

## CHAPTER 326

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**GOVERNMENT - STATE**

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**HOUSE BILL 05-1309**

BY REPRESENTATIVE(S) Romanoff, Butcher, Borodkin, Coleman, Frangas, Gallegos, Massey, McFadyen, McKinley, Plant, Ragsdale, Todd, Vigil, White, Berens, Cerbo, Curry, Larson, Madden, May M., Merrifield, Paccione, Soper, Stafford, Sullivan, Boyd, McGihon, and Solano;  
also SENATOR(S) Tapia, Anderson, Entz, Evans, Groff, Grossman, Hagedorn, Hanna, Isgar, Keller, Kester, Shaffer, Spence, Teck, Tochtrop, Williams, Owen, and Taylor.

**AN ACT**

**CONCERNING SECURE FACILITIES LEASED BY DEPARTMENTS OF THE STATE GOVERNMENT, AND, IN CONNECTION THEREWITH, AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO A LEASE AGREEMENT FOR AN INSTITUTE OF FORENSIC PSYCHIATRY AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO AND ALLOWING THE USE OF CONTROLLED MAINTENANCE FUNDS FOR SECURE FACILITIES LEASED BY CERTAIN DEPARTMENTS.**

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

**SECTION 1.** Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-1-132. Colorado mental health institute at Pueblo - forensic unit - authority to enter into lease.** (1) THE EXECUTIVE DIRECTOR IS AUTHORIZED TO ENTER INTO A LEASE AGREEMENT WITH A PRIVATE PARTY UNDER WHICH THE STATE DEPARTMENT HAS THE RIGHT TO OCCUPY AND OPERATE AN INSTITUTE FOR FORENSIC PSYCHIATRY AND ITS AUXILIARY FACILITIES AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.

(2) PAYMENTS UNDER A LEASE AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT CREATE 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 OF THE STATE.

(3) THE EXECUTIVE DIRECTOR IS AUTHORIZED TO LEASE LAND AND IMPROVEMENTS OWNED BY THE STATE OR THE STATE DEPARTMENT TO THE PRIVATE PARTY THAT IS

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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.*

THE LESSOR UNDER A LEASE AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE PURPOSE OF CONSTRUCTING THE INSTITUTE FOR FORENSIC PSYCHIATRY AND ITS AUXILIARY FACILITIES AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO. THE INSTITUTE FOR FORENSIC PSYCHIATRY AND ITS AUXILIARY FACILITIES MAY BE CONSTRUCTED ON LAND LEASED TO THE LESSOR PURSUANT TO THIS SUBSECTION (3) OR ON LAND OWNED BY THE LESSOR.

(4) THE INSTITUTE FOR FORENSIC PSYCHIATRY AND ITS AUXILIARY FACILITIES AUTHORIZED BY THIS SECTION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DESIGN STANDARDS AND SPECIFICATIONS APPROVED BY THE EXECUTIVE DIRECTOR AND THE FACILITY PROGRAM PLAN APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE OF THE GENERAL ASSEMBLY OR A SUCCESSOR COMMITTEE. THE EXECUTIVE DIRECTOR SHALL ESTABLISH MINIMUM QUALIFICATIONS FOR THE PRIVATE PARTY TO A LEASE AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION, INCLUDING A REQUIREMENT THAT THE PRIVATE PARTY OR THE ENTITY THAT OWNS AND CONTROLS OR IS UNDER COMMON OWNERSHIP AND CONTROL AS THE PRIVATE PARTY BE AN ENTITY WHOSE SOLE BUSINESS IS OWNING PROPERTIES THAT ARE LEASED TO OR OTHERWISE USED BY GOVERNMENTAL ENTITIES. THE SELECTION OF THE VENDOR SHALL OCCUR PURSUANT TO THE PROCUREMENT CODE, ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(5) A LEASE AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OR (3) OF THIS SECTION MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS NOT INCONSISTENT WITH THIS SECTION AS THE EXECUTIVE DIRECTOR DEEMS APPROPRIATE.

(6) PROPERTY ACQUIRED OR OCCUPIED PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM TAXATION SO LONG AS IT IS USED FOR A PUBLIC PURPOSE RELATED TO THE AUTHORIZED ACTIVITIES OR PROGRAMS OF THE STATE DEPARTMENT.

(7) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION SHALL BE ENFORCEABLE IN ANY COURT OF COMPETENT JURISDICTION IN THE STATE.

**SECTION 2.** Part 13 of article 30 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-30-1308. Controlled maintenance funds - leased or rented facilities - secure facilities.** NOTWITHSTANDING SECTION 24-30-1301 (2) (a) (II) (A), CONTROLLED MAINTENANCE FUNDS MAY BE USED FOR SECURE FACILITIES AND RELATED AUXILIARY FACILITIES LEASED AND OPERATED BY THE DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF CORRECTIONS.

**SECTION 3. 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.

Became Law: June 9, 2005

