

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 2, 2011
Date

Committee on Business, Labor and Technology.

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

SB11-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, strike lines 24 and 25 and substitute "Revised
2 Statutes, are amended to read:".

3 Page 4, strike lines 16 through 19 and substitute:

4 "(d) (I) EXCEPT WHERE VERIFIED MAIL IS REQUIRED, any notice
5 made pursuant to this section ~~shall be~~ IS presumed delivered when it is
6 EITHER:

7 (A) Deposited with the United States postal service and properly
8 addressed with postage prepaid; OR

9 (B) SENT BY ELECTRONIC MAIL TO THE LAST-KNOWN E-MAIL
10 ADDRESS PROVIDED BY THE INTENDED RECIPIENT AND RESPONDED TO
11 FROM THE SAME E-MAIL ADDRESS.

12 (II) IF THE OWNER SENDS NOTICE OF A PENDING SALE OF PROPERTY
13 TO THE OCCUPANT'S LAST-KNOWN E-MAIL ADDRESS AND DOES NOT
14 RECEIVE A RESPONSE FROM THE SAME E-MAIL ADDRESS, THE OWNER MUST
15 SEND NOTICE OF THE SALE TO THE OCCUPANT BY VERIFIED MAIL TO THE
16 OCCUPANT'S LAST-KNOWN POSTAL ADDRESS BEFORE PROCEEDING WITH
17 THE SALE."

18 Page 4, strike lines 20 through 27 and substitute:

19 "(e) ~~(f)~~ After the expiration of the time given in the notice, THE
20 OWNER SHALL ADVERTISE THE SALE OF THE PERSONAL PROPERTY EITHER

1 BY:
2 (I) Publishing an advertisement of the sale ~~or other disposition~~
3 ~~shall be published~~ once a week for two consecutive weeks in a newspaper
4 ~~of general circulation~~ PERIODICAL THAT CIRCULATES WEEKLY OR MORE
5 FREQUENTLY in the county where the self-service storage facility is
6 located; OR
7 (II) ~~The advertisement shall include:~~ ADVERTISING THE SALE IN
8 ANY OTHER COMMERCIALY REASONABLE MANNER. THE MANNER OF
9 ADVERTISEMENT IS DEEMED COMMERCIALY REASONABLE IF AT LEAST
10 THREE INDEPENDENT BIDDERS ATTEND THE SALE AT THE TIME AND PLACE
11 ADVERTISED."

12 Page 5, strike line 1.

13 Page 5, line 11, strike "(H)" and substitute "(H) (III)".

14 Page 5, line 15, after the period add "AS USED IN THIS PARAGRAPH (e),
15 "INDEPENDENT BIDDER" MEANS A BIDDER WHO IS NOT RELATED TO AND
16 WHO HAS NO CONTROLLING INTEREST IN, OR COMMON PECUNIARY
17 INTEREST WITH, THE OWNER OR ANY OTHER BIDDER."

18 Page 5, line 25, strike "CARRIER;" and substitute "CARRIER HOLDING
19 CURRENT AND VALID OPERATING AUTHORITY FROM THE COLORADO
20 PUBLIC UTILITIES COMMISSION;"

21 Page 6, strike lines 17 through 20.

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