

HOUSE JOURNAL
SIXTY-SEVENTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Eighty-sixth Legislative Day

Thursday, April 8, 2010

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Alyssa Liddle, West Ranch High School,
6 Stevenson Ranch, California.
7
8 The roll was called with the following result:
9
10 Present--60.
11 Excused--Representative(s) Kagan, Kefalas, King, Miklosi, Vigil--5.
12 Present after roll call--Representative(s) Kagan, King, Miklosi.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Levy, the reading of the journal of
18 April 7, 2010, was declared dispensed with and approved as corrected by
19 the Chief Clerk.
20
21

THIRD READING OF BILL(S)--FINAL PASSAGE

24 The following bill(s) was(were) considered on Third Reading. The
25 title(s) was(were) publicly read. Reading of the bill at length was
26 dispensed with by unanimous consent.
27
28

29 **SB10-060** by Senator(s) Morse, Carroll M., Mitchell, Schwartz; also
30 Representative(s) Labuda, Gardner B., Kagan, Levy,
31 Roberts--Concerning implementation of recommendations
32 of the committee on legal services in connection with
33 legislative review of rules and regulations of state
34 agencies.
35

36 The question being "Shall the bill pass?".
37 A roll call vote was taken. As shown by the following recorded vote, a
38 majority of those elected to the House voted in the affirmative and the bill
39 was declared **passed**.
40

	YES	55	NO	6	EXCUSED	4	ABSENT	0
42	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
43	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y

1	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
2	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
3	Benefield	Y	Kefalas	E	Middleton	Y	Sonnenberg	N
4	Bradford	Y	Kerr A.	Y	Miklosi	E	Soper	Y
5	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
6	Court	Y	King S.	E	Nikkel	Y	Summers	Y
7	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
8	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
9	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
10	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
11	Frangas	Y	Looper	Y	Priola	N	Vaad	Y
12	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	E
13	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
14	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Schafer S.

17

18

19

20 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**

21

22 **HB10-1098** by Representative(s) Levy; also Senator(s) Hodge--
 23 Concerning increased transparency in the governance of
 24 cooperative electric associations.

25

26 (Amended as printed in Senate Journal, April 1, page 741.)

27

28 Representative Levy moved that the House **not concur** in Senate
 29 amendments and that a Conference Committee be appointed. The motion
 30 was declared **passed** by the following roll call vote:

31

	YES	35	NO	26	EXCUSED	4	ABSENT	0
33	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
34	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
35	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
36	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
37	Benefield	Y	Kefalas	E	Middleton	Y	Sonnenberg	N
38	Bradford	N	Kerr A.	Y	Miklosi	E	Soper	Y
39	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
40	Court	Y	King S.	E	Nikkel	N	Summers	N
41	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
42	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
43	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
44	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
45	Frangas	Y	Looper	N	Priola	Y	Vaad	N
46	Gagliardi	Y	Massey	N	Rice	Y	Vigil	E
47	Gardner B.	N	May	N	Riesberg	Y	Waller	N
48	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
49							Speaker	Y

50 The Speaker appointed Representatives Levy, Chairman, Priola and
 51 Fischer as House conferees to the bill.

52

53

54

House in recess. House reconvened.

55

56

MESSAGE(S) FROM THE SENATE

The Senate has adopted and transmits herewith: SJR10-028.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

On motion of Representative Weissmann, the rules were suspended and the following resolution was given immediate consideration.

SJR10-028 by Senator(s) Romer and Boyd; also Representative(s) McCann and Riesberg--Concerning recognition of National Jewish Health and the opening of its Lung Cancer Center.

(Printed and placed in member's file).

On motion of Representative Riesberg, the resolution was read at length and **adopted** by **viva voce** vote.

Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan, Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso, Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Hullinghorst, Judd, Kagan, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Massey, May, McFadyen, McKinley, McNulty, Merrifield, Middleton, Murray, Nikkel, Pace, Peniston, Pommer, Primavera, Priola, Rice, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Tyler, Vaad, Waller, Weissmann, Speaker.

House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

After consideration on the merits, the Committee recommends the following:

HB10-1051 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 2, strike everything after "**SECTION 1.**".

Page 2, line 3, strike "(I)," and substitute "(I) and (9) (a),".

Page 2, line 10, strike "shall at a minimum," and substitute "shall, at a minimum," and strike "a full evaluation of" and substitute "a full evaluation of".

Page 2, line 18, after "(4.5)" insert "(a)".

Page 2, strike lines 19 through 23.

1 Page 3, strike lines 1 through 20 and substitute "2014, COVERED ENTITIES
2 SHALL REPORT WATER USE AND CONSERVATION DATA, TO BE USED FOR
3 STATEWIDE WATER SUPPLY PLANNING, FOLLOWING BOARD GUIDELINES
4 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5), TO THE BOARD
5 BY THE END OF THE SECOND QUARTER OF EACH YEAR FOR THE PREVIOUS
6 CALENDAR YEAR.

7
8 (b) NO LATER THAN FEBRUARY 1, 2012, THE BOARD SHALL ADOPT
9 GUIDELINES REGARDING THE REPORTING OF WATER USE AND
10 CONSERVATION DATA BY COVERED ENTITIES, AND SHALL PROVIDE A
11 REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES
12 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE,
13 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR
14 COMMITTEES, REGARDING THE GUIDELINES. THESE GUIDELINES SHALL:

15
16 (I) BE ADOPTED PURSUANT TO THE BOARD'S PUBLIC PARTICIPATION
17 PROCESS AND SHALL INCLUDE OUTREACH TO STAKEHOLDERS FROM WATER
18 PROVIDERS WITH GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY,
19 NONGOVERNMENTAL ORGANIZATIONS, AND WATER CONSERVATION
20 PROFESSIONALS; AND

21
22 (II) INCLUDE CLEAR DESCRIPTIONS OF: CATEGORIES OF
23 CUSTOMERS, USES, AND MEASUREMENTS; HOW GUIDELINES WILL BE
24 IMPLEMENTED; AND HOW DATA WILL BE REPORTED TO THE BOARD.

25
26 (c) (I) NO LATER THAN FEBRUARY 1, 2019, THE BOARD SHALL
27 REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES
28 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE,
29 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR
30 COMMITTEES, ON THE GUIDELINES AND DATA COLLECTED BY THE BOARD
31 UNDER THE GUIDELINES.

32
33 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2020.

34
35 (9) (a) Neither the board nor the Colorado water resources and
36 power development authority shall release grant or loan proceeds to a
37 covered entity unless ~~such~~ THE covered entity provides a copy of the
38 water conservation plan adopted pursuant to this section; except that the
39 board or the authority may release ~~such~~ THE grant or loan proceeds
40 NOTWITHSTANDING A COVERED ENTITY'S FAILURE TO COMPLY WITH THE
41 REPORTING REQUIREMENTS OF SUBSECTION (4.5) OF THIS SECTION OR if the
42 board or the authority, as applicable, determines that an unforeseen
43 emergency exists in relation to the covered entity's loan application, in
44 which case the board or the authority, as applicable, may impose a grant
45 or loan surcharge upon the covered entity that may be rebated or reduced
46 if the covered entity submits and adopts a plan in compliance with this
47 section in a timely manner as determined by the board or the authority, as
48 applicable."

49
50
51
52 **SB10-106** be amended as follows, and as so amended, be referred to
53 the Committee on Appropriations with favorable
54 recommendation:
55
56

1 Amend reengrossed bill, page 3, line 10, strike "LOCAL" and substitute
2 "LOCAL, REGIONAL, AND STATE".

3

4 Page 3, line 17, strike "WILL" and substitute "IS INTENDED TO".

5

6 Page 3, strike line 24 and substitute:

7

8 "HEALTH;

9

10 (e) NOTHING IN THIS ARTICLE IS INTENDED TO IMPEDE, CAUSE
11 HARM TO, OR LIMIT CONVENTIONALLY PRODUCED AGRICULTURAL
12 PRODUCTS OR THE PERSONS WHO PRODUCE THEM."

13

14 Page 3, line 26, strike "LOCAL" and substitute "LOCAL, REGIONAL, AND
15 STATE".

16

17 Page 6, line 3, after the period add "A MEMBER OF THE COUNCIL WHO IS
18 AN EXECUTIVE DIRECTOR OF A STATE DEPARTMENT OR HIS OR HER
19 DESIGNEE MAY BE ELECTED TO BE A CHAIR OR A VICE-CHAIR OF THE
20 COUNCIL, BUT BOTH POSITIONS SHALL NOT BE HELD AT THE SAME TIME BY
21 MEMBERS WHO ARE EXECUTIVE DIRECTORS OF STATE DEPARTMENTS OR
22 THEIR DESIGNEES."

23

24 Page 8, line 13, strike "COUNCIL" and substitute "COUNCIL, BY
25 CONSENSUS,".

26

27

28

29 **SB10-139** be referred favorably to the Committee on Appropriations.

30

31

32

33

34 **BUSINESS AFFAIRS & LABOR**

35 After consideration on the merits, the Committee recommends the
36 following:

37

38 **HB10-1279** be amended as follows, and as so amended, be referred to
39 the Committee on Finance with favorable
40 recommendation:

41

42 Amend printed bill, page 3, line 13, strike "ACQUIRED A RETAIL LIQUOR".

43

44 Page 3, strike line 14 and substitute "TRANSFERRED OWNERSHIP OF TWO
45 RETAIL LIQUOR STORES, CHANGED THE LOCATION OF ONE OF THE RETAIL
46 LIQUOR STORES, AND MERGED AND CONVERTED THE TWO RETAIL LIQUOR
47 STORE LICENSES INTO A SINGLE".

48

49 Page 3, line 23, after "12-47-301" insert "(4) (b)".

50

51 Page 3, strike line 25 and substitute:

52

53 **"12-47-301. Licensing in general.** (4) (b) EXCEPT AS PROVIDED
54 IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS
55 SECTION, no local licensing authority shall issue, transfer location of, or
56 renew any license to sell any alcohol beverages until the person applying

1 for such license produces a license issued and granted by the state
2 licensing authority covering the whole period for which a license or
3 license renewal is sought.

4
5 (10) (b) A retail liquor store".

6
7 Page 4, after line 21 insert:

8
9 "SECTION 3. 12-47-301, Colorado Revised Statutes, is amended
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11
12 **12-47-301. Licensing in general - repeal.**

13 (11) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO
14 THE CONTRARY, THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A
15 NEW RETAIL LIQUOR LICENSE ON OR AFTER THE EFFECTIVE DATE OF THIS
16 SECTION AND BEFORE JANUARY 1, 2021. THIS SECTION DOES NOT
17 PROHIBIT:

18
19 (I) THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE INITIALLY
20 ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION;

21
22 (II) A TRANSFER OF OWNERSHIP OF A RETAIL LIQUOR STORE
23 INITIALLY LICENSED BY THE STATE LICENSING AUTHORITY PRIOR TO THE
24 EFFECTIVE DATE OF THIS SECTION;

25
26 (III) A CHANGE IN LOCATION OF A RETAIL LIQUOR STORE INITIALLY
27 LICENSED BY THE STATE LICENSING AUTHORITY PRIOR TO THE EFFECTIVE
28 DATE OF THIS SECTION; OR

29
30 (IV) A LOCAL LICENSING AUTHORITY FROM ISSUING A NEW RETAIL
31 LIQUOR STORE LICENSE; EXCEPT THAT, A PERSON WHO OBTAINS A RETAIL
32 LIQUOR STORE LICENSE FROM A LOCAL LICENSING AUTHORITY IS NOT
33 AUTHORIZED TO SELL AT RETAIL PURSUANT TO THIS ARTICLE UNTIL THE
34 PERSON APPLIES TO THE STATE LICENSING AUTHORITY PURSUANT TO
35 SECTION 12-47-303 (1) (c), AND THE STATE LICENSING AUTHORITY
36 GRANTS THE PERSON'S APPLICATION, FOR A TRANSFER OF OWNERSHIP OF
37 A LICENSED RETAIL LIQUOR STORE.

38
39 (b) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2021."

40
41 Renumber succeeding sections accordingly.

42
43 Page 4, line 25, strike "SUBPARAGRAPH (II)" and substitute
44 "SUBPARAGRAPHS (II) AND (III)".

45
46 Page 5, line 5, strike "cause" and substitute "cause HOLD".

47
48 Page 5, line 6, strike "ownership to be held. No" and substitute
49 "ownership. ~~to be held. No~~".

50
51 Page 5, strike lines 7 through 10 and substitute:

52
53 ~~"hearing provided for by this paragraph (c) shall be held by the local~~
54 ~~licensing authority until a notice of hearing has been conspicuously~~
55 ~~posted on the licensed premises for a period of ten days and notice of the~~
56 ~~hearing has been provided the applicant at least ten days prior to the~~

1 ~~hearing~~."

2

3 Page 5, line 11, strike "hearing."

4

5 Page 5, after line 12 insert:

6

7 "(II) A PERSON WHO HAS OBTAINED A RETAIL LIQUOR STORE
8 LICENSE FROM A LOCAL LICENSING AUTHORITY PURSUANT TO SECTION
9 12-47-301 (11) (a) (IV) SHALL SUBMIT ITS APPLICATION FOR A TRANSFER
10 OF OWNERSHIP ONLY TO THE STATE LICENSING AUTHORITY ON FORMS
11 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN
12 MAKING ITS DETERMINATION ON THE TRANSFER OF OWNERSHIP
13 APPLICATION, THE STATE LICENSING AUTHORITY SHALL CONSIDER ONLY
14 THE REQUIREMENTS OF SECTION 12-47-307 AND 1 CCR 203-2, RULE
15 47-302, ENTITLED "CHANGING, ALTERING, OR MODIFYING LICENSED
16 PREMISES", OR ANY ANALOGOUS SUCCESSOR RULE. ANY TRANSFER OF
17 OWNERSHIP HEARING BY THE STATE LICENSING AUTHORITY SHALL BE
18 PURSUANT TO SECTION 12-47-305 (2)."

19

20 Page 5, line 13, strike "(II)" and substitute "(III)" and after "LICENSE"
21 insert "MERGER AND".

22

23 Page 5, line 14, strike "OWNERSHIP,".

24

25 Page 5, strike line 15 and substitute "OWNERSHIP OF TWO RETAIL LIQUOR
26 STORES, A CHANGE OF LOCATION OF ONE OF THE RETAIL LIQUOR STORES,
27 AND A MERGER AND CONVERSION OF THE TWO RETAIL LIQUOR STORE
28 LICENSES INTO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE, ALL AS
29 PART OF A SINGLE".

30

31 Page 5, line 18, after "LICENSE" insert "MERGER AND".

32

33 Page 5, strike lines 23 and 24 and substitute "DETERMINATION ON THE
34 MERGER AND CONVERSION OF THE TWO RETAIL LIQUOR STORE LICENSES TO
35 A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE. THE LOCAL LICENSING
36 AUTHORITY MAY HOLD A HEARING ON THE APPLICATION FOR THE LICENSE
37 MERGER AND CONVERSION.

38

39 (IV) PRIOR TO HOLDING A HEARING AS PROVIDED IN THIS
40 PARAGRAPH (c), THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE
41 APPLICANT OF THE HEARING AT LEAST TEN DAYS BEFORE THE HEARING
42 AND SHALL POST, OR MAY DIRECT THE LICENSE APPLICANT TO POST, A
43 NOTICE OF THE HEARING IN A CONSPICUOUS LOCATION ON THE LICENSED
44 PREMISES FOR AT LEAST TEN CONSECUTIVE DAYS BEFORE THE HEARING."

45

46 Page 6, line 4, strike "A LICENSED RETAIL LIQUOR STORE" and substitute
47 "LICENSED RETAIL LIQUOR STORES".

48

49 Page 6, strike line 27 and substitute "MERGER AND CONVERSION OF TWO
50 RETAIL LIQUOR STORE LICENSES TO A SINGLE".

51

52 Page 7, line 1, after "DRUGSTORE" insert "LICENSE".

53

54 Page 7, line 7, strike "LICENSE CONVERSION FROM A RETAIL" and
55 substitute "MERGER AND CONVERSION OF TWO RETAIL LIQUOR STORE
56 LICENSES TO A SINGLE".

- 1 Page 7, line 8, strike "LIQUOR STORE TO A".
2
- 3 Page 8, line 13, strike "A LICENSED RETAIL LIQUOR STORE," and substitute
4 "TWO LICENSED RETAIL LIQUOR STORES,".
5
- 6 Page 8, strike lines 14 and 15 and substitute "OF LOCATION OF ONE OF THE
7 RETAIL LIQUOR STORES, AND A MERGER OF AND CONVERSION OF THE TWO
8 RETAIL LIQUOR STORES LICENSED INTO A SINGLE LIQUOR-LICENSED".
9
- 10 Page 8, line 19, strike "STORE THAT IS" and substitute "STORES THAT ARE".
11
- 12 Page 8, line 20, strike "IS" and substitute "ARE".
13
- 14 Page 8, strike line 22 and substitute "APPLICATION, AND ONE OF THE
15 RETAIL LIQUOR STORES IS LOCATED WITHIN ONE THOUSAND FEET OF THE
16 GROCERY STORE, AS DETERMINED BY A RADIUS MEASUREMENT THAT
17 BEGINS AT THE PRINCIPAL DOORWAY OF THE GROCERY STORE AND ENDS
18 AT THE PRINCIPAL DOORWAY OF THE RETAIL LIQUOR STORE."
19
- 20 Page 8, line 23, after "THE" insert "TWO".
21
- 22 Page 8, line 24, strike "LICENSE TO A" and substitute "LICENSES TO A
23 SINGLE".
24
- 25 Page 9, line 10, strike "CONVERSION OF CLASS OF" and substitute "LICENSE
26 MERGER AND CONVERSION".
27
- 28 Page 9, line 11, strike "LICENSE".
29
- 30 Page 9, line 21, strike "CONVERSION OF CLASS OF LICENSE" and substitute
31 "LICENSE MERGER AND CONVERSION".
32
- 33 Page 9, after line 22 insert:
34
- 35 **"SECTION 9.** 12-47-501 (2) (a) (III), Colorado Revised Statutes,
36 is amended to read:
37
- 38 **12-47-501. State fees.** (2) (a) The state licensing authority shall
39 establish fees for processing the following types of applications, notices,
40 or reports required to be submitted to the state licensing authority:
41
- 42 (III) Applications for transfer of ownership pursuant to section
43 12-47-303 (1) (c) and rules adopted pursuant to that section, INCLUDING
44 APPLICATIONS FOR A TRANSFER OF OWNERSHIP AS DESCRIBED IN SECTION
45 12-47-301 (11) (a) (IV);".
46
- 47 Renumber succeeding sections accordingly.
48
- 49 Page 10, line 4, strike "CONVERSION OF CLASS OF LICENSE" and substitute
50 "LICENSE MERGER AND CONVERSION".
51
- 52 Page 10, line 6, after "(1) (h) (III)," insert "(5) (a) (I),".
53
- 54 Page 10, after line 18 insert:
55
- 56 "(a) (I) (A) To sell an alcohol beverage to any person under the

1 age of twenty-one years, to a habitual drunkard, or to a visibly intoxicated
 2 person, or to permit any alcohol beverage to be sold or dispensed by a
 3 person under eighteen years of age, or to permit any such person to
 4 participate in the sale or dispensing thereof. If a person who, in fact, is
 5 not twenty-one years of age exhibits a fraudulent proof of age, any action
 6 relying on such fraudulent proof of age shall not constitute grounds for
 7 the revocation or suspension of any license issued under this article or
 8 article 46 of this title.

9
 10 (B) Notwithstanding any provision in this subparagraph (I) to the
 11 contrary, ~~no~~ A person under twenty-one years of age ~~shall~~ MAY be
 12 employed to sell or dispense malt, vinous, or spirituous liquors ~~unless he~~
 13 ~~or she~~ IF THE PERSON is supervised by another ~~person~~ EMPLOYEE who is
 14 on ~~premise~~ THE LICENSED PREMISES and ~~has attained~~ IS AT LEAST
 15 twenty-one years of age; ~~No~~ EXCEPT THAT, AN employee of a tavern
 16 licensed pursuant to section 12-47-412, that does not regularly serve
 17 meals as defined in section 12-47-103 (20), A LIQUOR-LICENSED
 18 DRUGSTORE, or a retail liquor store shall NOT sell malt, vinous, or
 19 spirituous liquors ~~unless such person~~ IF THE EMPLOYEE is NOT at least
 20 twenty-one years of age.

21
 22 (C) NOTWITHSTANDING SUB-SUBPARAGRAPH (B) OF THIS
 23 SUBPARAGRAPH (I), A RETAIL LIQUOR STORE OR LIQUOR-LICENSED
 24 DRUGSTORE MAY EMPLOY A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF
 25 AGE TO HANDLE OR STOCK MALT, VINOUS, AND SPIRITUOUS LIQUORS IF THE
 26 PERSON IS UNDER THE DIRECT SUPERVISION OF AN EMPLOYEE ON THE
 27 LICENSED PREMISES WHO IS AT LEAST TWENTY-ONE YEARS OF AGE. AN
 28 EMPLOYEE OF A RETAIL LIQUOR STORE OR LIQUOR-LICENSED DRUGSTORE
 29 WHO IS LESS THAN TWENTY-ONE YEARS OF AGE SHALL NOT SELL, DELIVER,
 30 OR CARRY MALT, VINOUS, OR SPIRITUOUS LIQUORS TO A CUSTOMER'S
 31 VEHICLE, AND SHALL NOT CHECK PROOF OF AGE OF A CUSTOMER
 32 ATTEMPTING TO PURCHASE MALT, VINOUS, OR SPIRITUOUS LIQUORS."

33
 34 Page 1, strike lines 104 and 105 and substitute "OWNERSHIP OF TWO
 35 RETAIL LIQUOR STORES, CHANGE LOCATION OF ONE OF THE RETAIL
 36 LIQUOR STORES, AND MERGE AND CONVERT THE TWO RETAIL LIQUOR
 37 STORE LICENSES TO A SINGLE".

38
 39 Page 1, line 106, strike "TO A" and strike "LICENSE." and substitute
 40 "LICENSE AND PROHIBITING ANY NEW STATE-ISSUED RETAIL LIQUOR
 41 STORE LICENSES FOR TEN YEARS."

42
 43
 44
 45 **HB10-1394** be amended as follows, and as so amended, be referred to
 46 the Committee of the Whole with favorable
 47 recommendation:

48
 49 Amend printed bill, page 3, strike lines 3 and 4 and substitute "ARISING
 50 OUT OF CONSTRUCTION DEFECTS IS IN THE BEST INTEREST OF INSURERS,
 51 CONSTRUCTION PROFESSIONALS, AND PROPERTY".

52
 53 Page 4, line 12, after "AMBIGUITY" insert "OR UNCERTAINTY".

54
 55 Page 4, strike lines 17 and 18 and substitute "IN PROPERTY DAMAGE,
 56 INCLUDING DAMAGE TO THE WORK ITSELF, OTHER WORK, OR PROPERTY, IS

- 1 AN ACCIDENT UNLESS THE PROPERTY DAMAGE IS INTENDED AND EXPECTED
2 FROM THE STANDPOINT OF".
3
4 Page 4, line 24, after "POLICY;" add "AND".
5
6 Page 4, line 27, strike "PROPERTY; AND" and substitute "PROPERTY."
7
8 Page 5, line 6, strike "ORGANIZATION," and substitute "ORGANIZATION
9 EXCEPT WRITINGS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE,".
10
11 Page 5, line 7, strike "ORGANIZATION" and substitute "OFFICE, INC.,".
12
13 Page 5, line 12, strike "CONTRACT;" and substitute "CONTRACT; AND".
14
15 Page 5, line 15, after "GRANT" insert "OR RESTORE".
16
17 Page 5, line 17, after "EXCLUDE" insert "OR LIMIT".
18
19 Page 5, line 18, strike "CONTRACT" and substitute "INSURANCE POLICY".
20
21 Page 5, line 20, strike "COVERAGE IN A" and substitute "OR LIMITS
22 COVERAGE UNDER AN INSURANCE".
23
24 Page 5, strike lines 24 and 25 and substitute "INSURANCE POLICY BARS OR
25 LIMITS COVERAGE FOR THE INSURED'S LEGAL LIABILITY IN AN ACTION OR
26 NOTICE OF CLAIM CONCERNING A CONSTRUCTION DEFECT; AND".
27
28 Page 5, line 27, strike "COVERAGE GRANT" and substitute "INSURANCE
29 POLICY".
30
31 Page 6, after line 1 insert:
32
33 "(7) (a) AN INSURER'S DUTY TO DEFEND A CONSTRUCTION
34 PROFESSIONAL OR OTHER INSURED UNDER A LIABILITY INSURANCE POLICY
35 ISSUED TO A CONSTRUCTION PROFESSIONAL SHALL BE TRIGGERED:
36
37 (I) BY A POTENTIALLY COVERED LIABILITY DESCRIBED IN THE
38 NOTICE OF CLAIM MADE PURSUANT TO SECTION 13-20-803.5; OR
39
40 (II) BY A POTENTIALLY COVERED LIABILITY DESCRIBED IN THE
41 COMPLAINT, CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM FILED
42 IN AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL CONCERNING
43 A CONSTRUCTION DEFECT.
44
45 (b) AN INSURER SHALL NOT DENY ITS DEFENSE OF AN INSURED
46 CONSTRUCTION PROFESSIONAL UNLESS AUTHORIZED BY LAW. AN INSURER
47 SHALL NOT WITHDRAW ITS DEFENSE OF AN INSURED CONSTRUCTION
48 PROFESSIONAL UNLESS AUTHORIZED BY LAW AND UNLESS THE INSURER
49 HAS RESERVED THE RIGHT IN WRITING WHEN ACCEPTING THE DEFENSE
50 OBLIGATION."
51
52 Page 6, line 5, strike "of" and substitute "in".
53
54 Page 6, strike lines 14 and 15 and substitute "INSURER SHALL NOT ISSUE
55 A LIABILITY INSURANCE POLICY TO A CONSTRUCTION PROFESSIONAL THAT
56 INCLUDES A".

1 Page 6, line 17, strike "A CLAIM" and substitute "ONE OR MORE CLAIMS".
2
3 Page 6, strike lines 21 through 23 and substitute:
4
5 "(3) AN INSURER SHALL NOT ISSUE A LIABILITY INSURANCE POLICY
6 TO A CONSTRUCTION PROFESSIONAL THAT EXCLUDES OR LIMITS COVERAGE
7 UNDER THE POLICY FOR ONE OR MORE CLAIMS ARISING".
8
9 Page 6, line 26, strike "IF:" and substitute "UNLESS THE EXCLUSION OR
10 LIMITATION APPLIES TO THE FOLLOWING:".
11
12 Page 7, line 1, before "BODILY" insert "MANIFESTATION OF THE".
13
14 Page 7, line 6, strike "RESULTING FROM" and substitute "BECAUSE OF A
15 LOSS ARISING OUT OF".
16
17 Page 7, line 12, strike "FROM" and substitute "OUT OF".
18
19 Page 7, line 17, strike "REQUIRED" and substitute "DESCRIBED".
20
21 Page 7, line 20, strike "UNENFORCEABLE." and substitute
22 "UNENFORCEABLE AS AGAINST PUBLIC POLICY."
23
24 Page 7, after line 23 insert:
25
26 "(6) THIS SECTION APPLIES ONLY TO INSURANCE POLICIES THAT
27 COVER THE WORK OF A CONSTRUCTION PROFESSIONAL."
28
29 Page 1, line 101, strike "PROFESSIONAL" and substitute "COMMERCIAL".
30
31
32
33 **HB10-1397** be postponed indefinitely.
34
35
36 **SB10-166** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39
40 Amend reengrossed bill, strike everything below the enacting clause and
41 substitute:
42
43 "SECTION 1. Part 8 of article 82 of title 24, Colorado Revised
44 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
45 read:
46
47 **24-82-802. Lease-purchase agreements for real property -**
48 **definitions - lease-purchase rental cash fund.** (1) AS USED IN THIS
49 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
50
51 (a) (I) "ANNUAL LEASE-PURCHASE PAYMENT" MEANS THE TOTAL
52 AMOUNT DUE FROM THE STATE ON PROPERTY SUBJECT TO A
53 LEASE-PURCHASE AGREEMENT AND INCLUDES:
54
55 (A) THE ANNUAL BASE RENT SCHEDULED TO BE PAID AND THE
56 ADDITIONAL RENT ESTIMATED TO BE PAID ON OR PURSUANT TO THE

1 LEASE-PURCHASE AGREEMENT AND ANY ANCILLARY AGREEMENTS THAT
2 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, ANY OF THE FOLLOWING
3 THAT ARE PAID ON A CURRENT BASIS AND NOT PAID BY A LESSOR OR OTHER
4 THIRD PARTY AS PART OF A LEASE-PURCHASE AGREEMENT: ALL
5 ACQUISITION COSTS, SUCH AS DUE DILIGENCE COSTS ASSOCIATED WITH
6 EVALUATION OF AN EXISTING BUILDING; LAND ACQUISITION; PENALTIES
7 FOR BREAKING LEASE AGREEMENTS; A CAPITAL RESERVE FOR SPACE
8 PLANNING AND CAPITAL IMPROVEMENTS NEEDED IN THE BUILDING FOR
9 DEMOLITION AND CONSTRUCTION OF TENANT SPACE FOR STATE AGENCIES
10 OR THE RELEASE TO EXISTING TENANTS; RELOCATION COSTS; OFFICE
11 FURNITURE AND EQUIPMENT; INSURANCE; AND THE COSTS ASSOCIATED
12 WITH ANY LEASE-PURCHASE FINANCING; PLUS

13
14 (B) OPERATING AND MAINTENANCE COSTS AND A RESERVE FOR
15 CONTROLLED MAINTENANCE COSTS.

16
17 (II) FOR THE CONSTRUCTION OF A NEW BUILDING ON LAND OWNED
18 OR LEASED BY THE STATE, THE ACQUISITION COSTS MAY ALSO INCLUDE
19 THE ARCHITECTURAL AND ENGINEERING DESIGN AND ENGINEERING COSTS,
20 SITE PREPARATION, PROVISIONS FOR UTILITIES AND TAP FEES, AND
21 MATERIALS AND CONSTRUCTION COSTS.

22
23 (b) "ANNUAL RENT COSTS" MEANS BASE RENT TYPICALLY FOUND
24 IN THE LEASED SPACE LINE ITEM IN THE ANNUAL GENERAL APPROPRIATION
25 BILL PLUS ALL OPERATION, MAINTENANCE, AND RELATED COSTS PAID TO
26 A LESSOR OR OTHER THIRD PARTY.

27
28 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL,
29 CREATED IN SECTION 24-1-128.

30
31 (d) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
32 THE DEPARTMENT OF PERSONNEL.

33
34 (e) "LEASE-PURCHASE AGREEMENT" SHALL HAVE THE SAME
35 DEFINITION AS PROVIDED IN SECTION 24-82-801 (4).

36
37 (2) (a) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE STATE
38 TREASURER, ON BEHALF OF THE STATE OF COLORADO FOR THE USE OF THE
39 DEPARTMENT, IS AUTHORIZED TO ENTER INTO ONE OR MORE
40 LEASE-PURCHASE AGREEMENTS FOR REAL AND ASSOCIATED PERSONAL
41 PROPERTY EXISTING OR TO BE CONSTRUCTED PURSUANT TO
42 REQUIREMENTS OF THE STATE TO BE EXCLUSIVELY USED, POSSESSED, AND
43 MANAGED BY THE DEPARTMENT FOR STATE AGENCIES AND NON-STATE
44 LESSEES OF THE DEPARTMENT AS THE EXECUTIVE DIRECTOR MAY SOLELY
45 DETERMINE ACCORDING TO THE PLAN APPROVED PURSUANT TO
46 SUBSECTION (4) OF THIS SECTION AND SUBJECT TO THE TERMS OF THE
47 LEASE-PURCHASE AGREEMENT.

48
49 (b) SUBJECT TO THE PROVISIONS OF SECTION 2 OF ARTICLE XI OF
50 THE STATE CONSTITUTION, THE STATE TREASURER, FOR THE USE AND
51 BENEFIT OF THE DEPARTMENT, MAY ENTER INTO SUCH LEASE-PURCHASE
52 AGREEMENTS IN CONJUNCTION WITH THE STATE BOARD OF LAND
53 COMMISSIONERS, CREATED PURSUANT TO SECTION 9 OF ARTICLE IX OF THE
54 STATE CONSTITUTION, OR WITH A PRIVATE PERSON. THE STATE
55 TREASURER SHALL TRANSFER ALL BENEFITS AND RESPONSIBILITIES UNDER
56 THE LEASE-PURCHASE AGREEMENT TO THE DEPARTMENT. THE

1 DEPARTMENT SHALL MANAGE THE PROPERTY FOR THE STATE AS THE
2 EXECUTIVE DIRECTOR MAY SOLELY DETERMINE, SUBJECT TO THE TERMS
3 OF THE LEASE-PURCHASE AGREEMENT.
4

5 (3) THE STATE TREASURER SHALL ENTER INTO A LEASE-PURCHASE
6 AGREEMENT AUTHORIZED PURSUANT TO SUBSECTION (2) OF THIS SECTION
7 ON BEHALF OF THE STATE FOR THE USE AND BENEFIT OF THE DEPARTMENT
8 ONLY IF, AT THE TIME THAT THE LEASE-PURCHASE AGREEMENT IS
9 EXECUTED:
10

11 (a) THE STATE AGENCIES THAT WILL BE LOCATED IN THE PROPERTY
12 THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ARE FUNDED,
13 IN WHOLE OR IN PART, BY APPROPRIATIONS AND A PORTION OF THE
14 APPROPRIATIONS ARE BEING EXPENDED TO PAY RENT TO A LESSOR;
15

16 (b) THE PROJECTED ANNUAL RENT COSTS OF THE STATE AGENCIES
17 THAT WILL BE LOCATED IN THE PROPERTY PLUS ANY CURRENT RENTAL
18 PAYMENTS OR RENTAL PAYMENTS PROJECTED TO BE RECEIVED FROM
19 NON-STATE LESSEES FOR EACH FISCAL YEAR DURING THE MAXIMUM TERM
20 OF THE LEASE-PURCHASE AGREEMENT EXCEED THE ANNUAL
21 LEASE-PURCHASE PAYMENT FOR THE PROPERTY, ADJUSTED AS
22 APPROPRIATE TO ACCOUNT FOR ANY DIFFERENCES IN SERVICES PROVIDED
23 TO, OR COSTS PAID FOR THE BENEFIT OF, THE STATE UNDER THE RELATED
24 LEASES AND LEASE-PURCHASE AGREEMENTS;
25

26 (c) THE PROPERTY OR PROPOSED CONSTRUCTION PLAN FOR THE
27 PROPERTY HAS BEEN REVIEWED BY THE STATE ARCHITECT WHO SHALL
28 MAKE WRITTEN RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR
29 CONTROLLED MAINTENANCE NEEDS DURING THE TERM OF THE
30 LEASE-PURCHASE AGREEMENT;
31

32 (d) THE PLAN FOR THE LEASE-PURCHASE TRANSACTION HAS BEEN
33 APPROVED FIRST BY THE OFFICE OF STATE PLANNING AND BUDGETING AND
34 THE CAPITAL DEVELOPMENT COMMITTEE OF THE GENERAL ASSEMBLY
35 PURSUANT TO SUBSECTION (4) OF THIS SECTION;
36

37 (e) THE EXECUTIVE DIRECTOR ACKNOWLEDGES HIS OR HER
38 APPROVAL OF THE TERMS OF THE LEASE-PURCHASE AGREEMENTS AND ANY
39 ANCILLARY AGREEMENTS;
40

41 (f) THE AGREEMENTS FOR THE LEASE-PURCHASE TRANSACTION
42 ACCURATELY REFLECT THE PLAN APPROVED BY THE OFFICE OF STATE
43 PLANNING AND BUDGETING AND THE CAPITAL DEVELOPMENT COMMITTEE;
44 AND
45

46 (g) THE STATE CONTROLLER HAS APPROVED ALL AGREEMENTS
47 PURSUANT TO SECTION 24-30-202.
48

49 (4) PRIOR TO THE STATE TREASURER ENTERING INTO ANY
50 LEASE-PURCHASE AGREEMENT PURSUANT TO THIS SECTION, THE
51 EXECUTIVE DIRECTOR SHALL SUBMIT THE REPORT REQUIRED BY SECTION
52 24-82-102 (1) AND THE PLAN FOR THE LEASE-PURCHASE TRANSACTION TO
53 THE OFFICE OF STATE PLANNING AND BUDGETING. IF THE OFFICE OF STATE
54 PLANNING AND BUDGETING APPROVES THE REPORT AND THE PLAN, IT
55 SHALL SUBMIT THE REPORT AND THE PLAN TO THE CAPITAL DEVELOPMENT
56 COMMITTEE OF THE GENERAL ASSEMBLY. THE CAPITAL DEVELOPMENT

1 COMMITTEE SHALL APPROVE THE PLAN OR REFER ITS RECOMMENDATIONS
2 REGARDING THE PLAN, WITH WRITTEN COMMENTS, TO THE EXECUTIVE
3 DIRECTOR AND THE OFFICE OF STATE PLANNING AND BUDGETING.

4
5 (5) APPROVAL OF THE PLAN BY THE OFFICE OF STATE PLANNING
6 AND BUDGETING SHALL NOT AUTHORIZE THE DEPARTMENT TO EXPEND
7 ANY MONEYS ON THE ANNUAL LEASE-PURCHASE PAYMENT IN ANY FISCAL
8 YEAR IN AN AMOUNT GREATER THAN THE PROJECTED ANNUAL RENT COSTS
9 OF THE STATE AGENCIES PLUS ANY RENTAL PAYMENTS PROJECTED TO BE
10 RECEIVED FROM NON-STATE LESSEES FOR SUCH FISCAL YEAR, ADJUSTED
11 AS APPROPRIATE TO ACCOUNT FOR ANY DIFFERENCES IN SERVICES
12 PROVIDED TO, OR COSTS PAID FOR THE BENEFIT OF, THE STATE UNDER THE
13 RELATED LEASES AND LEASE-PURCHASE AGREEMENTS.

14
15 (6) THE STATE OF COLORADO, ACTING BY AND THROUGH THE
16 STATE TREASURER, FOR THE USE AND BENEFIT OF THE DEPARTMENT MAY,
17 AT THE STATE TREASURER'S SOLE DISCRETION, ENTER INTO ONE OR MORE
18 LEASE-PURCHASE AGREEMENTS AUTHORIZED BY SUBSECTION (2) OF THIS
19 SECTION WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR
20 COMMERCIAL BANK AS A TRUSTEE, AS LESSOR.

21
22 (7) (a) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN
23 SUBSECTION (2) OF THIS SECTION SHALL PROVIDE THAT ALL OF THE
24 OBLIGATIONS OF THE STATE UNDER THE LEASE-PURCHASE AGREEMENT
25 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN
26 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS
27 THEREUNDER. THE LEASE-PURCHASE AGREEMENT SHALL ALSO PROVIDE
28 THAT THE OBLIGATIONS SHALL NOT BE DEEMED OR CONSTRUED AS
29 CREATING AN INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY
30 PROVISION OF THE STATE CONSTITUTION OR THE LAWS OF THE STATE OF
31 COLORADO CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY
32 THE STATE OF COLORADO AND SHALL NOT CONSTITUTE A MULTIPLE
33 FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION
34 OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF
35 THE STATE CONSTITUTION. IN THE EVENT THE STATE OF COLORADO DOES
36 NOT RENEW A LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION
37 (2) OF THIS SECTION, THE SOLE SECURITY AVAILABLE TO THE LESSOR
38 SHALL BE THE PROPERTY ENCUMBERED TO SECURE THE NONRENEWED
39 LEASE-PURCHASE AGREEMENT OR EQUIVALENT SUBSTITUTE COLLATERAL
40 PROVIDED BY THE STATE.

41
42 (b) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION
43 (2) OF THIS SECTION MAY CONTAIN SUCH TERMS, PROVISIONS, AND
44 CONDITIONS AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE
45 OF COLORADO AND FOR THE USE AND BENEFIT OF THE DEPARTMENT, MAY
46 DEEM APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT A
47 LEASE-PURCHASE AGREEMENT:

48
49 (I) SHALL NOT EXCEED IN ITS TERM THE SHORTER OF THE
50 REMAINING USEFUL LIFE OF THE BUILDING OR TWENTY-FIVE YEARS; AND

51
52 (II) SHALL SPECIFICALLY AUTHORIZE THE STATE OF COLORADO:

53
54 (A) TO RECEIVE TITLE TO ALL REAL AND PERSONAL PROPERTY
55 THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR
56 TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT;

1 AND

2

3 (B) TO REDUCE THE TERM OF THE LEASE THROUGH PREPAYMENT
4 OF RENTAL AND OTHER PAYMENTS SUBJECT TO THE TERMS OF THE
5 LEASE-PURCHASE AGREEMENT AND ANY ANCILLARY AGREEMENT.

6

7 (c) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION
8 (2) OF THIS SECTION MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND
9 SALE OF INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND
10 OTHER PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE
11 AGREEMENT. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY
12 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING
13 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE
14 STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE
15 STATE AND SHALL NOT CONSTITUTE A MULTIPLE FISCAL-YEAR DIRECT OR
16 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN
17 THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE
18 CONSTITUTION.

19

20 (d) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT
21 AUTHORIZED IN SUBSECTION (2) OF THIS SECTION, INCLUDING INTEREST
22 REPRESENTED BY THE INSTRUMENTS, SHALL BE EXEMPT FROM COLORADO
23 INCOME TAX.

24

25 (e) THE STATE OF COLORADO, ACTING THROUGH THE STATE
26 TREASURER, FOR THE USE AND BENEFIT OF THE DEPARTMENT, IS
27 AUTHORIZED, IF THE EXECUTIVE DIRECTOR CONCURS, TO ENTER INTO
28 ANCILLARY AGREEMENTS AND INSTRUMENTS AS ARE DEEMED NECESSARY
29 OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE AGREEMENT,
30 INCLUDING BUT NOT LIMITED TO GROUND LEASES, SITE LEASES,
31 EASEMENTS, OR OTHER INSTRUMENTS RELATING TO THE REAL PROPERTY
32 ON WHICH THE FACILITIES ARE LOCATED; EXCEPT THAT NO ANCILLARY
33 AGREEMENT IS AUTHORIZED THAT WOULD CAUSE THE ANNUAL
34 LEASE-PURCHASE PAYMENT TO EXCEED THE ANNUAL RENT COSTS
35 APPROPRIATED TO THE STATE AGENCIES PRIOR TO THE LEASE-PURCHASE
36 AGREEMENT PLUS ANY RENT PROJECTED TO BE RECEIVED FROM
37 NON-STATE LESSEES.

38

39 (f) A LEASE-PURCHASE AGREEMENT AUTHORIZED IN SUBSECTION
40 (2) OF THIS SECTION MAY REQUIRE THE STATE TO PROVIDE INSURANCE;
41 EXCEPT THAT NO INSURANCE IS AUTHORIZED THAT WOULD CAUSE THE
42 ANNUAL LEASE-PURCHASE PAYMENT TO EXCEED THE ANNUAL RENT COSTS
43 OF THE STATE AGENCIES PRIOR TO THE LEASE-PURCHASE AGREEMENT PLUS
44 ANY RENT PROJECTED TO BE RECEIVED FROM NON-STATE LESSEES,
45 ADJUSTED AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS
46 SECTION. THE INSURANCE MAY BE PROVIDED THROUGH THE SELF-INSURED
47 PROPERTY FUND CREATED PURSUANT TO SECTION 24-30-1510.5.

48

49 (8) ANY PROVISION OF THE FISCAL RULES PROMULGATED
50 PURSUANT TO SECTION 24-30-202 (1) AND (13) THAT THE STATE
51 CONTROLLER DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH
52 RESPECT TO SAID LEASE-PURCHASE AGREEMENTS OR ANY SUCH
53 ANCILLARY AGREEMENT MAY BE WAIVED BY THE CONTROLLER OR HIS OR
54 HER DESIGNEE.

55

56 (9) IF A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO

1 SUBSECTION (2) OF THIS SECTION IS EXECUTED, DURING THE TERM OF THE
2 LEASE-PURCHASE AGREEMENT, MONEYS THAT AT THE TIME OF THE
3 EXECUTION ARE APPROPRIATED TO A STATE AGENCY FOR RENTAL
4 PAYMENTS IN AN AMOUNT EQUAL TO THE ANNUAL LEASE-PURCHASE
5 PAYMENT, LESS ANY PAYMENTS PROJECTED TO BE RECEIVED FROM
6 NON-STATE LESSEES PURSUANT TO SUBSECTION (10) OF THIS SECTION,
7 SHALL BE TRANSFERRED TO THE LEASE-PURCHASE SERVICING ACCOUNT OF
8 THE CAPITAL CONSTRUCTION FUND, CREATED IN SECTION 24-75-302 (3.5),
9 AND, SUBJECT TO ANNUAL APPROPRIATION, SHALL BE USED TO PAY THE
10 ANNUAL LEASE-PURCHASE PAYMENTS FOR THE PROPERTY THAT IS THE
11 SUBJECT OF THE LEASE-PURCHASE AGREEMENT OR FOR OPERATING,
12 MAINTENANCE, AND CONTROLLED MAINTENANCE COSTS FOR THE
13 PROPERTY SUBJECT TO THE LEASE-PURCHASE AGREEMENT. MONEYS HELD
14 IN THE LEASE-PURCHASE SERVICING ACCOUNT SHALL BE FOR THE BENEFIT
15 OF THE DEPARTMENT.

16
17 (10) (a) IF THE EXECUTIVE DIRECTOR DETERMINES THAT, IN A
18 PROPERTY SUBJECT TO A LEASE-PURCHASE AGREEMENT AUTHORIZED
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THERE IS SPACE THAT IS
20 NOT NEEDED BY A STATE AGENCY, THE EXECUTIVE DIRECTOR,
21 SEPARATELY OR IN CONJUNCTION WITH THE STATE BOARD OF LAND
22 COMMISSIONERS OR ANOTHER PERSON, MAY:

23
24 (I) HIRE A BUILDING MANAGER TO MANAGE THE SPACE; OR

25
26 (II) SUBJECT TO THE APPROVAL OF THE OFFICE OF STATE PLANNING
27 AND BUDGETING, LEASE THE SPACE TO ANY PERSON ON COMMERCIALY
28 REASONABLE TERMS.

29
30 (b) (I) ANY MONEYS RECEIVED BY THE EXECUTIVE DIRECTOR ON
31 BEHALF OF NON-STATE LESSEES PURSUANT TO PARAGRAPH (a) OF THIS
32 SUBSECTION (10) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
33 SHALL CREDIT THE SAME TO THE LEASE-PURCHASE RENTAL CASH FUND
34 FOR THE BENEFIT OF THE DEPARTMENT, WHICH FUND IS HEREBY CREATED
35 AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE
36 FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
37 ASSEMBLY TO THE DEPARTMENT OF PERSONNEL AND SHALL ONLY BE USED
38 FOR THE ANNUAL LEASE-PURCHASE PAYMENTS FOR LEASE-PURCHASE
39 AGREEMENTS AUTHORIZED PURSUANT TO SUBSECTION (2) OF THIS SECTION
40 OR FOR OPERATING, MAINTENANCE, AND CONTROLLED MAINTENANCE
41 COSTS FOR THE BUILDINGS SUBJECT TO THE LEASE-PURCHASE
42 AGREEMENTS.

43
44 (II) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
45 OF THIS SUBSECTION (10) MAY BE INVESTED BY THE STATE TREASURER AS
46 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
47 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
48 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
49 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
50 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
51 GENERAL FUND OR ANOTHER FUND.

52
53 **SECTION 2.** 24-75-302, Colorado Revised Statutes, is amended
54 BY THE ADDITION OF A NEW SUBSECTION to read:

55
56 **24-75-302. Capital construction fund - capital assessment fees**

1 - **calculation.** (3.5) THERE IS HEREBY CREATED A SPECIAL ACCOUNT
 2 WITHIN THE CAPITAL CONSTRUCTION FUND ESTABLISHED PURSUANT TO
 3 SUBSECTION (1) OF THIS SECTION TO BE KNOWN AS THE "LEASE-PURCHASE
 4 SERVICING ACCOUNT" FOR THE BENEFIT OF THE DEPARTMENT OF
 5 PERSONNEL. THE STATE TREASURER SHALL DEPOSIT INTO THE
 6 LEASE-PURCHASE SERVICING ACCOUNT ALL MONEYS TRANSFERRED OR
 7 RECEIVED PURSUANT TO SECTION 24-82-802 (9). MONEYS IN THE
 8 LEASE-PURCHASE SERVICING ACCOUNT SHALL BE SUBJECT TO ANNUAL
 9 APPROPRIATION AND SHALL ONLY BE USED TO PAY ANNUAL
 10 LEASE-PURCHASE PAYMENTS, AS DEFINED IN SECTION 24-82-802 (1) (a),
 11 FOR LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO SECTION
 12 24-82-802 OR FOR OPERATING, MAINTENANCE, AND CONTROLLED
 13 MAINTENANCE COSTS AND TO ESTABLISH A RESERVE FOR CONTROLLED
 14 MAINTENANCE COSTS FOR THE BUILDINGS SUBJECT TO THE
 15 LEASE-PURCHASE AGREEMENTS. ALL INTEREST AND INCOME DERIVED
 16 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE ACCOUNT SHALL
 17 BE CREDITED TO THE ACCOUNT. ALL MONEYS REMAINING IN THE ACCOUNT
 18 AT THE END OF A FISCAL YEAR THAT ARE UNEXPENDED OR
 19 UNENCUMBERED SHALL REMAIN IN THE ACCOUNT.

20
 21 **SECTION 3. Safety clause.** The general assembly hereby finds,
 22 determines, and declares that this act is necessary for the immediate
 23 preservation of the public peace, health, and safety."

24
 25 Page 1, strike lines 101 through 103 and substitute:

26
 27 "**CONCERNING THE AUTHORITY OF THE STATE TREASURER TO ENTER**
 28 **INTO LEASE-PURCHASE AGREEMENTS FOR THE DEPARTMENT OF**
 29 **PERSONNEL.**"

30
 31
 32
 33 **SB10-176** be referred to the Committee of the Whole with favorable
 34 recommendation.

35
 36
 37
 38
 39 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

40
 41 The Speaker has signed: **HB10-1010, 1011, 1043, 1052, 1107, 1108,**
 42 **1137, 1143, 1165, 1202, 1212, 1215, 1245, 1365.**

43
 44
 45
 46 **DELIVERY OF BILLS TO GOVERNOR**

47
 48 The Chief Clerk of the House of Representatives reports the following
 49 bills have been delivered to the Office of the Governor: **HB10-1010,**
 50 **1020, 1026, 1052, 1104, 1135, 1137, 1143, 1167, 1212, 1216, 1226,**
 51 **1233, 1255, 1256, 1346** at 10:33 a.m. on April 8, 2010.

52
 53
 54
 55

INTRODUCTION OF BILLS
First Reading

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The following bills were read by title and referred to the committees indicated:

HB10-1398 by Representative(s) Fischer; also Senator(s) Whitehead--
Concerning the species conservation trust fund, and, in
connection therewith, approving the species conservation
eligibility list.

Committee on Agriculture, Livestock, & Natural Resources

HB10-1399 by Representative(s) Weissmann; also Senator(s) Gibbs--
Concerning the authority of the Colorado bureau of
investigation to assist a chief of a fire department in the
investigation of a fire related to the crime of arson.

Committee on Judiciary

HB10-1400 by Representative(s) Apuan, Ferrandino; also Senator(s)
Johnston, Steadman--Concerning refund anticipation loan
facilitators, and, in connection therewith, requiring refund
anticipation loan facilitators to be registered as electronic
return originators with the federal internal revenue service
and to make certain disclosures when facilitating refund
anticipation loans.

Committee on Business Affairs and Labor

SB10-133 by Senator(s) Heath and Romer; also Representative(s)
Rice--Concerning the creation of an income tax credit to
incentivize Colorado businesses to rehire laid-off workers
sooner.

Committee on Business Affairs and Labor

Committee on Finance

SB10-153 by Senator(s) Boyd; also Representative(s) Frangas--
Concerning behavioral health transformation.

Committee on Health and Human Services

SB10-171 by Senator(s) Newell, Bacon, Boyd, Heath, Hodge, Hudak,
Keller, Kester, Lundberg, Morse, Penry, Romer, Shaffer
B., Spence, Steadman, Williams; also Representative(s)
Gagliardi, Acree, Casso, DelGrosso, Ferrandino, Frangas,
Hullinghorst, Kefalas, Kerr J., Labuda, Levy, McNulty,
Middleton, Nikkel, Primavera, Rice, Ryden, Scanlan,
Todd, Tyler--Concerning the creation of a child protection
ombudsman program.

Committee on Health and Human Services

SB10-182 by Senator(s) Schwartz, Foster, Kester, Newell; also
Representative(s) Peniston--Concerning the
implementation of certain recommendations of the county
elected officials' salary commission.

Committee on Local Government

INTRODUCTION OF CONCURRENT RESOLUTION

The following resolution was read by title and referred to the committee indicated:

HCR10-1004 by Representative(s) Lambert; also Senator(s) Sandoval-- Submitting to the registered electors of the state of Colorado an amendment to section 3 of article VIII of the constitution of the state of Colorado, concerning a process for temporarily moving the seat of government in a disaster emergency that substantially affects the ability of the state government to operate in the city and county of Denver, and, in connection therewith, requiring the general assembly to convene in a temporary meeting location designated by the governor and authorizing the general assembly to determine by law a temporary location for the seat of government of the state.

Committee on State, Veterans, & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR10-1019 by Representative(s) Baumgardner, Acree, Balmer, Bradford, Curry, DelGrosso, Fischer, Gardner B., Gardner C., Gerou, Kerr J., King S., Labuda, Lambert, Liston, Looper, Massey, May, McKinley, McNulty, Murray, Priola, Roberts, Scanlan, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Tyler, Vaad, Vigil, Waller; also Senator(s) Penry, White--Concerning the distribution of federal mineral leasing revenues to counties in Colorado.

Committee on Agriculture, Livestock, & Natural Resources

The following resolutions were read by title and laid over one day under the rules:

HJR10-1020 by Representative(s) Frangas, Fischer, McFadyen, Primavera; also Senator(s) Boyd--Concerning the inclusion of organ donation awareness education in Colorado's driver's education courses.

HJR10-1021 by Representative(s) Nikkel and McCann; also Senator(s) Newell and Kopp--Concerning recognition of the month of April as Child Abuse Prevention Month.

NOTICE OF CALENDARED ITEM(S)

On motion of Representative Weissmann, the following bill(s) calendared for Second Reading, April 8, 2010, will be laid over until April 13, 2010: **SB10-020.**

1 On motion of Representative Weissmann, the following bill(s) calendared
 2 for Second Reading, April 9, 2010, will be laid over until April 13, 2010:
 3 **SB10-110.**
 4 On motion of Representative Weissmann, the following bill(s) calendared
 5 for Second Reading, April 9, 2010, will be laid over until April 16, 2010:
 6 **HB10-1217.**
 7 On motion of Representative Weissmann, the following bill(s) calendared
 8 for Second Reading, April 12, 2010, will be laid over until
 9 April 16, 2010: **SB10-114.**

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LAY OVER OF CALENDAR ITEM(S)

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15 On motion of Representative Weissmann, the following item(s) on the
 16 Calendar (was)were laid over until April 9, retaining place on Calendar:

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18 Consideration of Third Reading--**SB10-100.**

19 Consideration of General Orders--**SB10-175, HB10-1234.**

20 Consideration of Senate Amendment(s)--**HB10-1188.**

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23 On motion of Representative Weissmann, the House adjourned until
 24 10:30 a.m., April 9, 2010.

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Approved:
 TERRANCE D. CARROLL,
 Speaker

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29 Attest:

30 MARILYN EDDINS,

31 Chief Clerk