

CHAPTER 79

GOVERNMENT - STATE

SENATE BILL 94-085

BY SENATORS Norton and Tebedo;
also REPRESENTATIVE Berry.

AN ACT

CONCERNING STATUTORY PROVISIONS REGARDING STATE ASSISTANCE FOR THE CONSTRUCTION OF THE DENVER CONVENTION CENTER.

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

SECTION 1. 24-83-102, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-83-102. State assistance for payment of obligations. (1) IN 1987, the general assembly ~~hereby authorizes~~ AUTHORIZED state assistance to the city and county of Denver in connection with land acquisition for the proposed Denver convention center, in accordance with the provisions of this article.

(2) A contract, referred to in this article as the "contract", to accomplish the provisions of this article ~~shall be~~ WAS REQUIRED TO BE AND WAS negotiated between the city and county of Denver and the state of Colorado, acting through the department of administration. The contract ~~shall~~ WAS REQUIRED TO contain as a minimum the requirements of this article which relate to the mutual obligations of the city and county of Denver and of the state, AND THE PROVISIONS OF THIS ARTICLE WHICH RELATE TO THE OBLIGATIONS THAT CONTINUE AFTER THE COMPLETION OF THE STATE'S PAYMENT OBLIGATIONS SHALL CONTINUE TO BE CONTAINED IN A CONTRACT BETWEEN THE CITY AND COUNTY OF DENVER AND THE STATE.

(3) The contract ~~shall provide~~ PROVIDES that the state ~~will~~ WAS OBLIGATED TO pay six million dollars to the city and county of Denver on July 1, 1988, and on July 1 of each year thereafter through July 1, 1993. The total of such payments ~~shall not exceed~~ WAS thirty-six million dollars.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(4) The contract ~~shall provide~~ PROVIDES that amounts paid to the city and county of Denver pursuant to subsection (3) of this section ~~will be~~ WERE REQUIRED TO BE applied for the payment of the obligations of the city and county in connection with its acquisition of land as the site for the proposed Denver convention center.

(5) ~~The contract shall provide that it is subject to annual termination by action of the general assembly and that the obligations of the state under the contract are subject to the action of the general assembly in annually appropriating moneys as provided in section 24-83-104. The contract shall further provide that none of the obligations of the state thereunder to make payments of interest shall be deemed or construed as creating an indebtedness of the state within the meaning of any provision of the state constitution or laws of the state concerning or limiting the creation of indebtedness by the state. The contract may further provide that any certificates of participation or other instruments evidencing rights to receive rentals and other payments issued in connection with land acquisition by the city and county of Denver shall not be deemed or construed as creating an indebtedness of the state within the meaning of any provision of the state constitution or the laws of the state concerning or limiting the creation of indebtedness by the state.~~

(6) ~~If the land to be used as the site for the convention center is donated to the city and county of Denver, the department of administration shall not enter into the contract provided for in this section, and state assistance shall not be authorized.~~

SECTION 2. 24-83-103, Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-83-103. Proposal selection - criteria - committee created - timetable.

~~(1) The department of administration shall not enter into the contract for the provision of state assistance until the procedures set forth in this section have been followed, and failure to meet the deadlines set forth in this section by five days or more shall preclude entering into the contract.~~

~~(2) There is hereby created the proposal selection criteria committee, to consist of the following:~~

- ~~(a) The governor;~~
- ~~(b) The mayor of the city and county of Denver;~~
- ~~(c) The speaker of the house of representatives;~~
- ~~(d) The president of the senate;~~
- ~~(e) The president of the city council of the city and county of Denver;~~
- ~~(f) The president of the greater Denver chamber of commerce; and~~
- ~~(g) The director of the Denver convention and visitors' bureau.~~

~~(3) The proposal selection criteria committee shall adopt a list of criteria no later than July 1, 1987, which it finds are critical to choosing the best proposal for the~~

~~convention center. Such criteria shall include but need not be limited to:~~

~~—(a) The need for access to the site by motor vehicles, pedestrians, and others using the convention center;~~

~~—(b) Whether the site provides room for future expansion if such expansion is needed;~~

~~—(c) Whether the asking price of the land proposed as a site reflects its fair market value.~~

~~—(4) Developers of any site shall provide their complete proposals to the proposal selection criteria committee no later than July 8, 1987, concerning how each proposal conforms to the criteria adopted by the committee. No later than July 15, 1987, the committee shall, by majority vote, select not less than five nor more than nine persons from a list furnished by the urban land institute to evaluate such proposals according to the committee's criteria. The list furnished by the urban land institute shall include persons with expertise in siting, marketing, and construction of projects similar to the proposed convention center. The costs incurred by persons selected shall be paid by the city and county of Denver. Such persons shall submit their report on the proposals and site recommendation to the city and county of Denver no later than August 3, 1987, but at the request of the city and county or the committee such deadline may be extended for up to thirty days. The proposal for the proposed convention center shall be selected by the city and county of Denver by ordinance thereafter. The department of administration shall enter into the contract authorized by section 24-83-102 regardless of which proposal is selected.~~

~~—(5) The persons selected by the committee shall also report by August 3, 1987, on the advisability of imposing a special assessment on land in the vicinity of the proposed site in proportion to the increase in value attributable to the location of the convention center to offset the net operating loss of the city and county from the convention center, on the advisability of requiring that the convention center be operated under a contract and not by employees in the Denver career service system or any other public civil service or personnel system, and on whether the city and county has adequate construction specification procedures.~~

~~—(6) The proposal selection criteria committee shall be staffed by one person from the legislative council staff and one person from the Denver city council staff.~~

SECTION 3. 24-83-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-83-104. Source of state payments - state executive committee.

~~(1) (a) Subject to available funds, the general assembly shall make annual appropriations out of the capital construction fund for state assistance under the contract.~~

~~—(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), final payment in the amount of six million dollars for state assistance to the city and county of Denver for the Colorado convention center shall be payable on September 1, 1993, from net lottery proceeds distributed in accordance with section 33-60-103(1)(b)(I);~~

~~C.R.S. Payment may be made prior to September 1, 1993, in the event the trust fund board authorizes an earlier distribution pursuant to the provisions of section 33-60-103 (1) (b) (H), C.R.S.~~

~~—(c) For purposes of this subsection (1), "net lottery proceeds" shall have the same meaning as set forth in section 33-60-102 (1), C.R.S.~~

~~—(2) There is hereby created the state executive committee for the Denver convention center, referred to in this article as the "executive committee". The executive committee shall consist of the governor, the speaker of the house of representatives, and the president of the senate or their designees. The executive committee shall monitor the state's role in the convention center project, oversee the payment of obligations under the contract, and report annually to the capital development committee of the general assembly the amount required to be appropriated in order to discharge the state's obligations under the contract. The executive committee shall cease its functions when the state's obligations to make payments under the contract are discharged.~~

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 1994