

SB137_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs and Labor.

1 SB15-137 be amended as follows:

2 Amend reengrossed bill, page 2, line 3, strike "(8)" and substitute "(8);
3 and add (14)".

4 Page 4, after line 5 insert:

5 "(14) (a) NO LATER THAN SIXTY DAYS PRIOR TO THE CLOSING OR
6 EFFECTIVE DATE OF A CONVERSION OF A NONPROFIT PACE PROVIDER TO
7 A FOR-PROFIT PACE PROVIDER, THE NONPROFIT PACE PROVIDER SHALL:

8 (I) TRANSMIT A CONVERSION PLAN AND WRITTEN NOTICE OF THE
9 CONVERSION TO THE ATTORNEY GENERAL, WHICH CONVERSION PLAN MUST
10 INCLUDE, AT A MINIMUM:

11 (A) A COPY OF THE RESULTS OF AN INDEPENDENT VALUATION OF
12 THE FAIR MARKET VALUE OF THE BUSINESS THAT PROPOSES TO CONVERT;

13 (B) A DETAILED EXPLANATION OF THE PLANS FOR DISTRIBUTION
14 OF THE PROCEEDS OF THE CONVERSION, INCLUDING WHETHER THE
15 PROCEEDS WILL BE DISTRIBUTED TO A NEW NONPROFIT ENTITY OR TO AN
16 EXISTING ORGANIZATION AND, IF TO AN EXISTING NONPROFIT
17 ORGANIZATION, WHICH ORGANIZATION AND THE REASONS FOR SELECTING
18 THAT ORGANIZATION, OR, IF TO A NEW NONPROFIT ORGANIZATION, HOW
19 THE INITIAL BOARD OF DIRECTORS WILL BE SELECTED;

20 (C) INFORMATION ABOUT ANY COMPENSATION, BONUS, OR
21 INDUCEMENT TO ANY OFFICERS OR DIRECTORS OF THE CONVERTING ENTITY
22 RESULTING FROM THE CONVERSION; AND

23 (D) THE PACE ORGANIZATION'S AUDITED FINANCIAL STATEMENTS
24 FOR ITS THREE MOST RECENT FISCAL YEARS FOR COLORADO, AND
25 SEPARATELY, FOR THOSE OPERATIONS OUTSIDE OF COLORADO, FOR ANY
26 SUCH OPERATIONS THAT MAY BE RELATED TO THE CONVERSION; AND

27 (II) BEAR ALL COSTS ASSOCIATED WITH PUBLIC OVERSIGHT AND
28 REVIEW BY THE ATTORNEY GENERAL OF THE CONVERSION, INCLUDING THE
29 RETENTION OF OUTSIDE EXPERTS, IF ANY.

30 (b) WITHIN TEN DAYS AFTER THE RECEIPT OF THE CONVERSION
31 PLAN, THE ATTORNEY GENERAL SHALL POST THE COMPLETE CONVERSION
32 PLAN ON ITS WEB SITE AND RECEIVE PUBLIC COMMENTS ABOUT THE PLAN,
33 WHICH SHALL ALSO BE POSTED AS SOON AS PRACTICABLE TO THE
34 ATTORNEY GENERAL'S WEB SITE. PUBLIC COMMENT SHALL BE RECEIVED
35 FOR A MINIMUM OF THIRTY DAYS AND AVAILABLE ON THE WEB SITE FOR AT
36 LEAST THE DURATION OF THE COMMENT PERIOD.

37 (c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
38 THE COMMON LAW AUTHORITY OF THE ATTORNEY GENERAL."

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