIATION, OR ORGANIZATION THAT, THROUGH ONE OR MORE AFFILIATES, DIRECTLY OR INDIRECTLY ENGAGES IN CULTURAL, INTELLECTUAL, SCIENTIFIC, EDUCATIONAL, OR ARTISTIC ENRICHMENT IN THIS STATE OR OUTSIDE THIS STATE IF:

(I) SUCH INSTITUTION, CORPORATION, ASSOCIATION, OR ORGANIZATION, OR AN AFFILIATE OF SUCH AN ENTITY, IS ENGAGED IN A FINANCING OR REFINANCING ON BEHALF OF A FACILITY WITHIN THIS STATE OR OUTSIDE OF THIS STATE; AND

(II) SUCH INSTITUTION, CORPORATION, ASSOCIATION, OR ORGANIZATION, OR AN AFFILIATE OF SUCH AN ENTITY, OPERATES A CULTURAL FACILITY WITHIN THIS STATE.

(c) "Cultural institution" does not include any institution primarily engaged in religious or sectarian activities.

(7) (a) (I) (A) "Facility", in the case of a participating educational institution, means any structure or building suitable for use as a housing facility, an instructional facility, an administration building, a research facility, a laboratory, a maintenance, storage, or utility facility, an auditorium, a dining hall, a food service and preparation facility, a mental or physical health care facility, a recreational facility, or a student center facility or any other structure or facility required or useful for the operation of an educational institution, including, but not limited to: Offices, parking lots and garages, and other supporting service structures; any equipment, furnishings, and appurtenances necessary or useful in the operation of a participating educational institution; and the acquisition, preparation, and development of all real and personal property necessary or convenient as a site or sites for any such structure or facility.

(B) "FACILITY", IN THE CASE OF A PARTICIPATING EDUCATIONAL INSTITUTION, ALSO

MEANS ANY STRUCTURE OR BUILDING DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) THAT IS LOCATED WITHIN THE STATE OR OUTSIDE THE STATE AND THAT IS OPERATED OR FINANCED BY AN EDUCATIONAL INSTITUTION IF SUCH INSTITUTION OPERATING OR FINANCING SUCH STRUCTURE OR BUILDING, OR AN AFFILIATE OF SUCH INSTITUTION, OPERATES OR FINANCES AN EDUCATIONAL FACILITY WITHIN THIS STATE.

(II) (A) "Facility", in the case of a cultural institution, means any property ~~which~~ THAT is suitable for the particular purposes of a cultural institution, including, without limitation, any such property suitable for use as or in connection with the operation of any one or more of the following: An administrative facility, an aquarium, an assembly hall, an auditorium, a botanical garden, an exhibition or performance hall or structure, a gallery, a greenhouse, a library, a museum, a scientific laboratory, a theater, or a zoological facility; and also including, without limitation, the books, works of art or music, and the animal, plant, or aquatic life or other items contained therein for display, exhibition, or performance. The term "facility" includes any other structure or facility required or useful for the operation of a cultural institution including, but not limited to, offices, parking lots and garages, and other supporting service structures; any equipment, furnishings, and appurtenances necessary or useful in the operation of a cultural institution; and the acquisition, preparation, and development of all real and personal property necessary or convenient as a site or sites for any such structure or facility. The term "facility" also includes buildings on the national register of historic places which are owned and operated by nonprofit entities.

(B) "FACILITY", IN THE CASE OF A CULTURAL INSTITUTION, ALSO MEANS ANY PROPERTY DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) THAT IS LOCATED WITHIN THE STATE OR OUTSIDE THE STATE AND THAT IS OPERATED OR FINANCED BY A CULTURAL INSTITUTION IF SUCH INSTITUTION OPERATING OR FINANCING SUCH PROPERTY, OR AN AFFILIATE OF SUCH INSTITUTION, ALSO OPERATES OR FINANCES A CULTURAL FACILITY WITHIN THIS STATE.

(8) (a) "Educational institution" means any governmental, quasi-governmental, or nonprofit educational institution operating in this state ~~which~~ THAT:

(VII) PROVIDES OR FINANCES, DIRECTLY OR INDIRECTLY THROUGH ONE OR MORE AFFILIATES, AN EDUCATIONAL PROGRAM OR EDUCATIONAL SERVICES IN THIS STATE OR OUTSIDE THIS STATE.

**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: April 13, 2000