

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0312.01 Thomas Morris x4218

SENATE BILL 15-121

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SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

(None),

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Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ELIGIBILITY FOR FINANCING PROVIDED BY THE  
102 COLORADO WATER RESOURCES AND POWER DEVELOPMENT  
103 AUTHORITY OF A PUBLIC WATER SYSTEM THAT IS NOT OWNED BY  
104 A GOVERNMENTAL AGENCY.

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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://www.leg.state.co.us/billsummaries>.)*

**Section 1** of the bill specifies that the drinking water revolving fund may be used to provide financial assistance to private, nonprofit entities. **Section 2** clarifies that public water systems may be owned or

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.

operated by private, nonprofit entities.

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

2           **SECTION 1.** In Colorado Revised Statutes, 37-95-107.8, **amend**  
3 (2) (b) (I), (2) (c) introductory portion, (2) (c) (II), (2) (c) (III) , and (3) (a)  
4 as follows:

5           **37-95-107.8. Creation and administration of drinking water**  
6 **revolving fund.** (2) (b) Moneys in the drinking water revolving fund  
7 shall be spent in a manner consistent with the terms and conditions of any  
8 state revolving program fund established by the safe drinking water act  
9 and may be used:

10           (I) To provide assistance to governmental agencies AND PRIVATE  
11 NONPROFIT ENTITIES for projects that appear on the drinking water project  
12 eligibility list, referred to in this section as "eligible projects"; and

13           (c) The authority may spend moneys in the drinking water  
14 revolving fund for financial assistance to governmental agencies AND  
15 PRIVATE NONPROFIT ENTITIES for eligible projects, including expenditures  
16 by any of the following means:

17           (II) Making loans to governmental agencies AND PRIVATE  
18 NONPROFIT ENTITIES;

19           (III) Purchasing or refinancing obligations of governmental  
20 agencies AND PRIVATE NONPROFIT ENTITIES if the debt obligations were  
21 incurred after October 14, 1993, or for a project to comply with  
22 amendments to regulations enacted by the 1986 amendments to the safe  
23 drinking water act;

24           (3) (a) (I) The authority may make and contract to make loans to  
25 governmental agencies AND PRIVATE NONPROFIT ENTITIES in accordance

1 with and subject to this section to finance the cost of eligible projects that  
2 the governmental agency OR PRIVATE NONPROFIT ENTITY may lawfully  
3 undertake or acquire under state law and for which the governmental  
4 agency OR PRIVATE NONPROFIT ENTITY is entitled by law to borrow  
5 money. The authority may make the loans subject to terms and conditions  
6 determined by the authority to be consistent with the purposes of the  
7 loans, and, to the extent that moneys originating in grants from the federal  
8 government are the source of the loans, consistent with the provisions of  
9 the safe drinking water act.

10 (II) Loans by the authority and the terms and conditions of the  
11 loans are subject to financial analysis by the division of local government  
12 in the department of local affairs. The financial analysis ~~shall~~ MUST  
13 include an analysis of the capacity to repay a loan and the need for  
14 financial assistance. The loans ~~shall~~ MUST be evidenced by notes, bonds,  
15 or other obligations of the borrower that are issued to the authority. In the  
16 case of a governmental agency OR PRIVATE NONPROFIT ENTITY, notes and  
17 bonds to be issued to the authority ~~shall~~ MUST be authorized and issued  
18 pursuant to this paragraph (a).

19 (III) All notes, bonds, or other obligations evidencing a loan from  
20 the authority may be sold at private sale to the authority at any price,  
21 whether or not less than par value. The denominations, the times for  
22 payment of principal and interest, and the provisions for redemption prior  
23 to maturity of such notes, bonds, or other obligations ~~shall be~~ ARE as  
24 AGREED BY the authority and the borrower. ~~agree~~. Each loan to a  
25 governmental agency OR PRIVATE NONPROFIT ENTITY and the notes,  
26 bonds, or other obligations thereby issued ~~shall~~ MUST bear interest at such  
27 rate or rates per annum at or below market interest rate and ~~shall~~ be for

1 such terms not to exceed twenty years after project completion as the  
2 authority and the borrower may agree; except that, if the source of the  
3 loaned funds is a grant from the United States, the loan term may be  
4 extended in accordance with the terms of the safe drinking water act  
5 providing for extended loan terms.

6 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-201, **amend**  
7 (1) introductory portion as follows:

8 **25-1.5-201. Definitions.** As used in this part 2, unless the context  
9 otherwise requires:

10 (1) "Public water systems" means systems for the provision to the  
11 public of piped water for human consumption, if such system has at least  
12 fifteen service connections or regularly serves at least twenty-five  
13 individuals. ~~Such~~ THE term includes SYSTEMS THAT ARE OWNED OR  
14 OPERATED BY PRIVATE, NONPROFIT ENTITIES, AS WELL AS:

15 **SECTION 3. Act subject to petition - effective date -**  
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
17 the expiration of the ninety-day period after final adjournment of the  
18 general assembly (August 5, 2015, if adjournment sine die is on May 6,  
19 2015); except that, if a referendum petition is filed pursuant to section 1  
20 (3) of article V of the state constitution against this act or an item, section,  
21 or part of this act within such period, then the act, item, section, or part  
22 will not take effect unless approved by the people at the general election  
23 to be held in November 2016 and, in such case, will take effect on the  
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to conduct occurring on or after the applicable  
26 effective date of this act.