

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

REVISED

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

LLS NO. 23-0515.01 Jason Gelender x4330

SENATE BILL 23-209

SENATE SPONSORSHIP

Ginal and Rich, Bridges, Buckner, Coleman, Cutter, Exum, Marchman, Priola, Winter F., Zenzinger

HOUSE SPONSORSHIP

Taggart and Ricks,

Senate Committees

Business, Labor, & Technology

House Committees

Finance

A BILL FOR AN ACT

101 **CONCERNING REMOVAL OF THE DATE RESTRICTION IN THE DEFINITION**
102 **OF "ELIGIBLE BORROWER" USED TO DETERMINE A BUSINESS'S**
103 **ELIGIBILITY FOR A SMALL BUSINESS RECOVERY LOAN UNDER**
104 **THE "CLIMBER ACT".**

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/>.)

Statutory Revision Committee. The "Colorado Loans for Increasing Main Street Business Economic Recovery Act" (CLIMBER Act) provides small business recovery loans to Colorado businesses

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

HOUSE
2nd Reading Unamended
May 3, 2023

SENATE
3rd Reading Unamended
April 10, 2023

SENATE
2nd Reading Unamended
April 6, 2023

affected by the COVID-19 pandemic. In relevant part, House Bill 22-1328 amended the CLIMBER Act by requiring that the determination as to whether a business has sufficient financial viability to be an "eligible borrower" be based on the business's current financial condition rather than, as had been the case, the business's financial condition as of February 29, 2020. House Bill 22-1328 attempted to do this by deleting a reference to "February 29, 2020," in a portion of the definition of "eligible borrower" that requires a business to show a period of positive cash flow, but failed to also delete a second reference to "February 29, 2020," in a portion of the definition that requires a business to show a specified debt service coverage ratio. This bill corrects that omission by deleting the remaining reference to "February 29, 2020,".

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-36-203, **amend**
3 (4)(d) as follows:

4 **24-36-203. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (4) "Eligible borrower" means a business that, as determined by
7 the oversight board:

8 (d) Can demonstrate that it ~~had~~ HAS a CURRENT debt-service
9 coverage ratio ~~as of February 29, 2020~~, of at least one-to-one or a higher
10 level as determined by the oversight board.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.