

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0503.01 Jason Gelender x4330

SENATE BILL 20-139

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SENATE SPONSORSHIP

**Foote,**

HOUSE SPONSORSHIP

**(None),**

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**Senate Committees**  
Local Government

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AUTHORIZATION FOR A COUNTY TO LEND MONEY TO A**  
102            **GOVERNMENTAL ENTITY CREATED BY OR LOCATED WITHIN THE**  
103            **COUNTY FOR THE PURPOSE OF PROVIDING FUNDING FOR PUBLIC**  
104            **INFRASTRUCTURE PROJECTS WITHIN THE COUNTY.**

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**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://leg.colorado.gov>.)*

The bill authorizes a county to lend money to a governmental entity that is created by or located within the county subject to the following requirements:

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

- ! The source of the loan must be legally available money that is not otherwise encumbered or obligated;
- ! The loan must have a specified repayment term;
- ! The loan recipient is required to pay the county interest on the loan at an initial rate that is equal to or greater than the rate of return earned on all county financial investments; and
- ! The loan recipient shall use loan proceeds for the sole purpose of funding public infrastructure projects within the county.

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

2           **SECTION 1.** In Colorado Revised Statutes, 30-11-107, **add**  
3 (1)(II) as follows:

4           **30-11-107. Powers of the board.** (1) The board of county  
5 commissioners of each county has power at any meeting:

6           (II) TO AUTHORIZE THE COUNTY TREASURER TO MAKE A LOAN TO  
7 A GOVERNMENTAL ENTITY THAT IS CREATED BY OR LOCATED WITHIN THE  
8 COUNTY IN ACCORDANCE WITH SECTION 30-25-106.5.

9           **SECTION 2.** In Colorado Revised Statutes, **add** 30-25-106.5 as  
10 follows:

11           **30-25-106.5. Infrastructure loans to governmental entities**  
12 **within a county - authorization - limitations.** (1) NOTWITHSTANDING  
13 ANY OTHER PROVISION OF LAW, THE BOARD OF COUNTY COMMISSIONERS  
14 OF A COUNTY MAY AUTHORIZE THE COUNTY TREASURER TO MAKE LOANS  
15 TO ANY GOVERNMENTAL ENTITY THAT IS CREATED BY OR LOCATED WITHIN  
16 THE COUNTY AND THAT UNDERTAKES INFRASTRUCTURE PROJECTS WITHIN  
17 THE COUNTY. ANY SUCH LOAN IS SUBJECT TO THE FOLLOWING  
18 REQUIREMENTS:

19           (a) THE SOURCE OF THE LOAN MUST BE LEGALLY AVAILABLE  
20 MONEY THAT IS NOT OTHERWISE ENCUMBERED OR OBLIGATED;

1 (b) THE LOAN MUST HAVE A SPECIFIED REPAYMENT TERM, AND THE  
2 LOAN RECIPIENT SHALL AGREE TO PAY THE COUNTY INTEREST ON THE  
3 LOAN AT AN INITIAL RATE THAT IS EQUAL TO OR GREATER THAN THE RATE  
4 OF RETURN EARNED ON ALL COUNTY FINANCIAL INVESTMENTS FOR THE  
5 TWELVE MONTHS PRECEDING THE DATE ON WHICH THE LOAN IS MADE; AND

6 (c) THE LOAN RECIPIENT SHALL USE LOAN PROCEEDS FOR THE SOLE  
7 PURPOSE OF FUNDING PUBLIC INFRASTRUCTURE PROJECTS, INCLUDING BUT  
8 NOT LIMITED TO THE CONSTRUCTION, OPERATION, MAINTENANCE, OR  
9 REPAIR OF TRANSPORTATION, UTILITY, AND RECREATIONAL  
10 INFRASTRUCTURE.

11 (2) BECAUSE IT IS REQUIRED TO BE REPAID, A LOAN MADE  
12 PURSUANT TO SUBSECTION (1) OF THIS SECTION IS NOT AN EXPENDITURE  
13 TO WHICH THE LIMITATIONS ON EXPENDITURES FROM THE COUNTY  
14 GENERAL FUND SET FORTH IN SECTION 30-25-106 (1) APPLY.

15 **SECTION 3. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2020 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.