NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-094

BY SENATOR(S) Steadman, Bacon, Newell, Schwartz, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Romer, Spence, Tapia, Tochtrop, Whitehead, Williams;
also REPRESENTATIVE(S) Rice, Benefield, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil, Apuan, Pace, Pommer, Riesberg.

CONCERNING THE DEFINITION OF CAPITAL CONSTRUCTION APPROPRIATION FOR PURPOSES OF THE ART IN PUBLIC PLACES PROGRAM ADMINISTERED BY THE STATE COUNCIL ON THE ARTS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Art in public places is an amenity accessible to all;

(b) Art in public places has a positive impact on morale, encourages creative problem-solving, and creates a sense of respect and pride;

(c) Having art in public places stimulates the donation of moneys to

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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.

purchase additional works of art and assists recruitment efforts on college campuses while also contributing to student learning;

(d) The selected artwork for the art in public places program reflects upon Colorado's landscape and environment, cultural history, and heritage and together forms a visual interpretation and expression of the spirit of Colorado.

(2) The general assembly further finds and declares that the statutory provision pertaining to the art in public places program has been interpreted to not include capital construction projects initiated for the benefit of the state because of the focus on the statutory language that each capital construction "appropriation" is to include an allocation for the acquisition of works of art.

(3) The general assembly further declares that it is necessary to clarify the meaning of a capital construction appropriation for purposes of the art in public places program in order to ensure that art continues to be located in publicly accessible spaces inside and outside of state buildings.

SECTION 2. 24-80.5-101 (3) (a), Colorado Revised Statutes, is amended to read:

24-80.5-101. Works of art in public places - allocations therefor from capital construction costs - guidelines - fund created. (3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), each capital construction appropriation for a public construction project shall include as a nondeductible item an allocation of not less than one percent of the STATE FUNDED PORTION OF THE TOTAL capital construction costs to be used for the acquisition of works of art. ~~except that the requirements specified in this subparagraph (I) shall not apply to:~~

~~(A) Capital construction appropriations covered by section 24-80.5-102;~~

~~(B) Agricultural facilities where livestock are housed or agricultural products are grown;~~

~~(C) The diagnostic center located in the city and county of Denver;~~

~~(D) The facilities authorized by section 1 of Senate Bill No. 101, enacted at the second regular session of the fifty-fifth general assembly;~~

~~(E) The Front Range community college - Larimer campus, Mount Antero and Blanca Peak buildings renovation, phase 2 of 2;~~

~~(F) The Pueblo community college - industrial technology/technical education renovation, phase 1 of 2 and phase 2 of 2;~~

~~(G) The Morgan community college - automotive programs relocation, phase 1 of 2 and phase 2 of 2;~~

~~(H) The Fort Lewis college - exercise science/athletic facilities, phase 1 of 2 and phase 2 of 2;~~

~~(I) Department of public safety - Colorado state patrol, Grand Junction troop office construction;~~

~~(J) Department of public safety - Colorado state patrol, Castle Rock troop office construction - office portion only; and~~

~~(K) Department of personnel - North campus upgrades.~~

~~(II) and (III) Repealed.~~

~~(IV) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), the percentage of the capital construction costs for the juvenile detention and juvenile commitment beds authorized by sections 15 and 16 of House Bill 94-1340, enacted at the second regular session of the fifty-ninth general assembly, and sections 25, 26, and 27 of House Bill 95-1352, enacted at the first regular session of the sixtieth general assembly, allocated to acquisition of works of art shall be one-tenth of one percent. It is the intent of the general assembly that these allocations be utilized to acquire artworks produced by residents of the state's juvenile facilities.~~

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), COMMENCING AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, ANY CAPITAL CONSTRUCTION PROJECT THAT IS THE SUBJECT OF A LEASE-PURCHASE AGREEMENT, AS DEFINED IN SECTION 24-82-801 (4), THAT PROVIDES FOR LEASE PAYMENTS FROM MONEYS THAT

HAVE BEEN APPROPRIATED IN FULL OR IN PART BY THE STATE SHALL INCLUDE AS A NONDEDUCTIBLE ITEM IN THE PROJECT BUDGET AN ALLOCATION OF NOT LESS THAN ONE PERCENT OF THE TOTAL CONSTRUCTION COSTS TO BE USED FOR THE ACQUISITION OF WORKS OF ART.

(III) THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (a) SHALL NOT APPLY TO:

(A) CAPITAL CONSTRUCTION APPROPRIATIONS COVERED BY SECTION 24-80.5-102;

(B) AGRICULTURAL FACILITIES WHERE LIVESTOCK ARE HOUSED OR AGRICULTURAL PRODUCTS ARE GROWN;

(C) CAPITAL CONSTRUCTION APPROPRIATIONS FOR CONTROLLED MAINTENANCE AS DEFINED IN SECTION 24-30-1301 (2);

(D) ANY LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE STATE TREASURER ON BEHALF OF THE STATE PURSUANT TO ARTICLE 43.7 OF TITLE 22, C.R.S.;

(E) ANY CONSTRUCTION BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR CLEANUP AND REDEVELOPMENT OF CONTAMINATED SITES; AND

(F) ANY STATE APPROPRIATION FOR CHARTER SCHOOL CAPITAL CONSTRUCTION PURSUANT TO PART 4 OF ARTICLE 30.5 OF TITLE 22, C.R.S.

SECTION 3. 24-82-801, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-82-801. Lease-purchase agreements for acquisition of real or personal property. (8) ALL LEASE-PURCHASE AGREEMENTS DESCRIBED IN SECTION 24-80.5-101 (3) (a) (II) SHALL INCLUDE THE TERMS SPECIFIED IN SAID SECTION.

SECTION 4. 24-48.5-312 (3) (a), Colorado Revised Statutes, as amended by Senate Bill 10-158, is amended to read:

24-48.5-312. [Formerly 24-80.5-101] Art in public places

program - allocations from capital construction costs - guidelines - fund created - definitions - repeal. (3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), each capital construction appropriation for a public construction project shall include as a nondeductible item an allocation of not less than one percent of the STATE FUNDED PORTION OF THE TOTAL capital construction costs to be used for the acquisition of works of art. ~~except that the requirements specified in this subparagraph (I) shall not apply to:~~

~~(A) Capital construction appropriations covered by section 24-48.5-313;~~

~~(B) Agricultural facilities where livestock are housed or agricultural products are grown;~~

~~(C) The diagnostic center located in the city and county of Denver;~~

~~(D) The facilities authorized by section 1 of Senate Bill 86-101, enacted in 1986;~~

~~(E) The Front Range community college - Larimer campus, Mount Antero and Blanca Peak buildings renovation, phase 2 of 2;~~

~~(F) The Pueblo community college - industrial technology/technical education renovation, phase 1 of 2 and phase 2 of 2;~~

~~(G) The Morgan community college - automotive programs relocation, phase 1 of 2 and phase 2 of 2;~~

~~(H) The Fort Lewis college - exercise science/athletic facilities, phase 1 of 2 and phase 2 of 2;~~

~~(I) Department of public safety - Colorado state patrol, Grand Junction troop office construction;~~

~~(J) Department of public safety - Colorado state patrol, Castle Rock troop office construction - office portion only; and~~

~~(K) Department of personnel - North campus upgrades.~~

(II) ~~Notwithstanding the provisions of subparagraph (I) of this paragraph (a), the percentage of the capital construction costs for the juvenile detention and juvenile commitment beds authorized by sections 15 and 16 of House Bill 94-1340, enacted in 1994, and sections 25, 26, and 27 of House Bill 95-1352, enacted in 1995, allocated to acquisition of works of art shall be one-tenth of one percent. It is the intent of the general assembly that these allocations be utilized to acquire artworks produced by residents of the state's juvenile facilities.~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), COMMENCING AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, ANY CAPITAL CONSTRUCTION PROJECT THAT IS THE SUBJECT OF A LEASE-PURCHASE AGREEMENT, AS DEFINED IN SECTION 24-82-801 (4), THAT PROVIDES FOR LEASE PAYMENTS FROM MONEYS THAT HAVE BEEN APPROPRIATED IN FULL OR IN PART BY THE STATE SHALL INCLUDE AS A NONDEDUCTIBLE ITEM IN THE PROJECT BUDGET AN ALLOCATION OF NOT LESS THAN ONE PERCENT OF THE TOTAL CONSTRUCTION COSTS TO BE USED FOR THE ACQUISITION OF WORKS OF ART.

(III) THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (a) SHALL NOT APPLY TO:

(A) CAPITAL CONSTRUCTION APPROPRIATIONS COVERED BY SECTION 24-48.5-313;

(B) AGRICULTURAL FACILITIES WHERE LIVESTOCK ARE HOUSED OR AGRICULTURAL PRODUCTS ARE GROWN;

(C) CAPITAL CONSTRUCTION APPROPRIATIONS FOR CONTROLLED MAINTENANCE AS DEFINED IN SECTION 24-30-1301 (2);

(D) ANY LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE STATE TREASURER ON BEHALF OF THE STATE PURSUANT TO ARTICLE 43.7 OF TITLE 22, C.R.S.;

(E) ANY CONSTRUCTION BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR CLEANUP AND REDEVELOPMENT OF CONTAMINATED SITES; AND

(F) ANY STATE APPROPRIATION FOR CHARTER SCHOOL CAPITAL CONSTRUCTION PURSUANT TO PART 4 OF ARTICLE 30.5 OF TITLE 22, C.R.S.

SECTION 5. 24-82-801, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-82-801. Lease-purchase agreements for acquisition of real or personal property. (8) ALL LEASE-PURCHASE AGREEMENTS DESCRIBED IN SECTION 24-48.5-312 (3) (a) (II) SHALL INCLUDE THE TERMS SPECIFIED IN SAID SECTION.

SECTION 6. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act shall take effect either upon the applicable effective date of this act or upon the applicable effective date of Senate Bill 10-158, whichever is later; except that:

(a) Sections 2 and 3 of this act shall not take effect if Senate Bill 10-158 is enacted and becomes law;

(b) Sections 4 and 5 of this act shall take effect only if Senate Bill 10-158 is enacted and becomes law.

Brandon C. Shaffer PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO