

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0898.01 Megan Waples x4348

HOUSE BILL 21-1288

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO STARTUP LOAN**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 creates the Colorado startup loan program (program) in the office of economic development (office) as a revolving loan program to provide loans and grants to businesses seeking capital to start, restart, or restructure a business. The office may contract with a business nonprofit organization, bank, nondepository community development

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.*

SENATE
Amended 2nd Reading
June 2, 2021

HOUSE
3rd Reading Unamended
May 24, 2021

HOUSE
Amended 2nd Reading
May 22, 2021

financial institution, or other entity to administer the program.

The office or an administrator is required to establish policies for the program, including:

- The process and deadlines for applying to the program;
- The eligibility criteria for businesses;
- Maximum assistance levels for loans and grants;
- Loan terms, program fees, and underwriting and risk management policies; and
- Reporting requirements for recipients.

The policies must be developed with the goal of generating enough return to replenish the Colorado startup loan program fund (fund) for further loan allocations.

In determining the eligibility of applicants and the size and terms of loans and grants, the office or an administrator must consider:

- The need of the business to restructure as a result of the COVID-19 pandemic or the ability of the business to fill gaps left by closures resulting from the COVID-19 pandemic;
- The financial losses or other impacts from the COVID-19 pandemic that may inhibit an entrepreneur from obtaining capital through traditional sources;
- Whether the applicant or the applicant's community faces other barriers to accessing capital from traditional sources; and
- The applicant's financial needs and repayment ability and any technical assistance the applicant is receiving.

The office is required to work with the minority business office and other stakeholders to promote the program to businesses that are owned by women, minorities, and veterans and to businesses in rural and underserved communities.

The bill creates the fund. The state treasurer is required to transfer \$30 million to the fund on the effective date of the bill. The money in the fund is continuously appropriated to the office for the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-48.5-127 as
3 follows:

4 **24-48.5-127. Colorado startup loan program - fund - creation**
5 **- policies - report - legislative declaration - definitions - repeal.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) THE COVID-19 PANDEMIC HAS HAD DEVASTATING ECONOMIC
2 AND HEALTH CONSEQUENCES ACROSS THE STATE;

3 (b) THE COVID-19 PANDEMIC HAS AFFECTED ENTREPRENEURS IN
4 MULTIPLE WAYS. MANY WERE FORCED TO CLOSE THEIR BUSINESS
5 PERMANENTLY, OTHERS TEMPORARILY CLOSED OR DOWNSIZED, AND SOME
6 HAD THEIR CREDIT IMPACTED DUE TO NO FAULT OF THEIR OWN.

7 (c) ENTREPRENEURS AFFECTED BY THE COVID-19 PANDEMIC
8 NEED ACCESS TO CAPITAL TO RESTART, RESTRUCTURE, OR SCALE UP THEIR
9 BUSINESSES;

10 (d) AS COMMUNITIES RECOVER FROM THE COVID-19 PANDEMIC,
11 THERE IS ALSO AN OPPORTUNITY TO SUPPORT ENTREPRENEURS TRYING TO
12 START NEW BUSINESSES WHO DEMONSTRATE STRONG CHARACTER AND A
13 SUCCESSFUL BUSINESS PLAN BUT HAVE LACKED MEANINGFUL ACCESS TO
14 TRADITIONAL SOURCES OF CAPITAL;

15 (e) STARTUP AND SMALL BUSINESSES CREATE JOBS, OFTEN TO A
16 GREATER DEGREE THAN LARGE BUSINESSES, AND SUPPORT A HEALTHY AND
17 DIVERSE ECONOMY;

18 (f) THERE IS A WELL-FUNCTIONING NETWORK OF RESPECTED
19 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS AND OTHER
20 NONPROFIT LENDERS ACROSS COLORADO THAT ARE COMMITTED TO THE
21 HEALTH OF COLORADO'S ECONOMY AND PROVIDE ASSISTANCE TO
22 BUSINESSES AND ENTREPRENEURS THAT CAN DEMONSTRATE A
23 SUCCESSFUL BUSINESS PLAN BUT MAY HAVE LACKED MEANINGFUL ACCESS
24 TO TRADITIONAL SOURCES OF CAPITAL;

25 (g) CREATING A REVOLVING STARTUP LOAN FUND TO PROVIDE
26 CAPITAL TO ENTREPRENEURS CAN HELP COLORADO COMMUNITIES AND
27 BUSINESSES RECOVER FROM THE COVID-19 PANDEMIC WHILE ALSO

1 SUPPORTING LONG-TERM ECONOMIC GROWTH IN THE STATE; ■

2 (h) PURSUANT TO 31 C.F.R. 35.6 (b)(6), PROVIDING ASSISTANCE
3 IN THE FORM OF LOANS AND GRANTS TO ENTREPRENEURS AND SMALL
4 BUSINESSES TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE
5 COVID-19 PANDEMIC IS AN ELIGIBLE USE OF MONEY RECEIVED BY THE
6 STATE UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L.
7 117-2;

8 (i) BY PROVIDING ENTREPRENEURS AND BUSINESSES WHO FACE
9 BARRIERS IN ESTABLISHING BORROWER RELATIONSHIPS WITH TRADITIONAL
10 LENDERS TO ACCESS CAPITAL, A STARTUP LOAN PROGRAM CAN PROVIDE
11 FINANCIAL SUPPORT TO UNSERVED OR UNDERSERVED POPULATIONS;

12 (j) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS AND
13 OTHER NONPROFIT LENDERS ACROSS COLORADO PROVIDE CRITICAL
14 FINANCIAL SUPPORT TO UNSERVED AND UNDERSERVED POPULATIONS WITH
15 MORE FLEXIBLE LOAN CRITERIA NOT REGULARLY OFFERED BY
16 TRADITIONAL FINANCIAL INSTITUTIONS, AND THEIR CUSTOMERS OFTEN
17 OBTAIN LOANS FROM TRADITIONAL FINANCIAL INSTITUTIONS AFTER THEY
18 GROW THEIR BUSINESSES OVER TIME;

19 (k) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS AND
20 OTHER NONPROFIT LENDERS ACROSS COLORADO HAVE EXPERIENCE AND
21 EXPERTISE IN EVALUATING LOAN APPLICATIONS AND IN DETERMINING
22 WHICH LOAN CRITERIA AN APPLICANT MEETS;

23 (l) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS AND
24 OTHER NONPROFIT LENDERS ACROSS COLORADO USE THEIR EXPERTISE
25 AND EXISTING RELATIONSHIPS TO REFER APPLICANTS TO TRADITIONAL
26 LENDERS IF THE APPLICANTS MEET TYPICAL TRADITIONAL LENDING
27 CRITERIA AND TRADITIONAL LENDERS WILL PROVIDE MORE FAVORABLE

1 LOAN TERMS TO THE APPLICANT;

2 (m) A STARTUP LOAN PROGRAM WILL ASSIST UNDERSERVED
3 ENTREPRENEURS AND BUSINESSES IN MAKING CONNECTIONS WITH
4 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS AND OTHER
5 NONPROFIT LENDERS WHICH PROVIDES AN OPPORTUNITY FOR BUSINESSES
6 AND ENTREPRENEURS TO DEVELOP THEIR FIRST BORROWER RELATIONSHIPS
7 WITH FINANCIAL INSTITUTIONS THAT CAN PROVIDE ACCESS TO CAPITAL
8 AND LEAD THESE BUSINESSES TO EVENTUALLY BECOMING CUSTOMERS OF
9 TRADITIONAL LENDING INSTITUTIONS LIKE BANKS; AND

10 (n) A REVOLVING LOAN FUND ENSURES THAT THESE FUNDS ARE
11 EVERGREEN AND RECYCLED MANY TIMES ACROSS MULTIPLE BUSINESSES,
12 THEREBY SUPPORTING NEW ENTREPRENEURS FAR INTO THE FUTURE.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "ADMINISTRATOR" MEANS AN ENTITY OR ENTITIES THAT THE
16 OFFICE CONTRACTS WITH PURSUANT TO SUBSECTION (3)(b) OF THIS
17 SECTION TO ADMINISTER THE PROGRAM.

18 (b) "ELIGIBLE BUSINESS" MEANS A BUSINESS THAT MEETS THE
19 ELIGIBILITY CRITERIA ESTABLISHED BY THE OFFICE IN POLICIES ADOPTED
20 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

21 (c) "FUND" MEANS THE COLORADO STARTUP LOAN PROGRAM FUND
22 ESTABLISHED IN SUBSECTION (9) OF THIS SECTION.

23 (d) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
24 DEVELOPMENT CREATED IN SECTION 24-48.5-101.

25 (e) "PROGRAM" MEANS THE COLORADO STARTUP LOAN PROGRAM
26 CREATED IN SUBSECTION (3) OF THIS SECTION.

27 (3) (a) THE OFFICE SHALL ESTABLISH THE COLORADO STARTUP

1 LOAN PROGRAM AS A REVOLVING LOAN AND GRANT PROGRAM IN
2 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND THE
3 POLICIES ESTABLISHED BY THE OFFICE PURSUANT TO SUBSECTION (5) OF
4 THIS SECTION. THE PROGRAM MAY PROVIDE LOANS AND GRANTS TO
5 ELIGIBLE BUSINESSES SEEKING CAPITAL ASSISTANCE TO START OR RESTART
6 A BUSINESS OR TO RESTRUCTURE AN EXISTING BUSINESS.

7 (b) THE OFFICE SHALL CONTRACT WITH A BUSINESS NONPROFIT
8 ORGANIZATION, BANK, NONDEPOSITORY COMMUNITY DEVELOPMENT
9 FINANCIAL INSTITUTION, OR BUSINESS DEVELOPMENT CORPORATION OR
10 OTHER ENTITY AS DETERMINED BY THE OFFICE TO ADMINISTER THE
11 PROGRAM. IF THE OFFICE CONTRACTS WITH AN ENTITY OR ENTITIES TO
12 ADMINISTER THE PROGRAM, THE OFFICE SHALL USE AN OPEN AND
13 COMPETITIVE PROCESS TO SELECT THE ENTITY OR ENTITIES. A CONTRACT
14 WITH AN ADMINISTRATOR MAY INCLUDE AN ADMINISTRATION FEE
15 ESTABLISHED BY THE OFFICE AT AN AMOUNT REASONABLY CALCULATED
16 TO COVER THE ONGOING ADMINISTRATIVE COSTS OF THE OFFICE IN
17 OVERSEEING THE PROGRAM. THE OFFICE MAY ADVANCE MONEY TO AN
18 ENTITY UNDER A CONTRACT IN PREPARATION FOR ISSUING LOANS AND
19 GRANTS AND ADMINISTERING THE PROGRAM. THE OFFICE SHALL NOT HAVE
20 ANY DIRECT LENDING AUTHORITY TO MAKE LOANS TO SMALL BUSINESSES.

21 (c) AT LEAST FIFTY PERCENT OF THE MONEY APPROPRIATED TO THE
22 PROGRAM PURSUANT TO SUBSECTION (9)(c) OF THIS SECTION MUST BE
23 ENCUMBERED BY JUNE 30, 2022.

24 (4) A CONTRACT WITH AN ADMINISTRATOR MAY REQUIRE THE
25 ADMINISTRATOR TO REPAY ALL LENDING CAPITAL THAT IS NOT
26 COMMITTED TO LOANS OR GRANTS UNDER THE PROGRAM AND ALL
27 PRINCIPAL AND INTEREST THAT IS REPAYED BY BORROWERS UNDER THE

1 PROGRAM AT THE END OF THE CONTRACT PERIOD IF, IN THE JUDGMENT OF
2 THE OFFICE, THE ADMINISTRATOR HAS NOT PERFORMED SUCCESSFULLY
3 UNDER THE TERMS OF THE CONTRACT. THE OFFICE MAY REDEPLOY MONEY
4 REPAID UNDER THIS SUBSECTION (4) AS GRANTS OR LOANS UNDER THE
5 PROGRAM OR THROUGH ANOTHER ADMINISTRATOR.

6 (5) (a) THE OFFICE OR AN ADMINISTRATOR SHALL ESTABLISH AND
7 PUBLICIZE POLICIES FOR THE PROGRAM. AT A MINIMUM, THE POLICIES
8 MUST ADDRESS:

9 (I) THE PROCESS AND DEADLINES FOR APPLYING FOR AND
10 RECEIVING A LOAN OR GRANT UNDER THE PROGRAM, INCLUDING THE
11 INFORMATION AND DOCUMENTATION REQUIRED FOR THE APPLICATION;

12 (II) ELIGIBILITY CRITERIA FOR BUSINESSES APPLYING TO THE
13 PROGRAM;

14 (III) MAXIMUM ASSISTANCE LEVELS FOR LOANS AND GRANTS;

15 (IV) LOAN TERMS, INCLUDING INTEREST RATES AND REPAYMENT
16 TERMS;

17 (V) REPORTING REQUIREMENTS FOR RECIPIENTS;

18 (VI) PROGRAM FEES, INCLUDING THE APPLICATION FEE,
19 ORIGINATION FEE, AND CLOSING COSTS POLICIES;

20 (VII) UNDERWRITING AND RISK MANAGEMENT POLICIES; AND

21 (VIII) ANY ADDITIONAL POLICIES NECESSARY TO ADMINISTER THE
22 PROGRAM.

23 (b) THE POLICIES REQUIRED BY THIS SUBSECTION (5) SHALL BE
24 DEVELOPED AND IMPLEMENTED WITH A GOAL OF GENERATING ENOUGH
25 RETURN TO REPLENISH THE PROGRAM FOR FUTURE LOAN ALLOCATIONS.

26 (6) (a) IN DETERMINING THE ELIGIBILITY OF APPLICANTS AND THE
27 SIZE AND TERMS OF LOANS AND GRANTS, THE OFFICE OR AN

1 ADMINISTRATOR SHALL CONSIDER:

2 (I) THE NEED OF AN EXISTING BUSINESS TO RESTRUCTURE,
3 REDEFINE ITS BUSINESS MODEL, OR RECAPITALIZE AS A RESULT OF THE
4 COVID-19 PANDEMIC;

5 (II) THE ABILITY OF A NEW BUSINESS TO FILL GAPS LEFT IN A
6 COMMUNITY OR INDUSTRY BY CLOSURES RESULTING FROM THE COVID-19
7 PANDEMIC;

8 (III) THE FINANCIAL LOSSES OR OTHER IMPACTS RESULTING FROM
9 THE COVID-19 PANDEMIC THAT MAY INHIBIT AN ENTREPRENEUR FROM
10 OBTAINING CAPITAL THROUGH TRADITIONAL SOURCES;

11 (IV) WHETHER THE APPLICANT OR THE COMMUNITY SERVED BY
12 THE APPLICANT'S BUSINESS FACES OTHER BARRIERS TO ACCESSING
13 CAPITAL FROM TRADITIONAL SOURCES OR IS OTHERWISE UNDERSERVED;

14 (V) THE APPLICANT'S FINANCIAL NEED AND THE LIKELIHOOD THE
15 BUSINESS WOULD NEED TO BE SUPPORTED BY A NONTRADITIONAL LENDER,
16 INCLUDING WHETHER THE APPLICANT'S CREDIT STANDING WAS
17 NEGATIVELY AFFECTED BY THE COVID-19 PANDEMIC, THE APPLICANT'S
18 EXPENSES RATIOS, AND THE APPLICANT'S REPAYMENT ABILITY OVER AN
19 EXTENDED TIME PERIOD OR WITH ADJUSTED RATES AS DEMONSTRATED
20 THROUGH PROJECTIONS AND BUSINESS PLANS; AND

21 (VI) ANY TECHNICAL ASSISTANCE THE APPLICANT IS RECEIVING TO
22 HELP THE APPLICANT VALIDATE THE APPLICANT'S BUSINESS PLANS.

23 (b) TO THE EXTENT PRACTICABLE, THE PROGRAM MAY PRIORITIZE
24 APPLICATIONS FROM ELIGIBLE BUSINESSES THAT HAVE COMPLETED A
25 BUSINESS DEVELOPMENT PROGRAM OFFERED BY THE OFFICE.

26 (c) IF AN ADMINISTRATOR DETERMINES THAT AN APPLICANT
27 WOULD LIKELY BE ELIGIBLE FOR A LOAN FROM A TRADITIONAL FINANCIAL

1 INSTITUTION AND COULD RECEIVE MORE FAVORABLE LOAN TERMS
2 THROUGH A TRADITIONAL FINANCIAL INSTITUTION, THE ADMINISTRATOR
3 SHALL NOTIFY THE APPLICANT IN A TIMELY MANNER AND REFER THE
4 APPLICANT TO A TRADITIONAL COMMERCIAL LENDER SUCH AS A BANK.

5 (7) THE OFFICE SHALL WORK WITH THE MINORITY BUSINESS OFFICE
6 CREATED IN SECTION 24-49.5-102, SMALL BUSINESS DEVELOPMENT
7 CENTERS, COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, AND
8 STAKEHOLDER PARTNERS TO PROMOTE THE PROGRAM TO BUSINESSES
9 OWNED BY WOMEN, VETERANS, AND MINORITIES AND TO BUSINESSES
10 LOCATED IN RURAL COUNTIES AND OTHER COMMUNITIES THAT ARE
11 UNDERSERVED OR DISADVANTAGED. ON OR BEFORE SEPTEMBER 1, 2021,
12 THE OFFICE SHALL DEVELOP AND ADMINISTER A MARKETING INITIATIVE
13 FOR THE PROGRAM IN COORDINATION WITH THE MINORITY BUSINESS
14 OFFICE CREATED IN SECTION 24-49.5-102, THE SMALL BUSINESS
15 ASSISTANCE CENTER CREATED IN SECTION 24-48.5-102, LOCAL CHAMBERS
16 OF COMMERCE, AND OTHER LOCAL AND REGIONAL ECONOMIC
17 DEVELOPMENT ENTITIES TO PROMOTE THE PROGRAM TO ELIGIBLE
18 BUSINESSES AND TARGET COMMUNITIES. THE MARKETING INITIATIVE
19 SHALL BE CONDUCTED IN THE TOP SPOKEN LANGUAGES IN THOSE
20 COMMUNITIES.

21 (8) (a) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
22 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
23 PURPOSES OF THIS SECTION. THE OFFICE SHALL TRANSMIT ALL MONEY
24 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
25 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

26 (b) THE OFFICE MAY EXPEND, DEPLOY, OR LEVERAGE MONEY
27 RECEIVED FROM FEDERAL GOVERNMENT PROGRAMS THAT SUPPORT LOANS

1 AND INVESTMENTS FOR SMALL BUSINESS TO MAKE LOANS AND GRANTS
2 UNDER THE PROGRAM OR TO OTHERWISE MARKET, PROMOTE, OR SUPPORT
3 LOANS AND GRANTS UNDER THE PROGRAM, IF ALLOWED UNDER FEDERAL
4 LAW.

5 (9) (a) THE COLORADO STARTUP LOAN PROGRAM FUND IS HEREBY
6 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
7 TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION (9)(d) OF
8 THIS SECTION, ANY OTHER MONEY THAT THE GENERAL ASSEMBLY
9 APPROPRIATES OR TRANSFERS TO THE FUND, AND ANY GIFTS, GRANTS, OR
10 DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (8)(a) OF
11 THIS SECTION.

12 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
13 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
14 FUND TO THE FUND.

15 (c) MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION
16 (9)(d) OF THIS SECTION IS CONTINUOUSLY APPROPRIATED TO THE OFFICE
17 FOR THE PURPOSES SPECIFIED IN THIS SECTION. THE OFFICE MAY EXPEND
18 UP TO TWO PERCENT OF THE MONEY IN OR AWARDED BY THE FUND ON AN
19 ANNUAL BASIS TO PAY FOR ITS DIRECT AND INDIRECT COSTS IN
20 IMPLEMENTING AND ADMINISTERING THIS SECTION.

21 (d) ON THE EFFECTIVE DATE OF THIS SUBSECTION (9)(d), THE
22 STATE TREASURER SHALL TRANSFER THIRTY MILLION DOLLARS FROM THE
23 GENERAL FUND TO THE COLORADO STARTUP LOAN PROGRAM FUND
24 CREATED IN SUBSECTION (9)(a) OF THIS SECTION.

25 (e) ON THE EFFECTIVE DATE OF THIS SUBSECTION (9)(e), THE
26 STATE TREASURER SHALL TRANSFER ONE MILLION THREE HUNDRED FIFTY
27 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE COLORADO

1 STARTUP LOAN PROGRAM FUND CREATED IN SUBSECTION (9)(a) OF THIS
2 SECTION. THE MONEY TRANSFERRED IN ACCORDANCE WITH THIS
3 SUBSECTION (9)(e) IS RESERVED FOR GRANTS OR LOANS AWARDED UNDER
4 THE COLORADO STARTUP LOAN PROGRAM TO BUSINESSES THAT
5 DEMONSTRATE NEED AND SUCCESS UNDER A SMALL BUSINESS
6 ACCELERATED GROWTH PROGRAM ADMINISTERED BY THE OFFICE.

7 (f) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE
8 ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
9 24-75-228 (2)(a) TO THE COLORADO STARTUP LOAN PROGRAM FUND
10 CREATED IN SUBSECTION (9)(a) OF THIS SECTION. MONEY APPROPRIATED
11 IN ACCORDANCE WITH THIS SUBSECTION (9)(f) IS CONTINUOUSLY
12 APPROPRIATED TO THE OFFICE TO PROVIDE LOANS AND GRANTS UNDER THE
13 PROGRAM TO ENTREPRENEURS AND SMALL BUSINESSES TO RESPOND TO
14 THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PANDEMIC IN
15 ACCORDANCE WITH ANY REQUIREMENTS SET FORTH IN SECTION 24-75-226.

16 (10) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
17 NOVEMBER 1 OF EACH YEAR THEREAFTER, THE OFFICE SHALL SUBMIT A
18 REPORT DETAILING THE EXPENDITURE OF MONEY APPROPRIATED TO THE
19 PROGRAM TO THE GOVERNOR AND TO THE HOUSE OF REPRESENTATIVES
20 BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS,
21 LABOR, AND TECHNOLOGY COMMITTEE, OR THEIR SUCCESSOR
22 COMMITTEES. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
23 (11)(a)(I), THE REQUIREMENT IN THIS SUBSECTION (10) TO SUBMIT THE
24 REPORT CONTINUES INDEFINITELY. AT A MINIMUM, THE REPORT MUST
25 INCLUDE INFORMATION FOR THE PAST FISCAL YEAR CONCERNING:

26 (a) THE NUMBER OF BUSINESSES APPLYING TO THE PROGRAM,
27 INCLUDING A BREAKDOWN OF THE NUMBER OF APPLICANTS THAT ARE

1 OWNED BY WOMEN, MINORITIES, OR VETERANS;

2 (b) THE PERCENTAGE OF APPLICANTS FUNDED AND THE AVERAGE
3 RATE OF FUNDING UNDER THE PROGRAM, INCLUDING A BREAKDOWN OF
4 THE PERCENTAGE OF APPLICANTS FUNDED AND THE AVERAGE RATE OF
5 FUNDING FOR BUSINESSES THAT ARE OWNED BY WOMEN, MINORITIES, OR
6 VETERANS;

7 (c) THE GEOGRAPHIC DISTRIBUTION OF THE APPLICANTS FOR AND
8 RECIPIENTS OF LOANS AND GRANTS; AND

9 (d) INFORMATION ON THE TYPE AND SIZE OF BUSINESSES THAT
10 APPLIED FOR AND RECEIVED FUNDING UNDER THE PROGRAM.

11 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
12 \$10,000,000 is appropriated to the Colorado startup loan program fund
13 created in section 24-48.5-127 (9)(a), C.R.S. This appropriation is from
14 the economic recovery and relief cash fund created in section 24-75-228
15 (2)(a), C.R.S, and of money the state received from the federal
16 coronavirus state fiscal recovery fund. The office of the governor is
17 responsible for the accounting related to this appropriation.

18 **SECTION 3. Effective date.** This act takes effect upon passage;
19 except that section 2 of this act and section 24-48.5-127 (9)(f), Colorado
20 Revised Statutes, as enacted in section 1 of this act, take effect only if
21 Senate Bill 21-291 becomes law, in which case section 2 of this act and
22 section 24-48.5-127 (9)(f) take effect either upon the effective date of this
23 act or Senate Bill 21-291, whichever is later.

24

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.