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# An Act

HOUSE BILL 10-1402

BY REPRESENTATIVE(S) Riesberg, McFadyen, Casso, Court, Fischer, Gerou, Labuda, Massey, Murray, Pace, Ryden, Schafer S., Soper, Todd, Vigil, Kerr J., Sonnenberg, Carroll T.;  
also SENATOR(S) Bacon, Schwartz, Boyd, Sandoval, Williams.

CONCERNING LEGISLATIVE AUTHORIZATION OF A PRIVATELY RUN FUND-RAISING CAMPAIGN USING CAUSE-RELATED MARKETING FOR THE ESSENTIAL RESTORATION OF THE CAST IRON STRUCTURE OF THE COLORADO STATE CAPITOL DOME.

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

**SECTION 1.** Part 13 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**2-3-1304.3. Additional powers and duties of capital development committee - approval and oversight of fund-raising for the restoration of the capitol dome - legislative declaration - capitol dome restoration trust fund - repeal.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT COLORADO'S GOLD-PLATED STATE CAPITOL DOME IS AT THE CENTER OF COLORADO STATE GOVERNMENT AND IS AN ICONIC SYMBOL OF UNPARALLELED HISTORICAL SIGNIFICANCE IN THIS STATE. THE GENERAL ASSEMBLY ALSO FINDS THAT THE DOME, WHICH IS MORE THAN ONE HUNDRED

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

YEARS OLD, HAS FALLEN INTO SERIOUS DISREPAIR IN RECENT YEARS, THAT THE CAST IRON ARCHITECTURAL DETAIL ATTACHED TO THE SUPERSTRUCTURE IS RUSTING TO THE POINT THAT AN ARCHITECTURAL INSPECTION TEAM HAS DETERMINED THAT THE POTENTIAL LOSS OF STRENGTH AS A RESULT OF DETERIORATION IS A SIGNIFICANT HAZARD TO THE BUILDING AND ITS OCCUPANTS, AND THAT THE PUBLIC OBSERVATION DECK HAS BEEN CLOSED SINCE A NEARLY TEN-POUND CHUNK OF CAST IRON FELL FROM THE DOME, PROMPTING WORK CREWS TO INSTALL NETTING IN ORDER TO CATCH FALLING DEBRIS. THE GENERAL ASSEMBLY ACKNOWLEDGES THE IMPORTANCE AND URGENCY OF THE RESTORATION OF THE STATE CAPITOL DOME. THE GENERAL ASSEMBLY ALSO FINDS THAT THE DOME WAS RECOGNIZED IN 2010 AS ONE OF COLORADO'S MOST ENDANGERED PLACES BY A NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION. THE GENERAL ASSEMBLY ALSO FINDS THAT THE STATE'S CURRENT BUDGET CONSTRAINTS HAVE SIGNIFICANTLY IMPEDED THE ABILITY OF THE STATE TO PAY FOR THE NEEDED REPAIRS, WHICH ARE ESTIMATED AT A MINIMUM OF ELEVEN MILLION SIX HUNDRED THOUSAND DOLLARS. THE GENERAL ASSEMBLY ALSO FINDS THAT CREATING A BROAD-BASED, GRASSROOTS, PRIVATELY FUNDED INITIATIVE THAT DOES NOT SOLELY RELY ON THE USE OF GOVERNMENT OR PUBLIC MONEYS HAS PROVEN SUCCESSFUL IN OTHER PARTS OF THE UNITED STATES AND WOULD BE A BENEFICIAL METHOD TO RAISE THE NECESSARY MONEYS TO REPAIR THE CAPITOL DOME AND TO ENSURE THE SAFETY OF THOSE WHO WORK IN AND VISIT THE STATE CAPITOL.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF ENACTING THIS SECTION IS TO AUTHORIZE THE CAPITAL DEVELOPMENT COMMITTEE TO OVERSEE AND APPROVE A BROAD-BASED, GRASSROOTS FUND-RAISING EFFORT THAT INCLUDES CAUSE-RELATED MARKETING AND CAUSE-RELATED SPONSORSHIPS, AND THAT MAY INCLUDE OUTREACH CAMPAIGNS TO COLORADO SCHOOL CHILDREN AND TO THE PUBLIC, AND THE SOLICITATION OF GRANTS AND GIFTS, INCLUDING POSSIBLE GRANTS FROM THE STATE HISTORICAL FUND AS WELL AS OTHER STATE AND FEDERAL SOURCES, FOR THE PURPOSE OF REPAIRING THE CAPITOL DOME. THE GENERAL ASSEMBLY ALSO DECLARES THAT NOTHING IN THIS SECTION PRECLUDES THE POSSIBILITY OF APPROPRIATIONS OF STATE CAPITAL CONSTRUCTION MONEYS FOR THE PURPOSE OF REPAIRING THE CAPITOL DOME.

(2) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN SECTION 2-3-1304, AND AFTER REVIEWING AND CONSIDERING THE

RECOMMENDATIONS OF THE STATE CAPITOL BUILDING ADVISORY COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO OVERSEE AND APPROVE THE FUND-RAISING EFFORTS AND ANY ASSOCIATED AGREEMENTS MADE WITH A NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION AND A MARKETING FIRM FOR THE PURPOSE OF CONDUCTING A CAUSE-RELATED MARKETING AND CAUSE-RELATED SPONSORSHIP PROGRAM AND OTHER STRATEGIES TO RAISE MONEYS, GIFTS, GRANTS, AND IN-KIND DONATIONS FROM THE PUBLIC AND PRIVATE SECTORS TO REPAIR THE STATE CAPITOL DOME;

(b) TO REVIEW AND APPROVE ANY CAUSE-RELATED MARKETING EFFORTS AND ANY SPONSORSHIP RECOGNITIONS THAT INDICATE THE DONATIONS OF MAJOR SPONSORS, INCLUDING BUT NOT LIMITED TO THE USE OF ANY PROTECTIVE COVERING OVER THE STATE CAPITOL DOME AND RELATED SUPERSTRUCTURE DURING CONSTRUCTION FOR THE PURPOSE OF DISPLAYING ARTISTIC RENDERINGS OF THE PROJECT AND IMAGERY THAT CELEBRATES THE HISTORY, PEOPLE, AND NATURAL BEAUTY OF THE STATE. IN APPROVING CAUSE-RELATED MARKETING AND CAUSE-RELATED SPONSORSHIPS, THE COMMITTEE SHALL CONSIDER HOW THESE EFFORTS WILL PROMOTE PUBLIC SUPPORT FOR THE PROJECT AND RECOGNIZE MAJOR SPONSORS OF THE RESTORATION PROJECT IN A TASTEFUL AND APPROPRIATE MANNER CONSISTENT WITH THE IMPORTANCE AND HISTORIC NATURE OF THE STATE CAPITOL BUILDING.

(3) THE FUND-RAISING PROGRAM APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO THIS SECTION SHALL CONCLUDE PRIOR TO JULY 1, 2012.

(4) THE CAPITAL DEVELOPMENT COMMITTEE SHALL PROVIDE PERIODIC REPORTS, AS NEEDED, TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, CREATED IN SECTION 2-3-301, ABOUT THE TYPES OF FUND-RAISING EFFORTS THE CAPITAL DEVELOPMENT COMMITTEE HAS UNDER CONSIDERATION FOR APPROVAL AND THE STATUS OF THE FUND-RAISING EFFORTS FOR THE CAPITOL DOME RESTORATION PROJECT.

(5) THE CAPITOL BUILDING ADVISORY COMMITTEE SHALL REVIEW, ADVISE, AND MAKE RECOMMENDATIONS TO THE CAPITAL DEVELOPMENT COMMITTEE ON THE PROPOSED FUND-RAISING EFFORTS AND PLANS IN ACCORDANCE WITH SECTION 24-82-108 (3) (b.5), C.R.S.

(6) (a) (I) AFTER THE CAPITAL DEVELOPMENT COMMITTEE HAS APPROVED THE FUND-RAISING PROGRAM PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR THE REPAIR AND RESTORATION OF THE STATE CAPITOL DOME, THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION CONDUCTING THE FUND-RAISING PROGRAM SHALL SUBMIT QUARTERLY REPORTS TO THE CAPITAL DEVELOPMENT COMMITTEE AND TO THE DEPARTMENT OF PERSONNEL ON THE STATUS OF THE FUND-RAISING EFFORTS AND THE AMOUNT OF MONEYS RAISED, INCLUDING ANY INTEREST EARNED ON THE MONEYS AND THE AMOUNT AND TYPE OF IN-KIND GIFTS AND DONATIONS.

(II) SUBJECT TO THE CAPITAL DEVELOPMENT COMMITTEE APPROVING A CAPITAL CONSTRUCTION REQUEST, INCLUDING REQUESTS FOR SEPARATE PHASES OF THE PROJECT, FROM THE DEPARTMENT OF PERSONNEL FOR THE REPAIR AND RESTORATION OF THE STATE CAPITOL DOME AND SUBJECT TO APPROPRIATIONS BY THE GENERAL ASSEMBLY FOR THE CAPITAL CONSTRUCTION REQUEST OR THE PROCESS OUTLINED IN SECTION 24-75-111, C.R.S., FOR AN OVEREXPENDITURE IN REGARD TO A CAPITAL CONSTRUCTION BUDGET ITEM, THE DEPARTMENT OF PERSONNEL IS AUTHORIZED TO ACCEPT AND EXPEND DONATIONS OF MONEYS AND IN-KIND GIFTS AND DONATIONS RAISED BY THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR THE PURPOSES OF THE REPAIR AND RESTORATION OF THE STATE CAPITOL DOME; EXCEPT THAT THE DEPARTMENT OF PERSONNEL MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 13 OR ANY OTHER LAW OF THE STATE.

(III) AS MONEYS ARE NEEDED FOR DISCRETE PHASES OF THE DOME RESTORATION PROJECT, THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION AND THE DEPARTMENT OF PERSONNEL SHALL COORDINATE THE TIMING AND AMOUNT OF THE DONATION OF MONEYS AND IN-KIND GIFTS AND DONATIONS TO THE DEPARTMENT OF PERSONNEL.

(b) THE DEPARTMENT OF PERSONNEL SHALL TRANSMIT THE MONEYS RECEIVED AS DONATIONS FROM THE FUND-RAISING EFFORTS CONSISTENT WITH THE AGREEMENTS APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CAPITOL DOME RESTORATION TRUST FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "TRUST FUND". THE MONEYS IN THE TRUST FUND

SHALL BE USED ONLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE REPAIR OF THE STATE CAPITOL DOME. THE MONEYS IN THE TRUST FUND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY CONSISTENT WITH A CAPITAL CONSTRUCTION FUNDING REQUEST APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE FOR THE PURPOSE OF THE REPAIR AND RESTORATION OF THE CAPITOL DOME. ANY MONEYS IN THE TRUST FUND NOT EXPENDED OR OBLIGATED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE TRUST FUND SHALL BE CREDITED TO THE TRUST FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TRUST FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE TRUST FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(c) IF A GRANT IS MADE BY THE STATE HISTORICAL SOCIETY FROM THE STATE HISTORICAL FUND FOR THE CAPITOL DOME RESTORATION PROJECT, THE ADMINISTRATIVE FEE RETAINED BY THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION AS A COMMISSION FOR CONDUCTING THE CAUSE-RELATED FUND-RAISING PROGRAM SHALL NOT APPLY TO SUCH GRANT.

(7) (a) SUBSECTIONS (1) TO (5) OF THIS SECTION ARE REPEALED, EFFECTIVE JULY 1, 2012.

(b) THIS SUBSECTION (7) AND SUBSECTION (6) OF THIS SECTION ARE REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 2.** 24-82-108 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-82-108. State capitol building advisory committee - creation - repeal.** (3) The advisory committee shall have the following duties:

(b.5) (I) THE ADVISORY COMMITTEE SHALL REVIEW, ADVISE, AND MAKE RECOMMENDATIONS TO THE CAPITAL DEVELOPMENT COMMITTEE WITH RESPECT TO THE FUND-RAISING EFFORTS FOR THE REPAIR OF THE STATE CAPITOL DOME, AS DESCRIBED IN SECTION 2-3-1304.3, C.R.S. THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION AND THE MARKETING FIRM THAT WILL BE CONDUCTING THE CAUSE-RELATED

MARKETING AND SPONSORSHIP PROGRAM AND OTHER FUND-RAISING STRATEGIES FOR THE DOME RESTORATION SHALL SUBMIT PROPOSALS FOR THE FUND-RAISING EFFORTS AND ANY ASSOCIATED AGREEMENTS TO THE ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL REVIEW, ADVISE, AND MAKE RECOMMENDATIONS TO THE CAPITAL DEVELOPMENT COMMITTEE ABOUT ANY PROPOSED CAUSE-RELATED MARKETING EFFORTS, INCLUDING THE APPROPRIATE AND PERMISSIBLE USE OF SIGNS, LOGOS, OR WORDING THAT INDICATE THE DONATIONS OF MAJOR SPONSORS TO THE RESTORATION PROJECT AND INCLUDING THE USE OF ANY PROTECTIVE COVERING OVER THE STATE CAPITOL DOME AND RELATED SUPERSTRUCTURE DURING CONSTRUCTION FOR THE PURPOSE OF DISPLAYING ARTISTIC RENDERINGS OF THE PROJECT AND IMAGERY THAT CELEBRATES THE HISTORY, PEOPLE, AND NATURAL BEAUTY OF THE STATE. THE ADVISORY COMMITTEE SHALL EVALUATE AND CONSIDER HOW THESE EFFORTS WILL PROMOTE PUBLIC SUPPORT FOR THE PROJECT AND RECOGNIZE MAJOR SPONSORS OF THE RESTORATION PROJECT IN A TASTEFUL AND APPROPRIATE MANNER CONSISTENT WITH THE IMPORTANCE AND HISTORIC NATURE OF THE STATE CAPITOL BUILDING. THE ADVISORY COMMITTEE SHALL ALSO REVIEW, ADVISE, AND MAKE RECOMMENDATIONS ABOUT OTHER FUND-RAISING STRATEGIES TO SOLICIT DONATIONS FOR THE DOME RESTORATION. THE ADVISORY COMMITTEE SHALL SUBMIT A WRITTEN REPORT TO THE CAPITAL DEVELOPMENT COMMITTEE AND TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, CREATED IN SECTION 2-3-301, C.R.S., CONTAINING THE ADVISORY COMMITTEE'S FINDINGS AND RECOMMENDATIONS.

(II) THIS PARAGRAPH (b.5) IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 3. 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.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO