

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2013
Date

Committee on Agriculture, Natural Resources, & Energy.

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

SB13-212 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 6, line 7, after "portion," insert "(2) (a) (I),".
- 2 Page 6, after line 14 insert:
 - 3 ~~"(I) The following two ex-officio members or their designees:~~
 - 4 ~~(A) The director of the Colorado energy office created in section~~
 - 5 ~~24-38.5-101 (1), C.R.S., OR THE DIRECTOR'S DESIGNEE; and~~
 - 6 ~~(B) The director of the Colorado office of economic development~~
 - 7 ~~created in section 24-48.5-101 (1), C.R.S.;"~~.
- 8 Page 6, line 15, strike "five" and substitute "five SIX".
- 9 Page 6, strike lines 20 and 21 and substitute:
 - 10 ~~(B) One member who has executive-level experience in the~~
 - 11 ~~lending industry~~ TWO MEMBERS WHO EACH HAVE AT LEAST TEN YEARS OF
 - 12 EXECUTIVE-LEVEL EXPERIENCE WITH ONE OR MORE FINANCIAL
 - 13 INSTITUTIONS, AT LEAST ONE OF WHOM HAS HAD SUCH EXPERIENCE WITH
 - 14 ONE OR MORE FINANCIAL INSTITUTIONS HAVING TOTAL ASSETS OF LESS
 - 15 THAN ONE BILLION DOLLARS;"
- 16 Page 8, line 9, after the period add "THE APPLICATION PROCESS MUST
- 17 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION AN OWNERS
- 18 AND ENCUMBRANCES STATEMENT ISSUED BY A DULY LICENSED COLORADO

1 TITLE INSURANCE COMPANY WITHIN THIRTY DAYS BEFORE THE DATE THE
2 APPLICATION IS SUBMITTED."

3 Page 10, line 8, strike "(2) (b) and (7);" and substitute "(1) and (2) (b);".

4 Page 10, strike line 11 and substitute "**assessment roll - manner of**
5 **collection.** (1) The approval by the district of a program application shall
6 establish the qualified applicant who submitted the application as a
7 district member, include the qualified applicant's eligible real property
8 within the boundaries of the district, entitle the district member to
9 reimbursement or a direct payment, and, subject to the provisions of
10 subsection (3) of this section, constitute the consent of the district
11 member to the levying of a special assessment on the district member's
12 eligible real property in an amount that does not exceed the value of:

13 (a) The special benefit provided to the eligible real property by the
14 new energy improvement; OR

15 (b) THE ELIGIBLE REAL PROPERTY.

16 (2) For the purpose of".

17 Page 10, strike lines 23 through 27.

18 Page 11, strike lines 1 through 9.

19 Page 11, line 24, strike "(i);" and substitute "(i) AND EACH CONSENT AND
20 THE ASSESSMENT LIEN ARE RECORDED IN THE REAL ESTATE RECORDS OF
21 THE COUNTY WHERE THE PROPERTY IS LOCATED. BEFORE THE RECORDING
22 OF THE ASSESSMENT LIEN, THE APPLICANT MUST SUBMIT TO THE DISTRICT:

23 (A) WRITTEN CONSENT TO THE ASSESSMENT BY ALL INDIVIDUALS
24 OR ENTITIES SHOWN ON THE OWNERS AND ENCUMBRANCES STATEMENT AS
25 HOLDERS OF MORTGAGES OR DEEDS OF TRUST ENCUMBERING THE
26 APPLICANT'S PROPERTY; AND

27 (B) EVIDENCE THAT THERE ARE NO DELINQUENT TAXES, SPECIAL
28 ASSESSMENTS, OR WATER OR SEWER CHARGES ON THE PROPERTY; THAT
29 THE PROPERTY IS NOT SUBJECT TO A TRUST DEED OR OTHER LIEN ON WHICH
30 THERE IS A RECORDED NOTICE OF DEFAULT, FORECLOSURE, OR
31 DELINQUENCY THAT HAS NOT BEEN CURED; AND THAT THERE ARE NO
32 INVOLUNTARY LIENS, INCLUDING A LIEN ON REAL PROPERTY OR ON THE
33 PROCEEDS OF A CONTRACT RELATING TO REAL PROPERTY, FOR SERVICES,
34 LABOR, OR MATERIALS FURNISHED IN CONNECTION WITH THE
35 CONSTRUCTION OR IMPROVEMENT OF THE PROPERTY;".

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