

CHAPTER 55

GOVERNMENT - STATE

HOUSE BILL 20-1161

BY REPRESENTATIVE(S) Bird, Snyder;
also SENATOR(S) Winter and Tate, Gonzales, Zenzinger.

AN ACT

CONCERNING THE ALLOCATION OF PRIVATE ACTIVITY BONDS, AND, IN CONNECTION THEREWITH, ELIMINATING THE BOND ALLOCATION COMMITTEE, REQUIRING THE STATE HOUSING BOARD TO ASSUME THE ALLOCATION RELATED FUNCTIONS OF THE COMMITTEE, AND ELIMINATING THE CAP ON THE DIRECT ALLOCATION FEE PAID TO THE DEPARTMENT OF LOCAL AFFAIRS.

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

SECTION 1. In Colorado Revised Statutes, 24-32-1703, **repeal** (6); and **add** (1.5) as follows:

24-32-1703. Definitions. As used in this part 17, unless the context otherwise requires:

(1.5) "BOARD" MEANS THE STATE HOUSING BOARD CREATED IN SECTION 24-32-706 (1).

~~(6) "Committee" means the bond allocations committee created pursuant to section 24-32-1707 (3).~~

SECTION 2. In Colorado Revised Statutes, 24-32-1707, **amend** (2)(b) and (4); and **repeal** (3) as follows:

24-32-1707. Statewide balance. (2) (b) On and after September 15 each year, the statewide balance may be allocated among all issuing authorities. The executive director shall make all of the allocations from the statewide balance in his or her sole discretion with the advice of the ~~committee~~ BOARD and in accordance with the priorities pursuant to this section.

~~(3) There is hereby created, within the department, a bond allocations committee;~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~composed of nine members, as follows: The executive director, who shall act as chairman of the committee; four municipal or county officials, one of whom shall represent a municipality or county west of the continental divide; three citizens at large, one of whom shall reside west of the continental divide; and one representative of the state issuing authorities who shall be appointed annually and serve at the pleasure of the governor. The four municipal or county officials and the three citizens at large shall be appointed by the governor for terms not to exceed three years, and such members shall serve at the pleasure of the governor. Any vacancy occurring in the membership of the committee shall be filled by the governor by appointment for the unexpired term of such member. The members of the committee shall serve without compensation, except that members shall be entitled to reimbursement for actual and necessary expenses. The executive director may convene the committee from time to time as he deems necessary.~~

(4) The ~~committee~~ BOARD shall review and recommend to the executive director statewide priorities for the allocation of the statewide balance. Prior to the making of such recommendations, the department shall hold one or more public meetings to obtain input from the public regarding statewide priorities for the current year, information regarding the use of all bond allocations in the prior year, and other appropriate matters.

SECTION 3. In Colorado Revised Statutes, 24-32-1709.5, **amend** (1)(a); and **repeal** (3) as follows:

24-32-1709.5. Administrative costs of the department - private activity bond allocation fund - creation. (1) The department may charge and collect the following administrative fees for the costs associated with the administration of this part 17:

(a) **The direct allocation fee.** The department may charge an administrative fee for direct allocations. The executive director shall annually determine the amount of the fee. ~~In no event shall the amount of the fee specified in this paragraph (a) be set so as to reimburse the department for more than thirty percent of the direct and indirect costs of administering this part 17.~~ The fee charged shall only be borne by entities that use the direct allocation to issue private activity bonds or make a mortgage credit certificate election.

(3) ~~The executive director may promulgate rules in accordance with article 4 of this title to the extent necessary for the administration of this part 17.~~

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020