

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 10-1048.01 Debbie Haskins

HOUSE BILL 10-1402

HOUSE SPONSORSHIP

Riesberg, McFadyen

SENATE SPONSORSHIP

Bacon, Schwartz

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

Finance

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

Capital Development Committee. The bill authorizes the capital development committee (CDC) to oversee and approve a 2-year

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Am ended 2nd Reading
May 10, 2010

HOUSE
3rd Reading Unamended
April 27, 2010

HOUSE
Am ended 2nd Reading
April 26, 2010

fund-raising effort and any associated agreements made with a nonprofit, statewide historic preservation organization (nonprofit) and a marketing firm for a cause-related marketing and cause-related sponsorship program and grassroots public campaigns to raise moneys to repair the state capitol dome. The CDC would review and approve any cause-related marketing, including but not limited to the use of any protective covering over the state capitol dome and related superstructure during construction. In approving any cause-related marketing and cause-related sponsorships, the CDC 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. The CDC will provide periodic reports, as needed, to the executive committee of the legislative council about the types of fund-raising efforts the CDC has under consideration for approval and about the status of the fund-raising efforts for the dome restoration project.

The bill authorizes the state capitol building advisory committee to review, advise, and make recommendations to the CDC about the proposed fund-raising efforts for the repair of the dome. The state capitol building advisory committee shall submit a written report with the recommendations to the CDC and to the executive committee of the legislative council.

The nonprofit shall make periodic reports to the CDC and to the department of personnel on the status of the fund-raising efforts and the amount of moneys that have been raised. As moneys are needed for discrete phases of the restoration project, the nonprofit and the department of personnel shall coordinate the timing and amount of the donation of moneys raised through the cause-related marketing and cause-related sponsorship program and the grassroots public campaigns to the department of personnel. Such moneys shall be credited to the capitol dome restoration trust fund, which is created in the state treasury, and shall be used to pay for the expenses of the dome restoration project pursuant to an approved capital construction project request and subject to appropriations by the general assembly for such capital construction project.

The bill repeals the authority of the CDC to oversee the fund-raising process and repeals the advisory role of the state capitol building advisory committee regarding the fund-raising efforts on July 1, 2012. The remainder of the act is repealed, effective July 1, 2014.

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

2 **SECTION 1.** Part 13 of article 3 of title 2, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **2-3-1304.3. Additional powers and duties of capital**
4 **development committee - approval and oversight of fund-raising for**
5 **the restoration of the capitol dome - legislative declaration - capitol**
6 **dome restoration trust fund - repeal.** (1) (a) THE GENERAL ASSEMBLY

7 HEREBY FINDS THAT COLORADO'S GOLD-PLATED STATE CAPITOL DOME IS
8 AT THE CENTER OF COLORADO STATE GOVERNMENT AND IS AN ICONIC
9 SYMBOL OF UNPARALLELED HISTORICAL SIGNIFICANCE IN THIS STATE.

10 THE GENERAL ASSEMBLY ALSO FINDS THAT THE DOME, WHICH IS MORE
11 THAN ONE HUNDRED YEARS OLD, HAS FALLEN INTO SERIOUS DISREPAIR IN
12 RECENT YEARS, THAT THE CAST IRON ARCHITECTURAL DETAIL ATTACHED
13 TO THE SUPERSTRUCTURE IS RUSTING TO THE POINT THAT AN
14 ARCHITECTURAL INSPECTION TEAM HAS DETERMINED THAT THE
15 POTENTIAL LOSS OF STRENGTH AS A RESULT OF DETERIORATION IS A
16 SIGNIFICANT HAZARD TO THE BUILDING AND ITS OCCUPANTS, AND THAT
17 THE PUBLIC OBSERVATION DECK HAS BEEN CLOSED SINCE A NEARLY
18 TEN-POUND CHUNK OF CAST IRON FELL FROM THE DOME, PROMPTING
19 WORK CREWS TO INSTALL NETTING IN ORDER TO CATCH FALLING DEBRIS.

20 THE GENERAL ASSEMBLY ACKNOWLEDGES THE IMPORTANCE AND
21 URGENCY OF THE RESTORATION OF THE STATE CAPITOL DOME. THE
22 GENERAL ASSEMBLY ALSO FINDS THAT THE DOME WAS RECOGNIZED IN
23 2010 AS ONE OF COLORADO'S MOST ENDANGERED PLACES BY A
24 NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION. THE
25 GENERAL ASSEMBLY ALSO FINDS THAT THE STATE'S CURRENT BUDGET
26 CONSTRAINTS HAVE SIGNIFICANTLY IMPEDED THE ABILITY OF THE STATE
27 TO PAY FOR THE NEEDED REPAIRS, WHICH ARE ESTIMATED AT A MINIMUM

1 OF ELEVEN MILLION SIX HUNDRED THOUSAND DOLLARS. THE GENERAL
2 ASSEMBLY ALSO FINDS THAT CREATING A BROAD-BASED, GRASSROOTS,
3 PRIVATELY FUNDED INITIATIVE THAT DOES NOT SOLELY RELY ON THE USE
4 OF GOVERNMENT OR PUBLIC MONEYS HAS PROVEN SUCCESSFUL IN OTHER
5 PARTS OF THE UNITED STATES AND WOULD BE A BENEFICIAL METHOD TO
6 RAISE THE NECESSARY MONEYS TO REPAIR THE CAPITOL DOME AND TO
7 ENSURE THE SAFETY OF THOSE WHO WORK IN AND VISIT THE STATE
8 CAPITOL.

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

22 (2) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN SECTION
23 2-3-1304, AND AFTER REVIEWING AND CONSIDERING THE
24 RECOMMENDATIONS OF THE STATE CAPITOL BUILDING ADVISORY
25 COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE SHALL HAVE THE
26 FOLLOWING POWERS AND DUTIES:

27 (a) TO OVERSEE AND APPROVE THE FUND-RAISING EFFORTS AND

1 ANY ASSOCIATED AGREEMENTS MADE WITH A NONPROFIT, STATEWIDE
2 HISTORIC PRESERVATION ORGANIZATION AND A MARKETING FIRM FOR THE
3 PURPOSE OF CONDUCTING A CAUSE-RELATED MARKETING AND
4 CAUSE-RELATED SPONSORSHIP PROGRAM AND OTHER STRATEGIES TO
5 RAISE MONEYS, GIFTS, GRANTS, AND IN-KIND DONATIONS FROM THE
6 PUBLIC AND PRIVATE SECTORS TO REPAIR THE STATE CAPITOL DOME;

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

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

23 (4) THE CAPITAL DEVELOPMENT COMMITTEE SHALL PROVIDE
24 PERIODIC REPORTS, AS NEEDED, TO THE EXECUTIVE COMMITTEE OF THE
25 LEGISLATIVE COUNCIL, CREATED IN SECTION 2-3-301, ABOUT THE TYPES
26 OF FUND-RAISING EFFORTS THE CAPITAL DEVELOPMENT COMMITTEE HAS
27 UNDER CONSIDERATION FOR APPROVAL AND THE STATUS OF THE

1 FUND-RAISING EFFORTS FOR THE CAPITOL DOME RESTORATION PROJECT.

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

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

16 (II) SUBJECT TO THE CAPITAL DEVELOPMENT COMMITTEE
17 APPROVING A CAPITAL CONSTRUCTION REQUEST, INCLUDING REQUESTS
18 FOR SEPARATE PHASES OF THE PROJECT, FROM THE DEPARTMENT OF
19 PERSONNEL FOR THE REPAIR AND RESTORATION OF THE STATE CAPITOL
20 DOME AND SUBJECT TO APPROPRIATIONS BY THE GENERAL ASSEMBLY FOR
21 THE CAPITAL CONSTRUCTION REQUEST OR THE PROCESS OUTLINED IN
22 SECTION 24-75-111, C.R.S., FOR AN OVEREXPENDITURE IN REGARD TO A
23 CAPITAL CONSTRUCTION BUDGET ITEM, THE DEPARTMENT OF PERSONNEL
24 IS AUTHORIZED TO ACCEPT AND EXPEND DONATIONS OF MONEYS AND
25 IN-KIND GIFTS AND DONATIONS RAISED BY THE NONPROFIT, STATEWIDE
26 HISTORIC PRESERVATION ORGANIZATION AS DESCRIBED IN SUBSECTION (2)
27 OF THIS SECTION FOR THE PURPOSES OF THE REPAIR AND RESTORATION OF

1 THE STATE CAPITOL DOME; EXCEPT THAT THE DEPARTMENT OF PERSONNEL
2 MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
3 CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 13 OR ANY OTHER
4 LAW OF THE STATE.

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

11 (b) THE DEPARTMENT OF PERSONNEL SHALL TRANSMIT THE
12 MONEYS RECEIVED AS DONATIONS FROM THE FUND-RAISING EFFORTS
13 CONSISTENT WITH THE AGREEMENTS APPROVED BY THE CAPITAL
14 DEVELOPMENT COMMITTEE PURSUANT TO SUBSECTION (2) OF THIS SECTION
15 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CAPITOL
16 DOME RESTORATION TRUST FUND, WHICH FUND IS HEREBY CREATED AND
17 REFERRED TO IN THIS SECTION AS THE "TRUST FUND". THE MONEYS IN THE
18 TRUST FUND SHALL BE USED ONLY FOR THE DIRECT AND INDIRECT COSTS
19 ASSOCIATED WITH IMPLEMENTING THE REPAIR OF THE STATE CAPITOL
20 DOME. THE MONEYS IN THE TRUST FUND SHALL BE SUBJECT TO
21 APPROPRIATION BY THE GENERAL ASSEMBLY CONSISTENT WITH A CAPITAL
22 CONSTRUCTION FUNDING REQUEST APPROVED BY THE CAPITAL
23 DEVELOPMENT COMMITTEE FOR THE PURPOSE OF THE REPAIR AND
24 RESTORATION OF THE CAPITOL DOME. ANY MONEYS IN THE TRUST FUND
25 NOT EXPENDED OR OBLIGATED FOR THE PURPOSE OF THIS SECTION MAY BE
26 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL
27 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF

1 MONEYS IN THE TRUST FUND SHALL BE CREDITED TO THE TRUST FUND.
2 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE
3 TRUST FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE TRUST
4 FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
5 FUND OR ANOTHER FUND.

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

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

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

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

18 **24-82-108. State capitol building advisory committee -**
19 **creation - repeal.** (3) The advisory committee shall have the following
20 duties:

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

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

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

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