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An Act

HOUSE BILL 09-1346

BY REPRESENTATIVE(S) Carroll T., Casso, Fischer, Frangas, Green, Kefalas, Kerr A., Labuda, Pace, Ryden, Scanlan, Schafer S., Todd, Vigil; also SENATOR(S) Shaffer B., Bacon, Boyd, Foster, Gibbs, Groff, Hodge, Hudak, Morse, Schwartz, Tochtrop.

CONCERNING AUTHORIZATION FOR PUBLIC ENTITIES IN THE STATE TO FULLY UTILIZE THE FINANCING INSTRUMENTS AVAILABLE TO THEM UNDER THE FEDERAL ECONOMIC STIMULUS ACT KNOWN AS THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009".

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

SECTION 1. Title 11, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 59.7 Colorado Recovery and Reinvestment Finance Act of 2009

11-59.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO RECOVERY AND REINVESTMENT FINANCE ACT OF 2009".

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

11-59.7-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, WAS ENACTED BY THE UNITED STATES CONGRESS IN RESPONSE TO A NATIONAL ECONOMIC CRISIS IN ORDER TO STIMULATE SPENDING, INCREASE EMPLOYMENT, AND REDUCE UNEMPLOYMENT IN THE UNITED STATES AS RAPIDLY AS POSSIBLE, INCLUDING SPENDING AND EMPLOYMENT BY STATES AND LOCAL GOVERNMENTS AND THOSE WHO PROVIDE GOODS AND SERVICES TO STATES AND LOCAL GOVERNMENTS;

(b) THE PURPOSE OF THIS ARTICLE IS TO STIMULATE SPENDING, INCREASE EMPLOYMENT, AND REDUCE UNEMPLOYMENT IN COLORADO AS RAPIDLY AS POSSIBLE BY AUTHORIZING COLORADO PUBLIC ENTITIES TO TAKE FULL ADVANTAGE OF FINANCING OPPORTUNITIES AVAILABLE UNDER THE FEDERAL RECOVERY AND REINVESTMENT ACT; AND

(c) THIS ARTICLE SHALL BE INTERPRETED IN A MANNER THAT STIMULATES THE MAXIMUM AMOUNT OF SPENDING, INCREASES THE MAXIMUM AMOUNT OF EMPLOYMENT, AND REDUCES THE MAXIMUM AMOUNT OF UNEMPLOYMENT IN COLORADO AS RAPIDLY AS POSSIBLE THROUGH THE ACTIONS OF COLORADO PUBLIC ENTITIES IN TAKING FULL ADVANTAGE OF FINANCING OPPORTUNITIES UNDER THE FEDERAL RECOVERY AND REINVESTMENT ACT.

11-59.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ANCILLARY AGREEMENT" MEANS ANY CONTRACT, AGREEMENT, OR OTHER ARRANGEMENT THAT A PUBLIC ENTITY DETERMINES IS NECESSARY OR CONVENIENT IN CONNECTION WITH A STIMULUS OBLIGATION, INCLUDING BUT NOT LIMITED TO ANY AGREEMENT, CONTRACT, OR OTHER ARRANGEMENT:

(a) PURSUANT TO WHICH THE PROCEEDS OF SUCH STIMULUS OBLIGATION ARE LOANED OR MADE AVAILABLE TO OR SECURED FOR ANOTHER PUBLIC ENTITY, A NONPROFIT OR FOR-PROFIT CORPORATION, A CHARTER SCHOOL, OR ANY OTHER PERSON IN ACCORDANCE WITH THE FEDERAL RECOVERY AND REINVESTMENT ACT;

(b) RELATING TO PROPERTY THAT IS LEASED OR SUBLEASED PURSUANT TO A LEASE-PURCHASE AGREEMENT OR ON WHICH THE PROCEEDS OF A LEASE-PURCHASE FINANCING ARE SPENT;

(c) FOR CREDIT OR LIQUIDITY ENHANCEMENT OF, CREDIT OR LIQUIDITY SUPPORT FOR, OR INTEREST RATE PROTECTION WITH RESPECT TO THE STIMULUS OBLIGATION;

(d) THAT IS AN INTEREST RATE EXCHANGE AGREEMENT UNDER ARTICLE 59.3 OF THIS TITLE;

(e) THAT RELATES TO THE INVESTMENT OF PROCEEDS OF THE STIMULUS OBLIGATION;

(f) FOR THE PURCHASE, SALE, MARKETING, OR REMARKETING OF THE STIMULUS OBLIGATION; OR

(g) FOR SERVICES IN CONNECTION WITH THE STIMULUS OBLIGATION.

(2) "BALLOT ISSUE" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (2.3), C.R.S.

(3) "BALLOT QUESTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (2.7), C.R.S.

(4) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, EVIDENCE OF INDEBTEDNESS, LOAN, FINANCING AGREEMENT, INSTALLMENT PURCHASE OR SALE AGREEMENT, LEASE, OR LEASE-PURCHASE AGREEMENT ON WHICH PAYMENTS BY A PUBLIC ENTITY ARE NOT SUBJECT TO ANNUAL APPROPRIATION BY ITS GOVERNING BODY OR ANY DEBT OR MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION ISSUED OR ENTERED INTO BY A PUBLIC ENTITY.

(5) "BUILD AMERICA BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54AA OF THE INTERNAL REVENUE CODE.

(6) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-103 (2), C.R.S., AN INDEPENDENT CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-302 (6), C.R.S., OR AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-502 (6), C.R.S.

(7) "CHARTER SCHOOL BOND ISSUER" MEANS ANY PUBLIC ENTITY THAT IS AUTHORIZED UNDER STATE LAW TO FINANCE OR REFINANCE A PROJECT FOR THE BENEFIT OF A CHARTER SCHOOL THROUGH THE ISSUANCE OF BONDS OR THE EXECUTION OF A LOAN AGREEMENT, FINANCING AGREEMENT, OR LEASE-PURCHASE AGREEMENT WITH A CHARTER SCHOOL.

(8) "CLEAN RENEWABLE ENERGY BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54 OF THE INTERNAL REVENUE CODE.

(9) "COMMISSION ON HIGHER EDUCATION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO ARTICLE 1 OF TITLE 23, C.R.S.

(10) "FEDERAL DIRECT PAYMENTS" MEANS AMOUNTS THAT THE FEDERAL GOVERNMENT IS TO PAY TO A PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A BUILD AMERICA BOND AND ELECTS TO RECEIVE DIRECT PAYMENTS FROM THE FEDERAL GOVERNMENT PURSUANT TO SECTIONS 54AA AND 6431 OF THE INTERNAL REVENUE CODE OR THAT ISSUES OR ENTERS INTO A RECOVERY ZONE ECONOMIC DEVELOPMENT BOND AND ELECTS TO RECEIVE DIRECT PAYMENTS FROM THE FEDERAL GOVERNMENT PURSUANT TO SECTIONS 1400U-2 AND 6431 OF THE INTERNAL REVENUE CODE.

(11) "FEDERAL RECOVERY AND REINVESTMENT ACT" MEANS THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, AND ANY AMENDMENTS THERETO.

(12) "GOVERNING BODY" MEANS A CITY COUNCIL, BOARD OF TRUSTEES, COMMISSION, BOARD OF COUNTY COMMISSIONERS, BOARD OF DIRECTORS, GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER EDUCATION, OR OTHER LEGISLATIVE BODY OF A PUBLIC ENTITY IN WHICH THE LEGISLATIVE POWERS OF THE PUBLIC ENTITY ARE VESTED. THE GOVERNING BODY OF THE STATE TREASURER, OR OF THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, IS THE STATE TREASURER.

(13) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101 (1), C.R.S.

(14) "INTERNAL REVENUE CODE" HAS THE SAME MEANING AS SET FORTH IN SECTION 39-23.5-102 (9.5), C.R.S.

(15) "LARGE LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 54D OF THE INTERNAL REVENUE CODE.

(16) "LARGE MUNICIPALITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 1400U-1 OF THE INTERNAL REVENUE CODE.

(17) "LEASE-PURCHASE AGREEMENT" MEANS ANY AGREEMENT BETWEEN A PUBLIC ENTITY AND ANY OTHER PERSON:

(a) THAT IS A LEASE OR LEASE-PURCHASE AGREEMENT UNDER THE LAWS OF THIS STATE;

(b) PURSUANT TO WHICH THE PUBLIC ENTITY HAS AGREED TO MAKE PAYMENTS IN FUTURE FISCAL YEARS SUBJECT TO ANNUAL APPROPRIATION OF THE PAYMENTS BY THE GOVERNING BODY OF THE PUBLIC ENTITY; AND

(c) THAT IS TREATED AS AN INSTALLMENT SALE AGREEMENT FOR FEDERAL INCOME TAX PURPOSES.

(18) "NEW CLEAN RENEWABLE ENERGY BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54C OF THE INTERNAL REVENUE CODE.

(19) "PROJECT" MEANS ANY PROPERTY, GOODS, OR SERVICES ON WHICH THE PROCEEDS OF A BOND OR LEASE-PURCHASE FINANCING ARE OR MAY BE SPENT, INCLUDING BUT NOT LIMITED TO ANY JOB TRAINING OR EDUCATIONAL PROGRAM ON WHICH THE PROCEEDS OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS MAY BE SPENT UNDER FEDERAL LAW.

(20) "PUBLIC ENTITY" MEANS THE STATE, ANY AGENCY, DEPARTMENT, OR POLITICAL SUBDIVISION OF THE STATE, ANY QUASI-GOVERNMENTAL ENTITY, OR ANY OTHER ENTITY CREATED BY OR PURSUANT TO THE CONSTITUTION OR LAWS OF THE STATE THAT IS AUTHORIZED UNDER STATE LAW TO ISSUE BONDS OR ENTER INTO A LEASE-PURCHASE AGREEMENT, INCLUDING BUT NOT LIMITED TO:

(a) THE STATE TREASURER OR THE STATE TREASURER, ACTING ON BEHALF OF THE STATE;

(b) A STATE AGENCY OR DEPARTMENT;

(c) A STATE AUTHORITY;

(d) A PUBLIC INSTITUTION OF HIGHER EDUCATION, STATE EDUCATIONAL INSTITUTION, OR OTHER STATE INSTITUTION, INCLUDING ITS GOVERNING BODY OR ANY OTHER ISSUING AUTHORITY OF THE INSTITUTION CONSTITUTING A BODY CORPORATE;

(e) A COUNTY OR CITY AND COUNTY;

(f) A MUNICIPALITY;

(g) A SCHOOL DISTRICT;

(h) A SPECIAL DISTRICT ORGANIZED OR ACTING PURSUANT TO THE PROVISIONS OF TITLE 32, C.R.S.;

(i) A DISTRICT OR AUTHORITY ORGANIZED OR ACTING PURSUANT TO THE PROVISIONS OF TITLE 29, 30, OR 31, C.R.S.;

(j) A WATER CONSERVANCY DISTRICT CREATED PURSUANT TO ARTICLE 45 OF TITLE 37, C.R.S.;

(k) ANY OTHER POLITICAL SUBDIVISION OR GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY OF THE STATE;

(l) ANY OTHER PUBLIC ENTITY AS DEFINED IN SECTION 24-75-601 (1), C.R.S.;

(m) A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY;

(n) AN ENTERPRISE OF ANY PUBLIC ENTITY LISTED IN PARAGRAPHS (a) TO (m) OF THIS SUBSECTION (20); AND

(o) A NONPROFIT CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE THAT IS AUTHORIZED BY LAW, OR A TRUST CREATED UNDER THE LAWS OF THE STATE THAT IS AUTHORIZED UNDER ITS GOVERNING DOCUMENTS, TO ISSUE BONDS OR ENTER INTO LEASE-PURCHASE AGREEMENTS ON BEHALF OF ONE OR MORE PUBLIC ENTITIES LISTED IN PARAGRAPHS (a) TO (n) OF THIS SUBSECTION (20).

(21) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS ANY STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION THAT IS OBLIGATED TO CONFORM TO THE POLICIES SET BY THE COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-1-102 (2), C.R.S.

(22) "PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD" MEANS THE BOARD CREATED IN SECTION 22-43.7-106 (1) (a), C.R.S.

(23) "QUALIFIED ENERGY CONSERVATION BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54D OF THE INTERNAL REVENUE CODE.

(24) "QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP" MEANS THE DOLLAR AMOUNT OF QUALIFIED ENERGY CONSERVATION BONDS ALLOCATED TO THE STATE AND THE STATE'S LARGE LOCAL GOVERNMENTS PURSUANT TO SECTION 54D OF THE INTERNAL REVENUE CODE.

(25) "QUALIFIED SCHOOL CONSTRUCTION BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54F OF THE INTERNAL REVENUE CODE.

(26) "QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP" MEANS THE SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP AND THE STATE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP AND INCLUDES ANY PORTION OF THE SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP THAT IS REALLOCATED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD PURSUANT TO SECTION 11-59.7-106.

(27) "QUALIFIED ZONE ACADEMY BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 54E OF THE INTERNAL REVENUE CODE.

(28) "QUALIFIED ZONE ACADEMY BOND VOLUME CAP" MEANS THE VOLUME CAP FOR QUALIFIED ZONE ACADEMY BONDS ALLOCATED BY THE FEDERAL GOVERNMENT TO THE STATE PURSUANT TO SECTION 54E OF THE INTERNAL REVENUE CODE.

(29) "RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY" MEANS A SEPARATE LEGAL ENTITY CREATED BY CONTRACT BETWEEN OR AMONG PUBLIC ENTITIES FOR THE PURPOSE OF ISSUING STIMULUS OBLIGATIONS PURSUANT TO SECTION 11-59.7-110.

(30) "RECOVERY ZONE" MEANS:

(a) ANY AREA DESIGNATED BY THE PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A RECOVERY ZONE BOND AS HAVING SIGNIFICANT POVERTY, UNEMPLOYMENT, RATE OF HOME FORECLOSURES, OR GENERAL DISTRESS;

(b) ANY AREA DESIGNATED BY THE PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A RECOVERY ZONE BOND AS ECONOMICALLY DISTRESSED BY REASON OF THE CLOSURE OR REALIGNMENT OF A MILITARY INSTALLATION PURSUANT TO THE FEDERAL "DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990", PUB.L. 101-510; AND

(c) ANY AREA FOR WHICH A DESIGNATION AS AN EMPOWERMENT ZONE OR RENEWAL COMMUNITY IS IN EFFECT.

(31) "RECOVERY ZONE BOND" MEANS BOTH A RECOVERY ZONE ECONOMIC DEVELOPMENT BOND AND A RECOVERY ZONE FACILITY BOND.

(32) "RECOVERY ZONE ECONOMIC DEVELOPMENT BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 1400U-2 OF THE INTERNAL REVENUE CODE.

(33) "RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROJECT" MEANS ANY PROPERTY, GOODS, OR SERVICES ON WHICH THE PROCEEDS OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS MAY BE SPENT UNDER FEDERAL LAW.

(34) "RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP" MEANS THE DOLLAR AMOUNT OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS TO BE ALLOCATED BY THE FEDERAL GOVERNMENT TO THE STATE AND BY THE STATE TO THE STATE'S COUNTIES AND LARGE MUNICIPALITIES PURSUANT TO SECTION 1400U-1 OF THE INTERNAL REVENUE CODE.

(35) "RECOVERY ZONE FACILITY BOND" HAS THE SAME MEANING AS SET FORTH IN SECTION 1400U-3 OF THE INTERNAL REVENUE CODE.

(36) "RECOVERY ZONE FACILITY BOND VOLUME CAP" MEANS THE DOLLAR AMOUNT OF RECOVERY ZONE FACILITY BONDS TO BE ALLOCATED BY THE FEDERAL GOVERNMENT TO THE STATE AND BY THE STATE TO THE

STATE'S COUNTIES AND LARGE MUNICIPALITIES PURSUANT TO SECTION 1400U-1 OF THE INTERNAL REVENUE CODE.

(37) "SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP" MEANS THE VOLUME CAP FOR QUALIFIED SCHOOL CONSTRUCTION BONDS ALLOCATED BY THE FEDERAL GOVERNMENT TO SCHOOL DISTRICTS OF THE STATE PURSUANT TO SECTION 54F OF THE INTERNAL REVENUE CODE.

(38) "STATE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP" MEANS THE VOLUME CAP FOR QUALIFIED SCHOOL CONSTRUCTION BONDS ALLOCATED BY THE FEDERAL GOVERNMENT TO THE STATE PURSUANT TO SECTION 54F OF THE INTERNAL REVENUE CODE.

(39) "STIMULUS OBLIGATION" MEANS ANY BOND OR LEASE-PURCHASE AGREEMENT THAT QUALIFIES AS A BUILD AMERICA BOND, CLEAN RENEWABLE ENERGY BOND, NEW CLEAN RENEWABLE ENERGY BOND, QUALIFIED ENERGY CONSERVATION BOND, QUALIFIED SCHOOL CONSTRUCTION BOND, QUALIFIED ZONE ACADEMY BOND, OR RECOVERY ZONE BOND.

(40) "STIMULUS OBLIGATION DOCUMENT" MEANS ANY RESOLUTION, ORDINANCE, TRUST INDENTURE, LOAN AGREEMENT, FINANCING AGREEMENT, LEASE-PURCHASE AGREEMENT, LEASE, AGREEMENT, CONTRACT, OR OTHER INSTRUMENT UNDER WHICH A STIMULUS OBLIGATION IS ISSUED OR ENTERED INTO OR PURSUANT TO WHICH A PUBLIC ENTITY INCURS OBLIGATIONS WITH RESPECT TO A STIMULUS OBLIGATION AND ANY ANCILLARY AGREEMENT ENTERED INTO PURSUANT TO SECTION 11-59.7-104 (2).

(41) "TYPE OF" MEANS, WHEN USED WITH RESPECT TO ANY STIMULUS OBLIGATION, ANY ONE OF A BUILD AMERICA BOND, CLEAN RENEWABLE ENERGY BOND, NEW CLEAN RENEWABLE ENERGY BOND, QUALIFIED ENERGY CONSERVATION BOND, QUALIFIED SCHOOL CONSTRUCTION BOND, QUALIFIED ZONE ACADEMY BOND, OR RECOVERY ZONE BOND.

(42) "VOLUME CAP" MEANS THE DOLLAR AMOUNT OF ANY STIMULUS OBLIGATION ALLOCATED TO THE STATE OR ANOTHER PUBLIC ENTITY PURSUANT TO THE FEDERAL RECOVERY AND REINVESTMENT ACT OR ANY OTHER FEDERAL LAW.

11-59.7-104. Stimulus obligations authorized under state law - ancillary agreements. (1) PUBLIC ENTITIES MAY ISSUE OR ENTER INTO STIMULUS OBLIGATIONS AS AUTHORIZED BY THIS ARTICLE. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION 11-59.7-105, EACH TYPE OF STIMULUS OBLIGATION SHALL BE ISSUED OR ENTERED INTO BY A PUBLIC ENTITY IN ACCORDANCE WITH A LAW OF THE STATE THAT AUTHORIZES OR PERMITS THE PUBLIC ENTITY TO ISSUE BONDS OR ENTER INTO A LEASE-PURCHASE AGREEMENT TO FINANCE OR REFINANCE A PROJECT THAT MAY BE FINANCED OR REFINANCED WITH PROCEEDS OF THE TYPE OF STIMULUS OBLIGATION UNDER FEDERAL LAW. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW OF THE STATE:

(a) ANY PUBLIC ENTITY THAT IS AUTHORIZED OR PERMITTED UNDER THE LAWS OF THE STATE TO ISSUE BONDS TO FINANCE OR REFINANCE A PROJECT THAT UNDER FEDERAL LAW MAY BE FINANCED OR REFINANCED WITH PROCEEDS OF BUILD AMERICA BONDS MAY ISSUE THE BONDS AS BUILD AMERICA BONDS. ANY PUBLIC ENTITY THAT IS AUTHORIZED OR PERMITTED UNDER THE LAWS OF THE STATE TO ENTER INTO A LEASE-PURCHASE AGREEMENT TO FINANCE OR REFINANCE A PROJECT THAT MAY BE FINANCED OR REFINANCED UNDER FEDERAL LAW WITH PROCEEDS OF BUILD AMERICA BONDS MAY ENTER INTO THE LEASE-PURCHASE AGREEMENT AS A BUILD AMERICA BOND.

(b) (I) ANY PUBLIC ENTITY THAT IS AUTHORIZED OR PERMITTED UNDER THE LAWS OF THE STATE TO ISSUE BONDS TO FINANCE OR REFINANCE A PROJECT THAT UNDER FEDERAL LAW MAY BE FINANCED OR REFINANCED WITH PROCEEDS OF A TYPE OF STIMULUS OBLIGATION OTHER THAN A BUILD AMERICA BOND MAY ISSUE THE TYPE OF STIMULUS OBLIGATION:

(A) TO FINANCE OR REFINANCE ANY PROJECT THAT MAY BE FINANCED OR REFINANCED UNDER FEDERAL LAW WITH PROCEEDS OF THE TYPE OF STIMULUS OBLIGATION; AND

(B) TO ISSUE BONDS AS THE TYPE OF STIMULUS OBLIGATION UNDER FEDERAL LAW.

(II) ANY PUBLIC ENTITY THAT IS AUTHORIZED OR PERMITTED UNDER THE LAWS OF THE STATE TO ENTER INTO A LEASE-PURCHASE AGREEMENT TO FINANCE OR REFINANCE A PROJECT THAT MAY BE FINANCED OR REFINANCED UNDER FEDERAL LAW WITH PROCEEDS OF A TYPE OF STIMULUS OBLIGATION

OTHER THAN A BUILD AMERICA BOND MAY:

(A) ENTER INTO A LEASE-PURCHASE AGREEMENT TO FINANCE OR REFINANCE ANY PROJECT THAT MAY BE FINANCED OR REFINANCED UNDER FEDERAL LAW WITH PROCEEDS OF THE TYPE OF STIMULUS OBLIGATION; AND

(B) ENTER INTO THE LEASE-PURCHASE AGREEMENT AS A STIMULUS OBLIGATION UNDER FEDERAL LAW.

(c) TO THE EXTENT ELECTED BY A PUBLIC ENTITY PURSUANT TO SECTION 11-57-204 (1), PART 2 OF ARTICLE 57 OF THIS TITLE SHALL APPLY TO STIMULUS OBLIGATIONS ISSUED OR ENTERED INTO BY PUBLIC ENTITIES, STIMULUS OBLIGATIONS SHALL BE SECURITIES, AND PUBLIC ENTITIES, AS DEFINED IN SECTION 11-59.7-103 (20), SHALL ALSO BE PUBLIC ENTITIES FOR PURPOSES OF PART 2 OF ARTICLE 57 OF THIS TITLE.

(d) A STIMULUS OBLIGATION MAY BE SOLD AT ANY PRICE, BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION OR OPTIONAL OR MANDATORY TENDER AT ANY TIME AND AT ANY PRICE, AND CONTAIN ANY OTHER SPECIAL PROVISIONS THAT THE GOVERNING BODY OF THE PUBLIC ENTITY DETERMINES ARE NECESSARY OR CONVENIENT TO ISSUE OR ENTER INTO THE STIMULUS OBLIGATION AT A COST AND ON TERMS, AND WITH PAYMENTS SCHEDULED IN A MANNER, THAT IS DETERMINED BY THE GOVERNING BODY TO BE ADVANTAGEOUS TO THE PUBLIC ENTITY.

(e) THE RIGHT TO RECEIVE ANY PAYMENT OF PRINCIPAL OF, ANY INTEREST ON, OR ANY OTHER AMOUNT WITH RESPECT TO A STIMULUS OBLIGATION, THE RIGHT TO CLAIM ANY TAX CREDIT WITH RESPECT TO A STIMULUS OBLIGATION, AND THE RIGHT TO RECEIVE ANY FEDERAL DIRECT PAYMENT IN CONNECTION WITH A STIMULUS OBLIGATION MAY BE STRIPPED OR SEPARATED FROM ONE ANOTHER, MAY BE ISSUED OR DELIVERED TO DIFFERENT PERSONS, AND MAY BE OWNED AND TRANSFERRED INDEPENDENTLY OF ONE ANOTHER.

(f) ANY OUTSTANDING STIMULUS OBLIGATION MAY BE REFUNDED BY OR ON BEHALF OF THE PUBLIC ENTITY THAT ISSUED OR ENTERED INTO IT PURSUANT TO ARTICLE 56 OF THIS TITLE OR ANY OTHER LAW OF THE STATE THAT AUTHORIZES THE PUBLIC ENTITY TO ISSUE OR ENTER INTO REFUNDING OBLIGATIONS.

(g) SECTION 22-41-110, C.R.S., RELATING TO TIMELY PAYMENT OF SCHOOL DISTRICT OBLIGATIONS, SHALL APPLY TO A QUALIFIED SCHOOL CONSTRUCTION BOND ISSUED OR ENTERED INTO BY A SCHOOL DISTRICT THAT IS A GENERAL OBLIGATION BOND ISSUED BY A SCHOOL DISTRICT PURSUANT TO ARTICLE 42 OR 43 OF TITLE 22, C.R.S., AN OBLIGATION OF A SCHOOL DISTRICT IN CONNECTION WITH A LEASE AGREEMENT OR INSTALLMENT PURCHASE AGREEMENT ENTERED INTO BY A SCHOOL DISTRICT UNDER SECTION 22-32-127 OR 22-45-103 (1) (c), C.R.S., OR A REFUNDING BOND ISSUED BY A SCHOOL DISTRICT PURSUANT TO ARTICLE 56 OF THIS TITLE.

(h) SECTION 23-5-139, C.R.S., RELATING TO THE HIGHER EDUCATION REVENUE BOND INTERCEPT PROGRAM, SHALL APPLY TO ANY STIMULUS OBLIGATION:

(I) THAT IS ISSUED OR ENTERED INTO:

(A) BY A PUBLIC INSTITUTION OF HIGHER EDUCATION;

(B) BY A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY CREATED BY A CONTRACT TO WHICH A PUBLIC INSTITUTION OF HIGHER EDUCATION IS A PARTY; OR

(C) BY ANY OTHER PUBLIC ENTITY TO FINANCE OR REFINANCE A PROJECT THAT IS OR IS TO BE OWNED BY OR USED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

(II) THAT MEETS THE OTHER CONDITIONS SPECIFIED IN SECTION 23-5-139, C.R.S.

(i) ANY STIMULUS OBLIGATION ISSUED OR ENTERED INTO FOR THE PURPOSE OF FINANCING OR REFINANCING CHARTER SCHOOL CAPITAL CONSTRUCTION BY A PUBLIC ENTITY OTHER THAN A SCHOOL DISTRICT ON BEHALF OF A CHARTER SCHOOL THAT IS ENTITLED TO RECEIVE FUNDING FROM THE PUBLIC SCHOOL FUND PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S., SHALL QUALIFY FOR DIRECT PAYMENTS UNDER SECTION 22-30.5-406, C.R.S. THE CHARTER SCHOOL DEBT SERVICE RESERVE FUND, AS DEFINED IN SECTION 22-30.5-408 (1) (a), C.R.S., FOR ANY STIMULUS OBLIGATION THAT IS ISSUED BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY CREATED IN SECTION 23-15-104 (1) (a), C.R.S., THAT IS A QUALIFIED CHARTER SCHOOL BOND, AS DEFINED IN

SECTION 22-30.5-408 (1) (d), C.R.S., ISSUED ON BEHALF OF A QUALIFIED CHARTER SCHOOL, AS DEFINED IN SECTION 22-30.5-408 (1) (c), C.R.S., AND THAT MEETS THE OTHER CONDITIONS SET FORTH IN SECTION 22-30.5-408, C.R.S., SHALL QUALIFY FOR REPLENISHMENT UNDER SECTION 22-30.5-408, C.R.S.

(j) A CERTIFICATES OF PARTICIPATION RESERVE FUND, AS DEFINED IN SECTION 22-54-110.5 (1) (a), C.R.S., ENACTED BY SENATE BILL 09-256, ENACTED IN 2009, FOR CERTIFICATES OF PARTICIPATION EVIDENCING RIGHTS TO RECEIVE PAYMENTS BY A SCHOOL DISTRICT UNDER A LEASE-PURCHASE AGREEMENT THAT QUALIFIES AS A STIMULUS OBLIGATION SHALL QUALIFY FOR REPLENISHMENT UNDER SECTION 22-54-110.5 (2), C.R.S., ENACTED BY SENATE BILL 09-256, ENACTED IN 2009.

(k) (I) PROCEEDS OF STIMULUS OBLIGATIONS, MONEYS HELD IN ANY SINKING FUND RELATING TO ANY STIMULUS OBLIGATION, AND OTHER MONEYS RELATING TO ANY STIMULUS OBLIGATION MAY BE INVESTED BY THE STATE TREASURER IN ANY INVESTMENT OR SECURITIES PERMITTED BY ARTICLE 36 OF TITLE 24, C.R.S., AND BY THE STATE TREASURER OR ANY OTHER PUBLIC ENTITY IN ANY INVESTMENT OR SECURITIES PERMITTED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S., SUBJECT TO THE FOLLOWING MODIFICATIONS:

(A) ANY LIMITATIONS ON THE MATURITY OF THE INVESTMENT OR SECURITIES OR ANY SECURITIES SUBJECT TO A REPURCHASE AGREEMENT, REVERSE REPURCHASE AGREEMENT, OR OTHER INVESTMENT SHALL NOT APPLY SO LONG AS THE INVESTMENT OR SECURITIES MATURE ON OR BEFORE THE LAST MATURITY OF THE STIMULUS OBLIGATION;

(B) ANY LIMITATIONS ON VARIABLE RATE INVESTMENTS AND SECURITIES SHALL NOT APPLY; AND

(C) PUBLIC ENTITIES MAY AGREE TO INVEST MONEYS IN THE INVESTMENT OR SECURITIES IN ADVANCE OF THE RECEIPT OF THE MONEYS.

(II) PUBLIC ENTITIES ALSO MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS PROCEEDS OF STIMULUS OBLIGATIONS, MONEYS HELD IN ANY SINKING FUND RELATING TO ANY STIMULUS OBLIGATION, AND OTHER MONEYS RELATING TO ANY STIMULUS OBLIGATION TO INVEST OR DEPOSIT THE PROCEEDS OR MONEYS IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE

SPECIFIED BY ARTICLE 36 OF TITLE 24, C.R.S., AND PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S., IF THE GOVERNING BODY OF THE PUBLIC ENTITY DETERMINES THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID ARTICLE 36 OR PART 6, AND THE INVESTMENT WILL ASSIST THE PUBLIC ENTITY IN THE FINANCING OR REFINANCING OF PROJECTS THAT MAY BE FINANCED OR REFINANCED WITH THE PROCEEDS OF ITS STIMULUS OBLIGATIONS. ANY EARNINGS FROM ANY INVESTMENT OR SECURITIES PERMITTED BY THIS PARAGRAPH (k) MAY BE USED AND MAY BE PLEDGED TO MAKE PAYMENTS TO THE OWNERS OF STIMULUS OBLIGATIONS OR OTHER PERSONS OR MAY BE USED FOR ANY OTHER LAWFUL PURPOSE FOR WHICH THE PUBLIC ENTITY MAY SPEND MONEY.

(l) THE INTEREST ON AND INCOME FROM ANY STIMULUS OBLIGATION SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE STIMULUS OBLIGATION DOCUMENTS, THE PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A STIMULUS OBLIGATION MAY MAKE ELECTIONS UNDER THE INTERNAL REVENUE CODE, INCLUDING BUT NOT LIMITED TO AN ELECTION TO DESIGNATE THE STIMULUS OBLIGATION AS A QUALIFIED TAX-EXEMPT OBLIGATION FOR PURPOSES OF SECTION 265 OF THE INTERNAL REVENUE CODE, AND MAY WAIVE THE EXEMPTION OF THE INTEREST ON AND INCOME FROM ANY STIMULUS OBLIGATION FROM TAXATION AND ASSESSMENTS IN THE STATE.

(m) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN STIMULUS OBLIGATIONS.

(n) PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC FUNDS IN STIMULUS OBLIGATIONS IF THE STIMULUS OBLIGATIONS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. THIS PARAGRAPH (n) SHALL NOT LIMIT THE POWER OF A PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A STIMULUS OBLIGATION TO ENTER INTO AN ANCILLARY AGREEMENT WITH ANOTHER PUBLIC ENTITY UNDER WHICH THE OTHER PUBLIC ENTITY AGREES TO MAKE PAYMENTS TO THE PUBLIC ENTITY THAT ISSUES OR ENTERS INTO THE STIMULUS OBLIGATION ON ANY TERMS AGREED TO BY THE TWO PUBLIC ENTITIES.

(o) A PUBLIC ENTITY MAY TAKE ANY ACTION IN CONNECTION WITH ANY STIMULUS OBLIGATION, AND THE INVESTMENT AND USE OF THE PROCEEDS, ANY FEDERAL DIRECT PAYMENTS, OR ANY OTHER MONEYS RECEIVED IN CONNECTION WITH ANY STIMULUS OBLIGATION, THAT THE GOVERNING BODY OF THE PUBLIC ENTITY DETERMINES IS NECESSARY OR CONVENIENT AND IS NOT INCONSISTENT WITH THIS ARTICLE.

(2) ANY PUBLIC ENTITY THAT IS AUTHORIZED TO ISSUE OR ENTER INTO A STIMULUS OBLIGATION PURSUANT TO SUBSECTION (1) OF THIS SECTION IS ALSO AUTHORIZED TO ENTER INTO ANCILLARY AGREEMENTS WITH RESPECT TO THE STIMULUS OBLIGATION AND TO USE AND TO PLEDGE ANY AMOUNTS RECEIVED OR TO BE RECEIVED BY THE PUBLIC ENTITY UNDER ANY SUCH ANCILLARY AGREEMENT FOR THE PAYMENT OF OR COMPLIANCE WITH THE TERMS OF STIMULUS OBLIGATION DOCUMENTS RELATING TO THE STIMULUS OBLIGATION.

(3) A PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A STIMULUS OBLIGATION MAY TAKE ANY ACTION REQUIRED TO COMPLY WITH, AND MAY COVENANT IN ANY STIMULUS OBLIGATION DOCUMENT THAT IT WILL COMPLY WITH, ANY PROVISION OF FEDERAL LAW APPLICABLE TO THE STIMULUS OBLIGATION, INCLUDING BUT NOT LIMITED TO THE APPLICABLE PROVISIONS OF THE FEDERAL RECOVERY AND REINVESTMENT ACT RELATING TO LABOR STANDARDS AND REPORTS TO THE FEDERAL GOVERNMENT.

11-59.7-105. Federal tax credits and federal direct payments.

(1) ANY FEDERAL TAX CREDIT THAT MAY BE CLAIMED BY AN OWNER OF A STIMULUS OBLIGATION OR ANY OTHER PERSON IN CONNECTION WITH A STIMULUS OBLIGATION SHALL NOT BE TREATED AS REVENUE OF ANY PUBLIC ENTITY AND SHALL NOT BE CONSIDERED IN DETERMINING ANY AMOUNT PAYABLE BY ANY PUBLIC ENTITY ON OR WITH RESPECT TO ANY STIMULUS OBLIGATION.

(2) A PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A STIMULUS OBLIGATION MAY ELECT IN ACCORDANCE WITH FEDERAL LAW TO RECEIVE A FEDERAL DIRECT PAYMENT AND MAY USE ANY FEDERAL DIRECT PAYMENT TO MAKE PAYMENTS TO THE OWNERS OF THE STIMULUS OBLIGATION OR OTHER PERSONS OR FOR ANY OTHER LAWFUL PURPOSE FOR WHICH THE PUBLIC ENTITY MAY SPEND MONEY AND MAY DEPOSIT ANY FEDERAL DIRECT PAYMENT IN ANY FUND OR ACCOUNT PENDING SUCH USE.

(3) FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, FEDERAL DIRECT PAYMENTS ARE FEDERAL FUNDS, FEDERAL DIRECT PAYMENTS ARE NOT INCLUDED IN FISCAL YEAR SPENDING OF ANY PUBLIC ENTITY, AND THE RECEIPT OF FEDERAL DIRECT PAYMENTS IS NOT A GRANT FROM ANY COLORADO STATE OR LOCAL GOVERNMENT.

(4) A PUBLIC ENTITY MAY PLEDGE ANY FEDERAL DIRECT PAYMENTS EXPECTED TO BE RECEIVED IN CONNECTION WITH BONDS THAT QUALIFY AS STIMULUS OBLIGATIONS TO MAKE PAYMENTS TO THE OWNERS OF THE BONDS OR OTHER PERSONS. ANY PORTION OF THE DEBT SERVICE ON ANY STIMULUS OBLIGATION MAY BE PAYABLE IN AMOUNTS CORRESPONDING TO EXPECTED FEDERAL DIRECT PAYMENTS, MAY BE PAYABLE SOLELY FROM EXPECTED FEDERAL DIRECT PAYMENTS, OR MAY HAVE A PRIORITY CLAIM ON EXPECTED FEDERAL DIRECT PAYMENTS. IF, AND TO THE EXTENT THAT, A PUBLIC ENTITY PLEDGES FEDERAL DIRECT PAYMENTS EXPECTED TO BE RECEIVED IN CONNECTION WITH BONDS TO MAKE PAYMENTS TO THE OWNERS OF THE BONDS OR OTHER PERSONS, THE FEDERAL DIRECT PAYMENTS THAT THE PUBLIC ENTITY EXPECTS TO RECEIVE WITH RESPECT TO THE BONDS SHALL BE NETTED AGAINST AND SHALL REDUCE THE AMOUNT OF INTEREST ON THE BONDS AND ALL OTHER AMOUNTS PAYABLE BY THE PUBLIC ENTITY ON OR WITH RESPECT TO THE BONDS FOR PURPOSES OF ANY NOTICE DELIVERED PURSUANT TO SECTION 20(3)(b) OF ARTICLE X OF THE STATE CONSTITUTION AND FOR PURPOSES OF APPLYING ANY LIMITATION OR RESTRICTION UNDER THE STATE CONSTITUTION, ANY LAW OF THE STATE, ANY BALLOT QUESTION OR BALLOT ISSUE, ANY ANCILLARY AGREEMENT, OR ANY ORDINANCE OR RESOLUTION OF THE GOVERNING BODY OF THE PUBLIC ENTITY RELATING TO THE BONDS, INCLUDING BUT NOT LIMITED TO ANY LIMITATION ON:

(a) INTEREST OR ANY OTHER AMOUNT PAYABLE ON OR WITH RESPECT TO THE BONDS;

(b) THE NET EFFECTIVE INTEREST RATE AND NET INTEREST COST ON THE BONDS;

(c) THE REPAYMENT COST OF THE BONDS; AND

(d) THE AMOUNT OF DEBT THE PUBLIC ENTITY MAY INCUR.

(5) A PUBLIC ENTITY MAY IDENTIFY FEDERAL DIRECT PAYMENTS EXPECTED TO BE RECEIVED IN CONNECTION WITH A LEASE-PURCHASE

AGREEMENT THAT QUALIFIES AS A STIMULUS OBLIGATION AS THE INTENDED SOURCE FOR PAYMENT OF ANY PORTION OF THE LEASE PAYMENTS UNDER THE LEASE-PURCHASE AGREEMENT. ANY PORTION OF THE LEASE PAYMENTS PAYABLE UNDER ANY LEASE-PURCHASE AGREEMENT THAT QUALIFIES AS A STIMULUS OBLIGATION MAY BE PAYABLE IN AMOUNTS CORRESPONDING TO EXPECTED FEDERAL DIRECT PAYMENTS, AND FEDERAL DIRECT PAYMENTS MAY BE IDENTIFIED AS THE INTENDED SOLE SOURCE OR INTENDED PRIORITY SOURCE FOR PAYMENT OF ANY PORTION OF THE LEASE PAYMENTS PAYABLE UNDER ANY LEASE-PURCHASE AGREEMENT THAT QUALIFIES AS A STIMULUS OBLIGATION. IF, AND TO THE EXTENT THAT, A PUBLIC ENTITY IDENTIFIES FEDERAL DIRECT PAYMENTS EXPECTED TO BE RECEIVED IN CONNECTION WITH A LEASE-PURCHASE AGREEMENT AS AN INTENDED SOURCE OF PAYMENT OF LEASE PAYMENTS, THE FEDERAL DIRECT PAYMENTS THAT THE PUBLIC ENTITY EXPECTS TO RECEIVE WITH RESPECT TO THE LEASE-PURCHASE AGREEMENT SHALL BE NETTED AGAINST AND SHALL REDUCE THE AMOUNT OF LEASE PAYMENTS UNDER THE LEASE-PURCHASE AGREEMENT REPRESENTING INTEREST, AND ALL OTHER AMOUNTS PAYABLE BY THE PUBLIC ENTITY UNDER OR WITH RESPECT TO THE LEASE-PURCHASE AGREEMENT, FOR PURPOSES OF APPLYING ANY LIMITATION OR RESTRICTION UNDER THE STATE CONSTITUTION, ANY STATE LAW, ANY BALLOT QUESTION OR BALLOT ISSUE, ANY ANCILLARY AGREEMENT, OR ANY ORDINANCE OR RESOLUTION OF THE GOVERNING BODY OF THE PUBLIC ENTITY RELATING TO THE LEASE-PURCHASE AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY LIMITATION ON INTEREST OR ANY OTHER AMOUNT PAYABLE UNDER THE LEASE-PURCHASE AGREEMENT AND ANY DETERMINATION AS TO THE REASONABLENESS OF THE LEASE PAYMENTS UNDER THE LEASE-PURCHASE AGREEMENT.

(6) THE GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY DESIGNATE AND TREAT ANY FEDERAL DIRECT PAYMENT AS REVENUES OF AN AUXILIARY FACILITY OR AN INSTITUTIONAL ENTERPRISE FOR PURPOSES OF SECTIONS 23-5-101.5 TO 23-5-105.5, C.R.S., AND SECTION 23-5-139, C.R.S.

11-59.7-106. Qualified school construction bond volume cap.

(1) THE STATE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP SHALL BE ALLOCATED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD, WHICH, SUBJECT TO THE PROVISIONS OF SUBSECTIONS (3) AND (4) OF THIS SECTION, SHALL USE THE VOLUME CAP TO ENTER INTO LEASE-PURCHASE AGREEMENTS TO ASSIST THE FINANCING OR REFINANCING

OF PROJECTS PURSUANT TO ARTICLE 43.7 OF TITLE 22, C.R.S.

(2) ANY PORTION OF THE SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP FOR A CALENDAR YEAR THAT IS ALLOCATED TO A SCHOOL DISTRICT THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE SCHOOL DISTRICT OR FOR WHICH A CONTRACT TO PURCHASE BONDS OR INSTRUMENTS EVIDENCING INTERESTS IN A LEASE-PURCHASE AGREEMENT HAS NOT BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR SHALL, ON NOVEMBER 11 OF THE CALENDAR YEAR, AUTOMATICALLY BY LAW AND WITHOUT ANY ACTION BY THE SCHOOL DISTRICT BE REALLOCATED BY THE SCHOOL DISTRICT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD. IF A CONTRACT TO PURCHASE HAS BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR BUT THE RELATED BONDS OR LEASE-PURCHASE AGREEMENT ARE NOT ISSUED OR ENTERED INTO ON OR BEFORE NOVEMBER 30 OF THE CALENDAR YEAR, THE VOLUME CAP SHALL AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD ON DECEMBER 1 OF THE CALENDAR YEAR.

(3) IF THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD DETERMINES THAT IT CANNOT USE, OR THAT A SCHOOL DISTRICT OR A CHARTER SCHOOL BOND ISSUER CAN MAKE BETTER USE OF, ANY PORTION OF THE STATE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP FOR A CALENDAR YEAR OR ANY PORTION OF THE SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP FOR A CALENDAR YEAR THAT IS REALLOCATED TO THE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE BOARD MAY ALLOCATE THE PORTION OF THE VOLUME CAP TO THE SCHOOL DISTRICT OR CHARTER SCHOOL BOND ISSUER FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT APPROVED BY THE BOARD. ANY VOLUME CAP ALLOCATED TO A SCHOOL DISTRICT OR CHARTER SCHOOL BOND ISSUER PURSUANT TO THIS SUBSECTION (3) THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO OR FOR WHICH A CONTRACT TO PURCHASE BONDS OR INSTRUMENTS EVIDENCING INTERESTS IN A LEASE-PURCHASE AGREEMENT HAS NOT BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF ANY CALENDAR YEAR SHALL, ON NOVEMBER 11 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD. IF A CONTRACT TO PURCHASE HAS BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR BUT THE RELATED BONDS OR

LEASE-PURCHASE AGREEMENT ARE NOT ISSUED OR ENTERED INTO ON OR BEFORE NOVEMBER 30 OF THE CALENDAR YEAR, THE VOLUME CAP SHALL AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD ON DECEMBER 1 OF THE CALENDAR YEAR. THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY USE OR REALLOCATE TO ANY SCHOOL DISTRICT OR CHARTER SCHOOL BOND ISSUER, FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT APPROVED BY THE BOARD, ANY VOLUME CAP THAT REVERTS TO THE BOARD PURSUANT TO THIS SUBSECTION (3) OR MAY CARRY THE VOLUME CAP FORWARD PURSUANT TO SUBSECTION (4) OF THIS SECTION. ANY VOLUME CAP THAT IS REALLOCATED TO A SCHOOL DISTRICT OR CHARTER SCHOOL BOND ISSUER PURSUANT TO THIS SUBSECTION (3) THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY NOON, PREVAILING DENVER TIME, ON DECEMBER 31 OF A CALENDAR YEAR SHALL, AT 12:01 P.M., PREVAILING DENVER TIME, ON DECEMBER 31 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD.

(4) THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL CARRY FORWARD TO THE NEXT CALENDAR YEAR ANY PORTION OF THE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE END OF A CALENDAR YEAR. IN SELECTING PROJECTS TO ASSIST THE FINANCING OR REFINANCING OF PURSUANT TO ARTICLE 437 OF TITLE 22, C.R.S., AND IN SELECTING PROJECTS OF SCHOOL DISTRICTS FOR THE PURPOSE OF ALLOCATING QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP PURSUANT TO THIS SECTION, THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL PRIORITIZE PROJECTS THAT ARE READY TO BE FINANCED OR REFINANCED AND THAT ARE MOST CONSISTENT WITH THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b). THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL USE OR ALLOCATE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP IN A MANNER CONSISTENT WITH FEDERAL LAW AND THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b) AND TO MINIMIZE THE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR ONE OR MORE LEASE-PURCHASE AGREEMENTS ENTERED INTO ON OR BEFORE THE EXPIRATION OF THE QUALIFIED SCHOOL CONSTRUCTION BOND PROGRAM. A SCHOOL DISTRICT TO WHICH SCHOOL DISTRICT QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP HAS BEEN ALLOCATED UNDER FEDERAL LAW OR A SCHOOL DISTRICT OR CHARTER

SCHOOL BOND ISSUER TO WHICH QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP HAS BEEN ALLOCATED PURSUANT TO THIS SECTION MAY, AT ANY TIME, RELINQUISH THE VOLUME CAP TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD. ANY VOLUME CAP RELINQUISHED MAY BE USED BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD TO ENTER INTO LEASE-PURCHASE AGREEMENTS TO ASSIST THE FINANCING OR REFINANCING OF PROJECTS PURSUANT TO ARTICLE 43.7 OF TITLE 22, C.R.S., MAY BE REALLOCATED BY THE BOARD TO A SCHOOL DISTRICT OR CHARTER SCHOOL BOND ISSUER FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT APPROVED BY THE BOARD, OR MAY BE CARRIED FORWARD TO THE NEXT CALENDAR YEAR. THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., REGARDING THE MANNER IN WHICH THE QUALIFIED SCHOOL CONSTRUCTION BOND VOLUME CAP WILL BE ALLOCATED.

11-59.7-107. Qualified energy conservation bond volume cap.

(1) THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP SHALL BE ADMINISTERED BY THE GOVERNOR'S ENERGY OFFICE PURSUANT TO THIS SECTION. THE GOVERNOR'S ENERGY OFFICE SHALL ALLOCATE THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP TO THE STATE AND LARGE LOCAL GOVERNMENTS IN ACCORDANCE WITH FEDERAL LAW FOR THE PURPOSE OF FINANCING OR REFINANCING PROJECTS APPROVED BY THE GOVERNOR'S ENERGY OFFICE. THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP FOR CALENDAR YEAR 2009 SHALL BE ALLOCATED BY THE THIRTIETH DAY FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (1). THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP FOR EACH SUBSEQUENT CALENDAR YEAR SHALL BE ALLOCATED ON OR BEFORE FEBRUARY 15 OF THE CALENDAR YEAR.

(2) THE STATE MAY REALLOCATE ANY PORTION OF THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP ALLOCATED OR REALLOCATED TO THE STATE PURSUANT TO THIS SECTION TO ANY PUBLIC ENTITY FOR THE PURPOSE OF FINANCING OR REFINANCING PROJECTS APPROVED BY THE GOVERNOR'S ENERGY OFFICE.

(3) ANY PORTION OF THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP FOR A CALENDAR YEAR THAT IS ALLOCATED TO A LARGE LOCAL GOVERNMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED

INTO OR FOR WHICH A CONTRACT TO PURCHASE BONDS OR INSTRUMENTS EVIDENCING INTERESTS IN A LEASE-PURCHASE AGREEMENT HAS NOT BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR SHALL, ON NOVEMBER 11 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE GOVERNOR'S ENERGY OFFICE. IF A CONTRACT TO PURCHASE HAS BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR BUT THE RELATED BONDS OR LEASE-PURCHASE AGREEMENT ARE NOT ISSUED OR ENTERED INTO ON OR BEFORE NOVEMBER 30 OF THE CALENDAR YEAR, THE VOLUME CAP SHALL AUTOMATICALLY REVERT TO THE GOVERNOR'S ENERGY OFFICE ON DECEMBER 1 OF THE CALENDAR YEAR. THE GOVERNOR'S ENERGY OFFICE MAY REALLOCATE TO ANY PUBLIC ENTITY FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT APPROVED BY THE OFFICE, OR CARRY FORWARD PURSUANT TO SUBSECTION (4) OF THIS SECTION, ANY VOLUME CAP THAT REVERTS TO THE OFFICE PURSUANT TO THIS SUBSECTION (3). ANY VOLUME CAP THAT IS REALLOCATED TO A PUBLIC ENTITY PURSUANT TO THIS SUBSECTION (3) THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY NOON, PREVAILING DENVER TIME, ON DECEMBER 31 OF A CALENDAR YEAR SHALL, AT 12:01 P.M., PREVAILING DENVER TIME, ON DECEMBER 31 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE GOVERNOR'S ENERGY OFFICE.

(4) THE GOVERNOR'S ENERGY OFFICE SHALL CARRY FORWARD TO THE NEXT CALENDAR YEAR ANY PORTION OF THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE END OF A CALENDAR YEAR. IN SELECTING PROJECTS FOR THE PURPOSE OF ALLOCATING QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP, THE GOVERNOR'S ENERGY OFFICE SHALL PRIORITIZE PROJECTS THAT ARE READY TO BE FINANCED OR REFINANCED AND THAT ARE MOST CONSISTENT WITH THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b). THE GOVERNOR'S ENERGY OFFICE SHALL ALLOCATE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP IN A MANNER CONSISTENT WITH FEDERAL LAW AND THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b) AND TO MINIMIZE THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO ON OR BEFORE THE EXPIRATION OF THE QUALIFIED ENERGY CONSERVATION BOND PROGRAM. THE GOVERNOR'S ENERGY OFFICE MAY ALLOCATE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP TO THE STATE PURSUANT TO THIS SECTION IN ANTICIPATION OF THE ENACTMENT BY THE GENERAL ASSEMBLY

OF LEGISLATION AUTHORIZING A LEASE-PURCHASE AGREEMENT. THE STATE, ANY LARGE LOCAL GOVERNMENT, OR ANY OTHER PUBLIC ENTITY TO WHICH QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP HAS BEEN ALLOCATED PURSUANT TO THIS SECTION MAY, AT ANY TIME, RELINQUISH THE VOLUME CAP TO THE GOVERNOR'S ENERGY OFFICE. ANY VOLUME CAP RELINQUISHED MAY BE REALLOCATED BY THE GOVERNOR'S ENERGY OFFICE TO ANY PUBLIC ENTITY TO FINANCE OR REFINANCE A PROJECT APPROVED BY THE OFFICE OR MAY BE CARRIED FORWARD TO THE NEXT CALENDAR YEAR. THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE GOVERNOR'S ENERGY OFFICE, MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., REGARDING THE MANNER IN WHICH THE QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP WILL BE ALLOCATED.

11-59.7-108. Recovery zone economic development bond volume cap and recovery zone facility bond volume cap. (1) THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP AND THE RECOVERY ZONE FACILITY BOND VOLUME CAP SHALL BE ADMINISTERED BY THE COMMISSION ON HIGHER EDUCATION PURSUANT TO THIS SECTION AND, TO THE EXTENT PROVIDED IN SUBSECTION (5) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS.

(2) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (3) TO (7) OF THIS SECTION, THE COMMISSION ON HIGHER EDUCATION SHALL SEPARATELY ALLOCATE THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP AND THE RECOVERY ZONE FACILITY BOND VOLUME CAP TO COUNTIES AND LARGE MUNICIPALITIES IN ACCORDANCE WITH FEDERAL LAW FOR THE PURPOSE OF FINANCING OR REFINANCING PROJECTS THAT ARE LOCATED IN RECOVERY ZONES, ARE APPROVED BY THE COMMISSION, AND EITHER ARE OR ARE TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR ARE EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, ANY PORTION OF THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP ALLOCATED TO A COUNTY OR A LARGE MUNICIPALITY PURSUANT TO SUBSECTION (2) OF THIS SECTION THAT HAS NOT BEEN USED ON BONDS

ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO TO FINANCE OR REFINANCE A PROJECT THAT IS LOCATED IN A RECOVERY ZONE, IS APPROVED BY THE COMMISSION ON HIGHER EDUCATION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY OR FOR WHICH A CONTRACT TO PURCHASE BONDS OR INSTRUMENTS EVIDENCING INTERESTS IN A LEASE-PURCHASE AGREEMENT HAS NOT BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF ANY CALENDAR YEAR SHALL, ON NOVEMBER 11 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE COMMISSION. IF A CONTRACT TO PURCHASE HAS BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR BUT THE RELATED BONDS OR LEASE-PURCHASE AGREEMENT ARE NOT ISSUED OR ENTERED INTO ON OR BEFORE NOVEMBER 30 OF THE CALENDAR YEAR, THE VOLUME CAP SHALL AUTOMATICALLY REVERT TO THE COMMISSION ON HIGHER EDUCATION ON DECEMBER 1 OF THE CALENDAR YEAR. THE COMMISSION ON HIGHER EDUCATION MAY REALLOCATE ANY RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP THAT REVERTS TO THE COMMISSION PURSUANT TO THIS SUBSECTION (3) TO ANY PUBLIC ENTITY FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT THAT IS LOCATED IN A RECOVERY ZONE, IS APPROVED BY THE COMMISSION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY OR MAY CARRY THE VOLUME CAP FORWARD PURSUANT TO SUBSECTION (4) OF THIS SECTION. ANY RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP THAT IS REALLOCATED TO A PUBLIC ENTITY PURSUANT TO THIS SUBSECTION (3) THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO TO FINANCE OR REFINANCE A PROJECT THAT IS LOCATED IN A RECOVERY ZONE, IS APPROVED BY THE COMMISSION ON HIGHER EDUCATION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER

EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY BY NOON, PREVAILING DENVER TIME, ON DECEMBER 31 OF A CALENDAR YEAR, SHALL, AT 12:01 P.M., PREVAILING DENVER TIME, ON DECEMBER 31 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE COMMISSION.

(4) THE COMMISSION ON HIGHER EDUCATION SHALL CARRY FORWARD TO THE NEXT CALENDAR YEAR ANY PORTION OF THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE END OF A CALENDAR YEAR.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF ANY PORTION OF THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR THE RECOVERY ZONE FACILITY BOND VOLUME CAP, INCLUDING ANY PORTION THAT HAS BEEN CARRIED FORWARD PURSUANT TO SUBSECTION (4) OF THIS SECTION, HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE NINETIETH DAY PRECEDING THE DATE ON WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, IS TO EXPIRE UNDER FEDERAL LAW, THE REMAINING VOLUME CAP SHALL BE ALLOCATED BY THE DEPARTMENT OF LOCAL AFFAIRS TO PUBLIC ENTITIES FOR THE PURPOSE OF FINANCING OR REFINANCING ANY PROJECT THAT IS LOCATED IN A RECOVERY ZONE AND THAT QUALIFIES FOR FINANCING OR REFINANCING WITH RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OR RECOVERY ZONE FACILITY BONDS, AS APPLICABLE. ANY PORTION OF ANY VOLUME CAP SO ALLOCATED THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE FIFTEENTH DAY PRECEDING THE DATE ON WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, IS TO EXPIRE UNDER FEDERAL LAW SHALL REVERT TO THE DEPARTMENT OF LOCAL AFFAIRS, WHICH SHALL REALLOCATE THE VOLUME CAP TO PUBLIC ENTITIES FOR THE PURPOSE OF FINANCING OR REFINANCING ANY PROJECT THAT IS LOCATED IN A RECOVERY ZONE AND THAT QUALIFIES FOR FINANCING OR REFINANCING WITH RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OR RECOVERY ZONE FACILITY BONDS, AS APPLICABLE.

(6) IN SELECTING PROJECTS FOR THE PURPOSE OF ALLOCATING

RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP, THE COMMISSION ON HIGHER EDUCATION AND THE DEPARTMENT OF LOCAL AFFAIRS SHALL PRIORITIZE PROJECTS THAT ARE READY TO BE FINANCED OR REFINANCED AND THAT ARE MOST CONSISTENT WITH THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b). THE COMMISSION ON HIGHER EDUCATION AND THE DEPARTMENT OF LOCAL AFFAIRS SHALL ALLOCATE THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP AND THE RECOVERY ZONE FACILITY BOND VOLUME CAP IN A MANNER CONSISTENT WITH FEDERAL LAW AND THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b) AND TO MINIMIZE THE VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR ONE OR MORE LEASE-PURCHASE AGREEMENTS ENTERED INTO AT THE EXPIRATION OF THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR THE RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, UNDER FEDERAL LAW. ANY COUNTY OR LARGE MUNICIPALITY TO WHICH RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP HAS BEEN ALLOCATED PURSUANT TO THIS SECTION MAY, AT ANY TIME, RELINQUISH THE VOLUME CAP TO THE COMMISSION ON HIGHER EDUCATION OR, IN THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (5) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS. ANY VOLUME CAP RELINQUISHED MAY BE REALLOCATED BY THE COMMISSION ON HIGHER EDUCATION TO ANY PUBLIC ENTITY FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT THAT IS LOCATED IN A RECOVERY ZONE, HAS BEEN APPROVED BY THE COMMISSION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY, MAY BE CARRIED FORWARD TO THE NEXT CALENDAR YEAR, OR, IF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (5) OF THIS SECTION APPLY, MAY BE REALLOCATED BY THE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF FINANCING OR REFINANCING ANY PROJECT THAT IS LOCATED IN A RECOVERY ZONE AND THAT QUALIFIES FOR FINANCING OR REFINANCING WITH RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OR RECOVERY ZONE FACILITY BONDS, AS APPLICABLE. THE COMMISSION ON HIGHER EDUCATION AND THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., REGARDING THE MANNER IN WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP AND THE RECOVERY ZONE FACILITY BOND VOLUME CAP THAT THEY ARE

RESPECTIVELY RESPONSIBLE FOR ALLOCATING PURSUANT TO THIS SECTION WILL BE ALLOCATED.

(7) ON OR BEFORE THE ONE HUNDRED EIGHTIETH DAY PRECEDING THE DATE ON WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR THE RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, IS TO EXPIRE UNDER FEDERAL LAW, THE COMMISSION ON HIGHER EDUCATION SHALL DELIVER TO THE DEPARTMENT OF LOCAL AFFAIRS A WRITTEN REPORT DESCRIBING:

(a) THE STIMULUS OBLIGATIONS THAT HAVE BEEN ISSUED OR ENTERED INTO USING RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP;

(b) THE STIMULUS OBLIGATIONS THAT THE COMMISSION ON HIGHER EDUCATION EXPECTS TO BE ISSUED OR ENTERED INTO WITH RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP OR RECOVERY ZONE FACILITY BOND VOLUME CAP ON OR BEFORE THE NINETIETH DAY PRECEDING THE DATE ON WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR THE RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, IS TO EXPIRE UNDER FEDERAL LAW; AND

(c) THE ACTIONS THAT HAVE NOT YET BEEN TAKEN AND THE EVENTS THAT HAVE NOT YET OCCURRED BUT THAT MUST BE TAKEN OR THAT MUST OCCUR BEFORE THE STIMULUS OBLIGATIONS DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (7) ARE ISSUED OR ENTERED INTO, THE DATE ON WHICH THE ACTIONS AND EVENTS ARE SCHEDULED TO BE TAKEN OR TO OCCUR, AND THE COMMISSION'S ANALYSIS OF THE LIKELIHOOD THAT THE ACTIONS OR EVENTS WILL BE TAKEN OR WILL OCCUR AND THAT THE STIMULUS OBLIGATIONS WILL BE ISSUED OR ENTERED INTO ON OR BEFORE THE NINETIETH DAY PRECEDING THE DATE ON WHICH THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROGRAM OR THE RECOVERY ZONE FACILITY BOND PROGRAM, AS APPLICABLE, IS TO EXPIRE UNDER FEDERAL LAW.

11-59.7-109. Qualified zone academy bond volume cap. (1) THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP SHALL BE ADMINISTERED BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD PURSUANT TO THIS SECTION. THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP SHALL BE ALLOCATED TO SCHOOL DISTRICTS TO FINANCE OR REFINANCE PROJECTS APPROVED BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE

BOARD.

(2) ANY PORTION OF THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP FOR A CALENDAR YEAR THAT IS ALLOCATED TO A SCHOOL DISTRICT PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO OR FOR WHICH A CONTRACT TO PURCHASE BONDS OR INSTRUMENTS EVIDENCING INTERESTS IN A LEASE-PURCHASE AGREEMENT HAS NOT BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR SHALL, ON NOVEMBER 11 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD. IF A CONTRACT TO PURCHASE HAS BEEN ENTERED INTO ON OR BEFORE NOVEMBER 10 OF THE CALENDAR YEAR BUT THE RELATED BONDS OR LEASE-PURCHASE AGREEMENT ARE NOT ISSUED OR ENTERED INTO ON OR BEFORE NOVEMBER 30 OF THE CALENDAR YEAR, THE VOLUME CAP SHALL AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD ON DECEMBER 1 OF THE CALENDAR YEAR. THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY REALLOCATE TO ANY SCHOOL DISTRICT FOR THE PURPOSE OF FINANCING OR REFINANCING A PROJECT APPROVED BY THE BOARD ANY VOLUME CAP THAT REVERTS TO THE BOARD PURSUANT TO THIS SUBSECTION (2) OR MAY CARRY THE VOLUME CAP FORWARD PURSUANT TO SUBSECTION (3) OF THIS SECTION. ANY VOLUME CAP THAT IS REALLOCATED TO A SCHOOL DISTRICT PURSUANT TO THIS SUBSECTION (2) THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY NOON, PREVAILING DENVER TIME, ON DECEMBER 31 OF A CALENDAR YEAR SHALL, AT 12:01 P.M., PREVAILING DENVER TIME, ON DECEMBER 31 OF THE CALENDAR YEAR, AUTOMATICALLY REVERT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD.

(3) THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL CARRY FORWARD TO THE NEXT CALENDAR YEAR ANY PORTION OF THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR A LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE END OF A CALENDAR YEAR.

(4) IN SELECTING PROJECTS FOR THE PURPOSE OF ALLOCATING QUALIFIED ZONE ACADEMY BOND VOLUME CAP, THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL PRIORITIZE PROJECTS THAT ARE READY TO BE FINANCED OR REFINANCED AND THAT ARE MOST CONSISTENT

WITH THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b). THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD SHALL ALLOCATE QUALIFIED ZONE ACADEMY BOND VOLUME CAP IN A MANNER CONSISTENT WITH FEDERAL LAW AND THE PURPOSE OF THIS ARTICLE DESCRIBED IN SECTION 11-59.7-102 (1) (b) AND TO MINIMIZE THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP THAT HAS NOT BEEN USED ON BONDS ISSUED OR LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE EXPIRATION OF THE QUALIFIED ZONE ACADEMY BOND PROGRAM. ANY SCHOOL DISTRICT TO WHICH QUALIFIED ZONE ACADEMY BOND VOLUME CAP HAS BEEN ALLOCATED PURSUANT TO THIS SECTION MAY, AT ANY TIME, RELINQUISH THE VOLUME CAP TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD. ANY VOLUME CAP RELINQUISHED MAY BE REALLOCATED BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD TO A SCHOOL DISTRICT TO FINANCE OR REFINANCE A PROJECT APPROVED BY THE BOARD OR MAY BE CARRIED FORWARD TO THE NEXT CALENDAR YEAR. THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., REGARDING THE MANNER IN WHICH THE QUALIFIED ZONE ACADEMY BOND VOLUME CAP WILL BE ALLOCATED.

11-59.7-110. Recovery and reinvestment act finance authorities.

(1) TWO OR MORE PUBLIC ENTITIES THAT ARE AUTHORIZED TO ISSUE OR ENTER INTO ONE OR MORE TYPES OF STIMULUS OBLIGATIONS OR ONE OR MORE PUBLIC ENTITIES THAT ARE AUTHORIZED TO ISSUE OR ENTER INTO ONE OR MORE TYPES OF STIMULUS OBLIGATIONS AND ONE OR MORE PUBLIC ENTITIES THAT MAY USE OR BENEFIT FROM THE PROJECT OR PROJECTS TO BE FINANCED OR REFINANCED BY ONE OR MORE TYPES OF STIMULUS OBLIGATIONS MAY, BY OR PURSUANT TO ONE OR MORE CONTRACTS WITH EACH OTHER, CREATE A SEPARATE LEGAL ENTITY, TO BE KNOWN AS A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY, FOR THE PURPOSES OF ISSUING OR ENTERING INTO STIMULUS OBLIGATIONS OF THE TYPE OR TYPES, PROVIDING FOR THE USE OR DISTRIBUTION OF THE PROCEEDS OF THE STIMULUS OBLIGATIONS, PROVIDING FOR THE PAYMENT OF THE STIMULUS OBLIGATIONS, AND ADDRESSING OTHER MATTERS RELATING TO THE STIMULUS OBLIGATIONS AND THE PROPERTY AND OPERATIONS OF THE RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY.

(2) THE CONTRACT PURSUANT TO WHICH A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY IS CREATED SHALL SPECIFY:

(a) THE NAME AND PURPOSE OF THE AUTHORITY AND THE TYPE OR TYPES OF STIMULUS OBLIGATIONS THAT THE AUTHORITY IS AUTHORIZED TO ISSUE OR ENTER INTO;

(b) THE ESTABLISHMENT AND ORGANIZATION OF THE GOVERNING BODY OF THE AUTHORITY, WHICH SHALL BE A BOARD OF DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS VESTED, INCLUDING:

(I) THE NUMBER OF DIRECTORS, THEIR MANNER OF APPOINTMENT, THEIR TERMS OF OFFICE, THEIR COMPENSATION, IF ANY, AND THE PROCEDURE FOR FILLING VACANCIES ON THE BOARD;

(II) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR SELECTION, AND THEIR DUTIES;

(III) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD; EXCEPT THAT, UNLESS OTHERWISE SPECIFICALLY PROVIDED, A MAJORITY OF DIRECTORS SHALL CONSTITUTE A QUORUM, AND A MAJORITY OF THE QUORUM SHALL BE NECESSARY FOR ANY ACTION TAKEN BY THE BOARD; AND

(IV) THE DUTIES OF THE BOARD;

(c) THE OBLIGATIONS AND RIGHTS OF THE CONTRACTING PUBLIC ENTITIES;

(d) PROVISIONS FOR THE DISPOSITION, DIVISION, OR DISTRIBUTION OF ANY PROPERTY OF THE AUTHORITY;

(e) THE TERM OF THE CONTRACT CREATING THE AUTHORITY, WHICH MAY BE CONTINUED FOR A DEFINITE TERM OR UNTIL RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE RESCINDED OR TERMINATED; EXCEPT THAT THE CONTRACT MAY NOT BE RESCINDED OR TERMINATED SO LONG AS THE AUTHORITY HAS BONDS OR ONE OR MORE LEASE-PURCHASE AGREEMENTS OUTSTANDING UNLESS PROVISION FOR FULL PAYMENT OF THE BONDS OR LEASE-PURCHASE AGREEMENT OR AGREEMENTS, BY ESCROW OR OTHERWISE, HAS BEEN MADE PURSUANT TO THE TERMS OF THE BONDS OR LEASE-PURCHASE AGREEMENT OR AGREEMENTS;

(f) THE PROVISIONS FOR THE AMENDMENT OF THE CONTRACT CREATING THE AUTHORITY;

(g) ANY INTENTION OF THE CONTRACTING PUBLIC ENTITIES TO CREATE THE AUTHORITY AS, AND HAVE THE AUTHORITY CONDUCT ITS BUSINESS IN A MANNER THAT SATISFIES ALL REQUIREMENTS OF THE CONSTITUTION AND LAWS OF THE STATE FOR MAINTAINING THE STATUS OF, AN ENTERPRISE, AS DEFINED IN SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION; AND

(h) THE CONDITIONS REQUIRED WHEN ADDING OR DELETING PUBLIC ENTITIES TO OR FROM THE CONTRACT.

(3) THE GENERAL POWERS OF A RECOVERY AND REINVESTMENT FINANCE AUTHORITY SHALL INCLUDE THE FOLLOWING POWERS:

(a) TO ISSUE OR ENTER INTO BONDS AND LEASE-PURCHASE AGREEMENTS THAT QUALIFY AS THE TYPE OR TYPES OF STIMULUS OBLIGATIONS IDENTIFIED IN THE CONTRACT;

(b) TO USE OR DISTRIBUTE THE PROCEEDS OF ITS STIMULUS OBLIGATIONS FOR THE BENEFIT OF ONE OR MORE OF THE CONTRACTING PUBLIC ENTITIES;

(c) TO MAKE AND ENTER INTO ANCILLARY AGREEMENTS AND OTHER CONTRACTS AND AGREEMENTS WITH THE CONTRACTING PUBLIC ENTITIES AND OTHER PERSONS;

(d) TO EMPLOY AGENTS AND EMPLOYEES, TO ENTER INTO CONTRACTS WITH ATTORNEYS, ACCOUNTANTS, INVESTMENT BANKERS, AND OTHER CONSULTANTS, AND TO DO AND PERFORM ANY ACTS AND THINGS AUTHORIZED BY THIS SECTION UNDER, THROUGH, OR BY MEANS OF ANY EMPLOYEE, AGENT, OR PERSON WITH WHICH IT CONTRACTS;

(e) TO SUE AND BE SUED IN ITS OWN NAME;

(f) TO HAVE AND USE A CORPORATE SEAL;

(g) TO ADOPT, BY RESOLUTION, BYLAWS, RULES, AND REGULATIONS RESPECTING THE EXERCISE OF ITS POWERS AND THE CARRYING OUT OF ITS PURPOSES;

(h) TO DEPOSIT MONEYS NOT THEN NEEDED IN THE CONDUCT OF ITS

AFFAIRS IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603, C.R.S. FOR THE PURPOSE OF MAKING DEPOSITS, THE BOARD OF DIRECTORS OF THE AUTHORITY MAY APPOINT, BY WRITTEN RESOLUTION, ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF THE MONEYS. THE PERSONS SHALL GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH PURPOSES AS THE BOARD OF DIRECTORS REQUIRES.

(i) TO EXERCISE ANY OTHER POWERS THAT ARE NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS OTHER POWERS.

(4) A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY SHALL BE A POLITICAL SUBDIVISION AND A PUBLIC CORPORATION OF THE STATE, SEPARATE FROM THE PARTIES TO THE CONTRACT CREATING THE AUTHORITY, AND SHALL BE A VALIDLY CREATED AND EXISTING POLITICAL SUBDIVISION AND PUBLIC CORPORATION OF THE STATE IRRESPECTIVE OF WHETHER A PUBLIC ENTITY WITHDRAWS, WHETHER VOLUNTARILY, BY OPERATION OF LAW, OR OTHERWISE, FROM THE AUTHORITY SUBSEQUENT TO ITS CREATION UNDER CIRCUMSTANCES NOT RESULTING IN THE RESCISSION OR TERMINATION OF THE CONTRACT PURSUANT TO THE TERMS OF THE CONTRACT. A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY SHALL HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE.

(5) THE INCOME OR OTHER REVENUES OF A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY AND ALL PROPERTY AT ANY TIME OWNED BY AN AUTHORITY SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE.

(6) THE CONTRACTING PUBLIC ENTITIES MAY PROVIDE IN THE CONTRACT CREATING A RECOVERY AND REINVESTMENT ACT FINANCING AUTHORITY FOR PAYMENT TO THE AUTHORITY OF MONEYS FROM ANY LEGALLY AVAILABLE SOURCE TO BE USED FOR PAYMENT OF THE BONDS, LEASE-PURCHASE AGREEMENTS, AND CONTRACTUAL AND OTHER OBLIGATIONS AND LIABILITIES OF THE AUTHORITY.

(7) (a) TO CARRY OUT THE PURPOSES FOR WHICH A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY WAS CREATED, THE AUTHORITY MAY ISSUE BONDS AND ENTER INTO LEASE-PURCHASE AGREEMENTS PAYABLE SOLELY FROM AMOUNTS PAID TO THE AUTHORITY FROM THE CONTRACTING PUBLIC ENTITIES, AMOUNTS PAID TO THE AUTHORITY BY OTHER PERSONS,

AND ANY OTHER AVAILABLE MONEYS OF THE AUTHORITY. THE TERMS, CONDITIONS, AND DETAILS OF THE BONDS OR LEASE-PURCHASE AGREEMENTS AND THE PROCEDURES RELATED THERETO SHALL BE SET FORTH IN THE STIMULUS OBLIGATION DOCUMENTS AUTHORIZING THE BONDS OR LEASE-PURCHASE AGREEMENTS. THE TERMS, CONDITIONS, AND DETAILS OF THE BONDS OR LEASE-PURCHASE AGREEMENTS SHALL, AS NEARLY AS MAY BE PRACTICABLE AND SUBJECT TO THE PROVISIONS OF SECTIONS 11-59.7-104 AND 11-59.7-105, BE SUBSTANTIALLY THE SAME AS THOSE PROVIDED IN PART 6 OF ARTICLE 4 OF TITLE 43, C.R.S., RELATING TO REGIONAL TRANSPORTATION AUTHORITIES. BONDS OR LEASE-PURCHASE AGREEMENTS ISSUED OR ENTERED INTO UNDER THIS SUBSECTION (7) SHALL NOT CONSTITUTE A DEBT OF A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY OR A DEBT OR MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION OF THE STATE OR ANY OF THE CONTRACTING PUBLIC ENTITIES WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATIONS OR PROVISIONS. EACH BOND OR LEASE-PURCHASE AGREEMENT ISSUED OR ENTERED INTO UNDER THIS SUBSECTION (7) SHALL RECITE IN SUBSTANCE THAT THE BOND OR LEASE-PURCHASE AGREEMENT, INCLUDING THE INTEREST THEREON, IS PAYABLE SOLELY FROM THE REVENUES AND OTHER AVAILABLE FUNDS OF THE RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY PLEDGED FOR THE PAYMENT THEREOF AND THAT THE BOND OR LEASE-PURCHASE AGREEMENT DOES NOT CONSTITUTE A DEBT OF THE AUTHORITY OR A DEBT OR MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION OF THE STATE OR ANY OF THE CONTRACTING PUBLIC ENTITIES WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATIONS OR PROVISIONS.

(b) THE STIMULUS OBLIGATION DOCUMENTS UNDER WHICH BONDS ARE ISSUED OR LEASE-PURCHASE AGREEMENTS ARE ENTERED INTO PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL CONSTITUTE A CONTRACT WITH THE HOLDERS THEREOF AND MAY CONTAIN SUCH PROVISIONS AS ARE DETERMINED BY THE BOARD OF THE RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY TO BE APPROPRIATE AND NECESSARY IN CONNECTION THEREWITH AND TO PROVIDE SECURITY FOR THE PAYMENT THEREOF, INCLUDING, WITHOUT LIMITATION, ANY MORTGAGE OR OTHER SECURITY INTEREST IN ANY REVENUES, FUNDS, RIGHTS, OR PROPERTIES OF THE AUTHORITY.

(8) THE POWERS GRANTED TO A RECOVERY AND REINVESTMENT ACT FINANCE AUTHORITY PURSUANT TO THIS SECTION ARE SUPPLEMENTAL TO

AND SHALL IN NO MANNER LIMIT THE POWERS OF PUBLIC ENTITIES TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS OR CONTRACTS OR TO ESTABLISH SEPARATE LEGAL ENTITIES PURSUANT TO ANY OTHER PROVISION OF LAW.

11-59.7-111. Reporting requirements. (1) A PUBLIC ENTITY THAT ISSUES OR ENTERS INTO A STIMULUS OBLIGATION AUTHORIZED BY THE ALLOCATION OR REALLOCATION OF VOLUME CAP TO THE PUBLIC ENTITY PURSUANT TO SECTION 11-59.7-106, 11-59.7-107, 11-59.7-108, OR 11-59.7-109, BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD, THE GOVERNOR'S ENERGY OFFICE, THE COMMISSION ON HIGHER EDUCATION, OR THE DEPARTMENT OF LOCAL AFFAIRS, AS APPLICABLE, SHALL DELIVER A REPORT TO THE ENTITY THAT ALLOCATED OR REALLOCATED THE VOLUME CAP WITHIN THIRTY DAYS AFTER THE STIMULUS OBLIGATION IS ISSUED OR ENTERED INTO. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION AND ANY OTHER INFORMATION REQUESTED BY THE ENTITY THAT ALLOCATED OR REALLOCATED THE VOLUME CAP:

(a) THE TYPE OF STIMULUS OBLIGATION;

(b) THE STATE LAW OR LAWS UNDER WHICH THE STIMULUS OBLIGATION WAS ISSUED OR ENTERED INTO;

(c) THE DATE ON WHICH THE STIMULUS OBLIGATION WAS ISSUED OR ENTERED INTO;

(d) A DESCRIPTION OF THE PROJECT FINANCED OR REFINANCED WITH THE PROCEEDS OF THE STIMULUS OBLIGATION;

(e) THE PRINCIPAL AMOUNT, INTEREST RATES OR METHOD FOR DETERMINING THE INTEREST RATES, AND MATURITY DATES FOR THE STIMULUS OBLIGATION AND A SCHEDULE SHOWING ALL SCHEDULED PAYMENTS ON THE STIMULUS OBLIGATION;

(f) THE PERSON OR PERSONS TO WHICH THE STIMULUS OBLIGATION WAS SOLD;

(g) THE TERMS ON WHICH THE STIMULUS OBLIGATION WAS SOLD, INCLUDING BUT NOT LIMITED TO ANY PREMIUM OR DISCOUNT AT WHICH THE STIMULUS OBLIGATION WAS SOLD AND ANY REDEMPTION OR TENDER PROVISIONS APPLICABLE TO THE STIMULUS OBLIGATION;

(h) A DESCRIPTION OF ANY CREDIT OR LIQUIDITY ENHANCEMENT OR CREDIT OR LIQUIDITY SUPPORT FOR THE STIMULUS OBLIGATION AND THE AMOUNTS PAID OR TO BE PAID FOR THE ENHANCEMENT OR SUPPORT;

(i) A DESCRIPTION OF ANY INTEREST RATE EXCHANGE AGREEMENT, INTEREST RATE CAP AGREEMENT, OR OTHER SIMILAR AGREEMENT ENTERED INTO IN CONNECTION WITH THE STIMULUS OBLIGATION;

(j) A COPY OF FORM 8038, 8038G, OR OTHER SIMILAR FORM THAT IS FILED WITH THE FEDERAL INTERNAL REVENUE SERVICE IN CONNECTION WITH THE STIMULUS OBLIGATION; AND

(k) A COPY OF THE OFFICIAL STATEMENT, OFFERING DOCUMENT, OR OTHER SIMILAR DOCUMENT PREPARED IN CONNECTION WITH THE SALE OF THE STIMULUS OBLIGATION.

(2) THE FAILURE OF A PUBLIC ENTITY TO COMPLY WITH SUBSECTION (1) OF THIS SECTION SHALL NOT ADVERSELY AFFECT THE VALIDITY OF THE STIMULUS OBLIGATION ISSUED OR ENTERED INTO, BUT NO PUBLIC ENTITY THAT HAS FAILED TO COMPLY WITH SAID SUBSECTION (1) WITH RESPECT TO A STIMULUS OBLIGATION SHALL BE AUTHORIZED TO ISSUE OR ENTER INTO ANY OTHER STIMULUS OBLIGATION UNTIL THE ENTITY THAT ALLOCATED OR REALLOCATED TO THE PUBLIC ENTITY THE VOLUME CAP THAT AUTHORIZED THE PUBLIC ENTITY TO ISSUE OR ENTER INTO THE STIMULUS OBLIGATION HAS CERTIFIED IN WRITING THAT THE PUBLIC ENTITY IS IN COMPLIANCE WITH SAID SUBSECTION (1).

11-59.7-112. No limitation on powers. THE POWERS CONFERRED BY THIS ARTICLE ARE IN ADDITION TO AND SUPPLEMENTAL TO AND NOT IN SUBSTITUTION FOR THE POWERS CONFERRED BY ANY OTHER LAW, AND NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO LIMIT THE POWERS OF ANY PUBLIC ENTITY UNDER ANY OTHER LAW. IF ANY PROVISION OF THIS ARTICLE IS INCONSISTENT WITH ANY PROVISION OF ANY OTHER LAW, THE PROVISIONS OF THIS ARTICLE SHALL CONTROL.

11-59.7-113. Executive orders authorized. THIS ARTICLE WAS ENACTED IN ORDER TO AUTHORIZE PUBLIC ENTITIES TO TAKE FULL ADVANTAGE OF FINANCING OPPORTUNITIES AVAILABLE UNDER THE FEDERAL RECOVERY AND REINVESTMENT ACT SHORTLY AFTER THE ENACTMENT OF THE ACT AND WITHOUT DETAILED GUIDANCE FROM THE EXECUTIVE BRANCH

OF THE FEDERAL GOVERNMENT OR COURTS REGARDING THE PROPER INTERPRETATION OF THE ACT. IF, BASED ON ADDITIONAL INFORMATION REGARDING THE PROPER INTERPRETATION OF THE FEDERAL RECOVERY AND REINVESTMENT ACT OR AMENDMENTS TO THE ACT, THE GOVERNOR DETERMINES THAT ANY PROVISION OF THIS ARTICLE IS NOT AUTHORIZED BY OR IS INCONSISTENT WITH FEDERAL LAW OR REGULATIONS OR THAT ADDITIONAL LEGAL AUTHORITY IS NEEDED TO AUTHORIZE PUBLIC ENTITIES TO TAKE FULL ADVANTAGE OF FINANCING OPPORTUNITIES AVAILABLE UNDER THE ACT, THE GOVERNOR IS EXPRESSLY AUTHORIZED TO ISSUE ONE OR MORE EXECUTIVE ORDERS THAT STOPS THE OPERATION OR IMPLEMENTATION OF THE UNAUTHORIZED OR INCONSISTENT PROVISION OR PROVIDES THE NECESSARY ADDITIONAL LEGAL AUTHORITY.

11-59.7-114. Applicability. THIS ARTICLE SHALL APPLY ONLY TO STIMULUS OBLIGATIONS ISSUED OR ENTERED INTO PURSUANT TO THE FEDERAL RECOVERY AND REINVESTMENT ACT ON OR BEFORE THE DATE THE AUTHORITY TO ISSUE OR ENTER INTO STIMULUS OBLIGATIONS OF SUCH TYPE EXPIRES UNDER THE FEDERAL RECOVERY AND REINVESTMENT ACT.

SECTION 2. 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO