

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2011
Date

Committee on Judiciary.

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

SB11-191 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 2, strike ""ARTICLES" MEANS THE
- 2 ARTICLES OF" and substitute ""ARTICLES OF ORGANIZATION" OR
- 3 "ARTICLES" MEANS THE ARTICLES OF ORGANIZATION OF".

- 4 Page 4, line 5, after "ARTICLES" insert "OF ORGANIZATION".

- 5 Page 29, line 22, strike "OF INCORPORATION" and strike the second "OF".

- 6 Page 29, line 23, strike "INCORPORATION".

- 7 Page 96, line 11, after "7-90-102" insert "(2), (3)".

- 8 Page 96, line 13, strike "A NEW SUBSECTION," and substitute "THE
- 9 FOLLOWING NEW SUBSECTIONS,".

- 10 Page 96, after line 16 insert:

- 11 "(2) "Articles of incorporation" means, with respect to:
- 12 (a) A domestic cooperative THAT IS NOT A DOMESTIC LIMITED
- 13 COOPERATIVE ASSOCIATION, a domestic corporation, or other domestic
- 14 entity that is formed under or subject to the "Colorado Business
- 15 Corporation Act", articles 101 to 117 of this title, articles of incorporation
- 16 as that term is used in the "Colorado Business Corporation Act"; ~~With~~
- 17 ~~respect to~~

1 (b) A corporation formed under or subject to article 40 of this
2 title, ~~"articles of incorporation" means~~ A certificate of incorporation as
3 that term is used in article 40 of this title; ~~With respect to~~
4 (c) A domestic cooperative, a domestic nonprofit corporation, or
5 other domestic entity that is formed under or subject to the "Colorado
6 Revised Nonprofit Corporation Act", articles 121 to 137 of this title,
7 ~~"articles of incorporation" means~~ articles of incorporation as that term is
8 used in the "Colorado Revised Nonprofit Corporation Act"; ~~With respect~~
9 ~~to~~ AND
10 (d) A foreign corporation or foreign nonprofit corporation,
11 ~~"articles of incorporation" means~~ the corresponding document filed with
12 the jurisdiction, under the law of which the corporation or nonprofit
13 corporation is formed.
14 (3) "Articles of organization" means, with respect to:
15 (a) A domestic limited liability company, the articles of
16 organization as defined in the "Colorado Limited Liability Company
17 Act", article 80 of this title; ~~With respect to~~
18 (b) A foreign limited liability company, ~~"articles of organization"~~
19 ~~means~~ the corresponding document filed with the filing officer of the
20 jurisdiction under the law of which the foreign limited liability company
21 is formed; AND
22 (c) A DOMESTIC LIMITED COOPERATIVE ASSOCIATION, THE
23 ARTICLES OF ORGANIZATION AS DEFINED IN THE "COLORADO UNIFORM
24 LIMITED COOPERATIVE ASSOCIATION ACT", ARTICLE 58 OF THIS TITLE."

25 Page 96, after line 22 insert:

26 "(14.5) "DOMESTIC LIMITED COOPERATIVE ASSOCIATION" MEANS
27 A LIMITED COOPERATIVE ASSOCIATION FORMED UNDER OR SUBJECT TO THE
28 "COLORADO UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT",
29 ARTICLE 58 OF THIS TITLE."

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