

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0842.01 Jason Gelender x4330

SENATE BILL 13-199

SENATE SPONSORSHIP

Giron, Baumgardner, Schwartz

HOUSE SPONSORSHIP

Fischer, Szabo, Vigil

Senate Committees
Finance

House Committees
Finance

HOUSE
3rd Reading Unamended
April 2, 2013

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE STANDARD FOR DETERMINING**
102 **WHETHER BONDS ISSUED BY A STATE-SUPPORTED INSTITUTION**
103 **OF HIGHER EDUCATION QUALIFY FOR THE HIGHER EDUCATION**
104 **REVENUE BOND INTERCEPT PROGRAM.**

HOUSE
2nd Reading Unamended
April 1, 2013

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 <http://www.leg.state.co.us/billsummaries>.)

SENATE
3rd Reading Unamended
March 19, 2013

Capital Development Committee. Under current law, bonds issued by a state-supported institution of higher education (institution)

SENATE
2nd Reading Unamended
March 18, 2013

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

qualify for the higher education revenue bond intercept program (program) only if, on the date of their issuance, the total amount of the annual payments on the bonds and any other bonds issued by the institution and secured under the program does not exceed the amount of the institution's fee-for-service contract revenue for the prior year. The bill replaces this requirement with a credit and coverage test that requires the governing body of the institution to have:

- ! A credit rating in one of the 3 highest categories, without regard to modifiers within a category, from at least one major credit rating organization and no credit rating that is in a category below the 3 highest categories, without regard to modifiers within a category, from any such organization; and
- ! A debt service coverage ratio of at least one and one-half to one.

The state treasurer may exempt an institution from the credit and coverage test if the revenue bonds to be issued are refunding bonds that result in cost savings to the institution.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-5-139, **amend** (1)
3 (b) introductory portion and (1) (b) (I); and **add** (1) (c) as follows:

4 **23-5-139. Higher education revenue bond intercept program.**

5 (1) (b) This section applies to revenue bonds issued by an institution
6 pursuant to this article on or after ~~June 4, 2008~~ THE EFFECTIVE DATE OF
7 THIS PARAGRAPH (b), AS AMENDED, and to refunding bonds issued by an
8 institution pursuant to article 54, 56, or 57 of title 11, C.R.S., on or after
9 ~~June 4, 2008~~ THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED,
10 if, on the date the bonds are issued:

11 ~~(I) The maximum total annual debt service payments of the~~
12 ~~revenue bond issue and any other bonds to which this section applies~~
13 ~~issued by the same institution are one hundred percent or less of the~~
14 ~~institution's prior year fee-for-service contract revenue; THE GOVERNING~~
15 ~~BODY OF THE INSTITUTION HAS:~~

1 (A) A CREDIT RATING IN ONE OF THE THREE HIGHEST CATEGORIES,
2 WITHOUT REGARD TO MODIFIERS WITHIN A CATEGORY, FROM AT LEAST
3 ONE NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION AND,
4 IF MORE THAN ONE SUCH ORGANIZATION HAS RATED AN INSTITUTION, NO
5 CREDIT RATING THAT IS IN A CATEGORY BELOW THE THREE HIGHEST
6 CATEGORIES, WITHOUT REGARD TO MODIFIERS WITHIN A CATEGORY; AND

7 (B) A DEBT SERVICE COVERAGE RATIO OF AT LEAST ONE AND
8 ONE-HALF TO ONE, MEASURED BY DIVIDING THE INSTITUTION'S NET
9 REVENUE AVAILABLE FOR ANNUAL DEBT SERVICE OVER THE TOTAL
10 AMOUNT OF ANNUAL DEBT SERVICE SUBJECT TO THIS ARTICLE AND THE
11 ANNUAL DEBT SERVICE TO BE ISSUED PURSUANT TO THIS ARTICLE; AND

12 (c) THE STATE TREASURER MAY EXEMPT AN INSTITUTION FROM
13 THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS
14 SUBSECTION (1) IF THE REVENUE BONDS TO BE ISSUED ARE REFUNDING
15 BONDS THAT RESULT IN COST SAVINGS TO THE INSTITUTION.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.