

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB22-130 be amended as follows:

1 Strike the Business, Labor, & Technology Committee Report, dated
2 March 2, 2022.

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** article 94 to
6 title 24 as follows:

7 **ARTICLE 94**

8 **Public-private Partnerships for State Public Entities**

9 **24-94-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 HEREBY FINDS AND DECLARES THAT:

11 (a) PUBLIC-PRIVATE PARTNERSHIPS ARE AN EFFECTIVE TOOL TO
12 LEVERAGE THE EXPERTISE AND RESOURCES OF BOTH THE PUBLIC AND
13 PRIVATE SECTORS TO ACCOMMODATE MULTIFACETED SOCIAL
14 INFRASTRUCTURE AND OPERATIONAL NEEDS;

15 (b) PUBLIC-PRIVATE PARTNERSHIPS HAVE A PROVEN TRACK
16 RECORD OF ENABLING PUBLIC PROJECTS TO BE COMPLETED ON TIME AND
17 AT A LOWER COST THAN EITHER THE PUBLIC OR PRIVATE SECTORS ARE
18 ABLE TO ACHIEVE ALONE;

19 (c) DELIVERING PUBLIC PROJECTS THROUGH PUBLIC-PRIVATE
20 PARTNERSHIPS IS AN EFFECTIVE MODEL TO ACCOMMODATE SOME OF OUR
21 STATE'S MOST PRESSING AND FOUNDATIONAL NEEDS, SUCH AS INCREASED
22 BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE
23 HOUSING DEVELOPMENT, AND CHILD CARE SERVICES;

24 (d) THE COVID-19 PANDEMIC FORCED THE CLOSURE OF MANY
25 CHILD CARE FACILITIES AND CLASSROOMS, EXACERBATING A CHILD CARE
26 SHORTAGE THAT FORCED MANY PARENTS TO COMPROMISE BETWEEN WORK
27 AND FAMILY LIFE; AND

28 (e) COLORADO FAMILIES HAVE LONG STRUGGLED WITH THE COST
29 OF CHILD CARE AND IT REMAINS ONE OF THE PRIMARY BARRIERS TO FULL
30 PARTICIPATION IN THE WORKFORCE.

31 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
32 IT IS THE INTENT OF THIS ARTICLE 94 TO PERMIT STATE PUBLIC ENTITIES TO
33 ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO:

34 (a) DEVELOP, BUILD, FINANCE, OPERATE, AND MAINTAIN QUALITY,
35 COST-EFFECTIVE PUBLIC PROJECTS THAT PROVIDE ECONOMIC AND SOCIAL
36 VALUE;

37 (b) PROVIDE A WELL-DEFINED AND TRANSPARENT PROCESS TO
38 FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES AND
39 PRIVATE PARTNERS WHILE ENABLING ACCESS TO PRIVATE CAPITAL;

1 (c) BRING INNOVATIVE THINKING AND APPROACHES TO PUBLIC
2 PROJECTS;
3 (d) REDUCE TOTAL LIFE-CYCLE COSTS OF PUBLIC PROJECTS; AND
4 (e) ALLOW FOR COST, RISK, AND BENEFIT SHARING BETWEEN
5 PUBLIC AND PRIVATE PARTNERS.
6 **24-94-102. Definitions.** AS USED IN THIS ARTICLE 94, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:
8 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL.
9 (2) "DEVELOP" MEANS TO PLAN, DESIGN, DEVELOP, BUILD,
10 ESTABLISH, FINANCE, LEASE, ACQUIRE, INSTALL, CONSTRUCT,
11 RECONSTRUCT, OR EXPAND A PUBLIC PROJECT.
12 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
13 THE DEPARTMENT OF PERSONNEL OR THE EXECUTIVE DIRECTOR'S
14 DESIGNEE.
15 (4) "FINANCE" MEANS THE SUPPLY BY A PRIVATE PARTNER OF
16 RESOURCES TO ACCOMPLISH ALL OR ANY PART OF THE WORK OR SERVICES
17 FOR A PUBLIC PROJECT, INCLUDING FUNDS, FINANCING, INCOME, REVENUE,
18 COST SHARING, TECHNOLOGY, PERSONNEL, EQUIPMENT, EXPERTISE, DATA,
19 OR ENGINEERING, CONSTRUCTION, OR MAINTENANCE SERVICES.
20 (5) "OPERATE" MEANS TO FINANCE, OPERATE, MAINTAIN, IMPROVE,
21 EQUIP, MODIFY, REPAIR, OR ADMINISTER A PUBLIC PROJECT.
22 (6) "PRIVATE PARTNER" MEANS ANY NATURAL PERSON,
23 CORPORATION, GENERAL PARTNERSHIP, LIMITED LIABILITY COMPANY,
24 LIMITED PARTNERSHIP, JOINT VENTURE, BUSINESS TRUST, PUBLIC BENEFIT
25 CORPORATION, NONPROFIT ENTITY, LOCAL GOVERNMENT, OTHER PRIVATE
26 BUSINESS ENTITY, OR ANY COMBINATION THEREOF.
27 (7) "PUBLIC-PRIVATE AGREEMENT" MEANS ANY AGREEMENT
28 BETWEEN ONE OR MORE PRIVATE PARTNERS AND ONE OR MORE STATE
29 PUBLIC ENTITIES THAT CONTRACTUALLY PROVIDES FOR THE
30 RESPONSIBILITIES OF ALL PARTIES IN NEGOTIATING, DEVELOPING, OR
31 OPERATING ANY ASPECT OF A PROPOSED OR APPROVED PUBLIC PROJECT OR
32 FINANCED PURCHASE OF AN ASSET. "PUBLIC-PRIVATE AGREEMENT" DOES
33 NOT MEAN A GRANT OR INCENTIVE PROGRAM ESTABLISHED IN ANOTHER
34 PROVISION OF LAW OR AN AGREEMENT APPROVED BY THE ECONOMIC
35 DEVELOPMENT COMMISSION PURSUANT TO PARTS 1 AND 3 OF ARTICLE 46
36 OF THIS TITLE 24.
37 (8) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT
38 BETWEEN ONE OR MORE STATE PUBLIC ENTITIES AND ONE OR MORE
39 PRIVATE PARTNERS BY WHICH A STATE PUBLIC ENTITY MAY TRANSFER
40 RESPONSIBILITY OR RISK TO A PRIVATE PARTNER TO DEVELOP OR OPERATE
41 A PUBLIC PROJECT AND, IN RETURN, THE PRIVATE PARTNER MAY RECEIVE
42 THE RIGHT TO ALL OR A PORTION OF FEES GENERATED BY THE PUBLIC
43 PROJECT OR OTHER PUBLIC MONEY. A PUBLIC-PRIVATE PARTNERSHIP DOES

1 NOT CONFER ONTO THE RELATIONSHIP FORMED ANY OF THE ATTRIBUTES
2 OR INCIDENTS OF A PARTNERSHIP PURSUANT TO SECTION 7-60-106 OR THE
3 COMMON LAW. "PUBLIC-PRIVATE PARTNERSHIP" DOES NOT MEAN ANY
4 GRANT OR INCENTIVE PROGRAM ESTABLISHED BY ANOTHER PROVISION OF
5 LAW OR AGREEMENTS THAT ARE APPROVED BY THE ECONOMIC
6 DEVELOPMENT COMMISSION, INCLUDING BUT NOT LIMITED TO GRANT OR
7 INCENTIVE PROGRAMS DESCRIBED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS
8 TITLE 24.

9 (9) "PUBLIC PROJECT" MEANS ANY CONSTRUCTION, ALTERATION,
10 REPAIR, DEMOLITION, OR IMPROVEMENT OF ANY STATE-OWNED LAND,
11 BUILDING, STRUCTURE, FACILITY, ASSET, OR OTHER PUBLIC IMPROVEMENT
12 SUITABLE FOR AND INTENDED FOR USE IN THE PROMOTION OF THE PUBLIC
13 HEALTH, WELFARE, OR SAFETY, AND ANY MAINTENANCE PROGRAMS FOR
14 THE UPKEEP OF SUCH PROJECTS SUBJECT TO PART 2 OF ARTICLE 92 OF THIS
15 TITLE 24. "PUBLIC PROJECT" INCLUDES BUT IS NOT LIMITED TO A PROJECT
16 FOR CIVIC, CHILD CARE, MEDICAL, UTILITY, TELECOMMUNICATION,
17 CULTURAL, RECREATIONAL, OR EDUCATIONAL FACILITIES OR SERVICES.

18 (10) "STATE PUBLIC ENTITY" MEANS ANY DEPARTMENT, AGENCY,
19 OR SUBDIVISION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT;
20 EXCEPT THAT "STATE PUBLIC ENTITY" DOES NOT INCLUDE STATE ENTITIES
21 THAT HAVE SPECIFIC STATUTORY AUTHORITY TO ENTER INTO
22 PUBLIC-PRIVATE PARTNERSHIPS, INCLUDING BUT NOT LIMITED TO THE
23 AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,
24 24-33.5-510, 26-6.9-102, 32-22-105 (1)(a) (VIII), 40-2-123, AND
25 43-4-806.

26 (11) "SUBCOMMITTEE" MEANS THE PUBLIC-PRIVATE PARTNERSHIP
27 SUBCOMMITTEE OF THE COLORADO ECONOMIC DEVELOPMENT COMMISSION
28 CREATED IN SECTION 24-46-102 (5).

29 (12) "UNIT" MEANS THE PUBLIC-PRIVATE COLLABORATION UNIT
30 CREATED IN SECTION 24-94-103 (2).

31 **24-94-103. Public-private partnerships - oversight of state**
32 **public entities in the executive branch of state government.**

33 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE 94, THE
34 EXECUTIVE DIRECTOR SHALL:

35 (a) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR
36 STATE PUBLIC ENTITIES TO INITIATE REQUESTS FOR PROPOSALS OR BIDS OR
37 TO REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS FOR PUBLIC
38 PROJECTS TO BE COMPLETED THROUGH PUBLIC-PRIVATE PARTNERSHIPS
39 SUBJECT TO THE EXECUTIVE DIRECTOR'S APPROVAL PURSUANT TO SECTION
40 24-94-104(1). THE PROCESSES MAY INCLUDE, BUT NEED NOT LIMITED TO:

41 (I) COMPLETION OF ANALYSES REGARDING PERCEIVED
42 ADVANTAGES, DISADVANTAGES, RISKS, BENEFITS, COSTS, AND
43 VALUE-FOR-MONEY OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

1 (II) DOCUMENTED CONSIDERATIONS OF POTENTIAL FUNDING
2 ALTERNATIVES, IMPACTS ON AFFECTED COMMUNITIES, AND THE
3 SUITABILITY AND SCOPE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;
4 (III) DOCUMENTED CONSIDERATIONS OF THE ENTIRE LIFE CYCLE
5 OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP, INCLUDING PLANNING,
6 DESIGN, ENGINEERING, CONSTRUCTION, REPAIR, MAINTENANCE,
7 OPERATIONS, FINANCING, AND HANDOVER;
8 (IV) DUE DILIGENCE REQUIREMENTS; AND
9 (V) DEVELOPMENT OF ANY OTHER MATERIALS, ANALYSES,
10 CONSIDERATIONS, REQUIREMENTS, OR REPORTS NECESSARY FOR THE
11 EXECUTIVE DIRECTOR TO MAKE A DETERMINATION THAT THE PROPOSAL
12 FOR A PUBLIC-PRIVATE PARTNERSHIP SERVES AN IMPORTANT SOCIAL OR
13 ECONOMIC VALUE, INCLUDING BUT NOT LIMITED TO INCREASED
14 BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE
15 HOUSING DEVELOPMENT, CHILD CARE SERVICES, OR ANY OTHER PUBLIC
16 BENEFIT.
17 (b) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR
18 STATE PUBLIC ENTITIES TO EXECUTE PUBLIC-PRIVATE PARTNERSHIP
19 AGREEMENTS FOR PUBLIC PROJECTS SUBJECT TO THE EXECUTIVE
20 DIRECTOR'S APPROVAL PURSUANT TO SECTION 24-94-104 (1). THE
21 PROCESSES MAY INCLUDE, BUT NEED NOT BE LIMITED TO:
22 (I) ACCEPTABLE PROJECT DELIVERY METHODS, INCLUDING
23 ALTERNATIVE DELIVERY METHODS, FOR AN APPROVED PUBLIC-PRIVATE
24 PARTNERSHIP PROPOSAL;
25 (II) ACCEPTABLE FINANCING METHODS FOR AN APPROVED
26 PUBLIC-PRIVATE PARTNERSHIP, INCLUDING BUT NOT LIMITED TO A PLEDGE
27 OF, SECURITY OF, INTEREST IN, OR LIEN ON PROPERTY OR INTEREST IN
28 PROPERTY, AND ANY AMOUNTS, TERMS, AND CONDITIONS TO BE INCLUDED
29 IN PUBLIC-PRIVATE AGREEMENTS;
30 (III) REPORTING REQUIREMENTS FOR STATE PUBLIC ENTITIES AND
31 PRIVATE PARTNERS THROUGHOUT THE LIFE CYCLE OF AN EXECUTIVE
32 DIRECTOR-APPROVED PUBLIC-PRIVATE PARTNERSHIP;
33 (IV) POLICIES CONCERNING TRANSPARENCY AND TIMELY
34 REPORTING; AND
35 (V) DEVELOPING A FAIR, UNBIASED METHOD OF CHOOSING
36 PROPOSALS BASED ON THE BEST INTERESTS OF THE STATE AND
37 CONSIDERING FINANCIAL COSTS AND BENEFITS TO THE STATE AND PUBLIC
38 PROJECT USERS.
39 (c) FURTHER DEFINE ANY RELEVANT TERMS IN THIS ARTICLE 94,
40 INCLUDING BUT NOT LIMITED TO PUBLIC-PRIVATE PARTNERSHIP AND
41 PUBLIC-PRIVATE AGREEMENT; AND
42 (d) DEVELOP COST THRESHOLDS FOR PUBLIC PROJECTS THAT
43 QUALIFY AS A PUBLIC-PRIVATE PARTNERSHIP OR PUBLIC-PRIVATE

1 AGREEMENT, WHICH MAY DEPEND ON THE TYPE OF PROJECT AND THE
2 RESPONSIBLE STATE PUBLIC ENTITY.

3 (2) THERE IS HEREBY ESTABLISHED THE PUBLIC-PRIVATE
4 COLLABORATION UNIT IN THE DEPARTMENT. THE UNIT SHALL:

5 (a) IN COORDINATION WITH RELEVANT STATE PUBLIC ENTITIES,
6 IDENTIFY, PRIORITIZE, AND ADVANCE POTENTIAL PUBLIC PROJECTS THAT
7 MAY BE BEST DELIVERED THROUGH A PUBLIC-PRIVATE PARTNERSHIP;

8 (b) FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES
9 AND PRIVATE PARTNERS IN CONNECTION WITH PUBLIC PROJECTS;

10 (c) PROVIDE TECHNICAL ASSISTANCE AND EXPERTISE TO STATE
11 PUBLIC ENTITIES IN CONNECTION WITH ANY ASPECT OF PROPOSED OR
12 APPROVED PUBLIC-PRIVATE PARTNERSHIPS, WHICH MAY INCLUDE
13 ASSISTANCE WITH:

14 (I) SATISFYING THE REQUIREMENTS ESTABLISHED BY THE
15 EXECUTIVE DIRECTOR IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;

16 (II) PROJECT SCREENING, PLANNING, DEVELOPMENT,
17 PROCUREMENT, OPERATIONS, AND MANAGEMENT; AND

18 (III) SERVING AS A LIAISON WITH FEDERAL AND LOCAL
19 GOVERNMENT OFFICIALS;

20 (d) CREATE BEST PRACTICES THAT INCORPORATE LESSONS
21 LEARNED FROM OTHER PUBLIC-PRIVATE PARTNERSHIPS FOR EVERY STAGE
22 OF THE LIFE CYCLE OF A PUBLIC-PRIVATE PARTNERSHIP, WHICH MAY
23 INCLUDE:

24 (I) STANDARDIZING METHODOLOGIES AND PROCESSES;

25 (II) CREATING TEMPLATES FOR INTERAGENCY AGREEMENTS THAT
26 IDENTIFY PROJECT RESOURCES AND RESPONSIBILITIES; AND

27 (III) CREATING TEMPLATES FOR PARTNERSHIP AGREEMENTS THAT
28 ADDRESS RISK ALLOCATIONS, KEY TERMS, AND CONDITIONS;

29 (e) CONDUCT PUBLIC AND STAKEHOLDER ENGAGEMENT TO
30 ENCOURAGE TRANSPARENCY, ACCOUNTABILITY, AND INFORMATION
31 SHARING REGARDING PUBLIC-PRIVATE PARTNERSHIPS;

32 (f) TRACK PROPOSED, ONGOING, AND COMPLETED PUBLIC-PRIVATE
33 PARTNERSHIPS;

34 (g) ATTRACT PRIVATE INVESTMENTS FOR PUBLIC PROJECTS; AND

35 (h) IN COORDINATION WITH THE DEPARTMENT OF EARLY
36 CHILDHOOD, CREATED IN SECTION 24-1-120.5 (1), DISTRIBUTE FUNDING TO
37 HELP INCREASE THE SUPPLY OF CHILD CARE FACILITIES USING PUBLIC
38 BUILDINGS OR OTHER APPROPRIATE PUBLIC ASSETS.

39 (3) ANY ISSUANCE OR INCURRENCE OF FINANCIAL OBLIGATIONS
40 UNDER THIS ARTICLE 94 MUST COMPLY WITH SECTION 24-36-121.

41 **24-94-104. State public entity agreements - public-private**
42 **partnership.** (1) A STATE PUBLIC ENTITY IS AUTHORIZED, EITHER
43 SEPARATELY OR IN COMBINATION WITH ANY OTHER STATE PUBLIC ENTITY,

1 TO INITIATE SOLICITATIONS, REVIEW ANY PRIVATE PARTNER-INITIATED
2 PROPOSALS, EXECUTE PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, OR
3 EXECUTE PUBLIC-PRIVATE AGREEMENTS TO DEVELOP OR OPERATE A
4 PUBLIC PROJECT SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE 94.

5 (2) SUBJECT TO SUBSECTION (5) OF THIS SECTION, ANY STATE
6 PUBLIC ENTITY MUST OBTAIN APPROVALS FROM THE EXECUTIVE DIRECTOR
7 IN THE TIME AND MANNER DETERMINED BY THE EXECUTIVE DIRECTOR
8 PURSUANT TO SECTIONS 24-94-103(1)(a) AND (1)(b).

9 (3) ANY PUBLIC-PRIVATE AGREEMENT ENTERED INTO PURSUANT
10 TO SUBSECTION (1) OF THIS SECTION MUST COMPLY WITH APPLICABLE
11 STATE LAWS AND PROCESSES DEVELOPED BY THE EXECUTIVE DIRECTOR
12 PURSUANT TO SECTION 24-94-103(1)(a) AND 24-94-103 (1)(b).

13 (4) SUBJECT TO SUBSECTION (2) OF THIS SECTION, STATE PUBLIC
14 ENTITIES MAY REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS BUT
15 NEED NOT RESPOND TO SUCH PROPOSALS.

16 (5) NOTHING IN THIS ARTICLE 94 SHALL BE CONSTRUED TO
17 PROHIBIT, LIMIT, OR OTHERWISE MODIFY THE SPECIFIC STATUTORY
18 AUTHORITY OF STATE PUBLIC ENTITIES, INCLUDING BUT NOT LIMITED TO
19 THE AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,
20 23-5-101.7, 24-33.5-510, 24-36-121, 26-6.9-102, 32-22-105 (1)(a)(VIII),
21 33-1-105(1), 33-10-107(1), 36-1-118(1), 40-2-123, AND 43-4-806, AND
22 THE AUTHORITY SPECIFIED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS TITLE
23 24 AND PARTS 8 AND 13 OF ARTICLE 82 OF THIS TITLE 24, TO ENTER INTO
24 A PUBLIC-PRIVATE PARTNERSHIP, A PUBLIC-PRIVATE AGREEMENT, OR
25 OTHER AGREEMENT, OR TO UTILIZE A STATUTORY MECHANISM AS
26 AUTHORIZED BY ANY OTHER PROVISION OF LAW.

27 **24-94-105. Public-private partnership subcommittee - contract**
28 **review - lease - sale of state property.** (1) EXCEPT AS OTHERWISE
29 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A STATE PUBLIC ENTITY
30 THAT INTENDS TO ENTER INTO A CONTRACT, SALE, OR LEASE OF STATE
31 PROPERTY PURSUANT TO SECTION 24-82-102.5 OR 24-94-104 ON OR AFTER
32 THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT THE PROPOSED
33 CONTRACT, SALE, OR LEASE OF STATE PROPERTY TO THE PUBLIC-PRIVATE
34 PARTNERSHIP SUBCOMMITTEE CREATED IN SECTION 24-46-102 (5) FOR THE
35 SUBCOMMITTEE'S REVIEW BEFORE ENTERING INTO THE CONTRACT, SALE,
36 OR LEASE OF STATE PROPERTY. THE STATE PUBLIC ENTITY, IN
37 COORDINATION WITH THE COLORADO ECONOMIC DEVELOPMENT
38 COMMISSION STAFF, SHALL SUBMIT A REPORT TO THE SUBCOMMITTEE
39 REGARDING THE ANTICIPATED USE OF THE STATE PROPERTY IN A TIME AND
40 MANNER ESTABLISHED BY THE SUBCOMMITTEE. THE SUBCOMMITTEE
41 SHALL REVIEW THE REPORT AND MAKE ANY RECOMMENDATIONS IT DEEMS
42 NECESSARY TO THE STATE PUBLIC ENTITY. THE STATE PUBLIC ENTITY
43 MUST CONSIDER THE SUBCOMMITTEE'S RECOMMENDATIONS, BUT NEED

1 NOT INCORPORATE OR ADOPT ANY OF THE RECOMMENDATIONS.

2 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A STATE
3 PUBLIC ENTITY THAT INTENDS TO ENTER INTO A NEW CONTRACT, SALE, OR
4 LEASE OF STATE PROPERTY PURSUANT TO SECTION 24-82-102.5 OR
5 24-92-104 WITH EXISTING PRIVATE PARTNERS.

6 **SECTION 2.** In Colorado Revised Statutes, 24-46-102, **add** (5)
7 as follows:

8 **24-46-102. Colorado economic development commission -**
9 **creation - membership - definition.** (5) BEGINNING ON SEPTEMBER 1,
10 2022, THE ECONOMIC DEVELOPMENT COMMISSION SHALL ESTABLISH A
11 PUBLIC-PRIVATE PARTNERSHIP SUBCOMMITTEE TO REVIEW PROPOSED
12 CONTRACTS, SALES, AND LEASES OF STATE PROPERTY AS SPECIFIED IN
13 SECTION 24-94-105. THE SUBCOMMITTEE CONSISTS OF AT LEAST THREE
14 MEMBERS OF THE COMMISSION AS SELECTED BY THE COMMISSION. AT NO
15 TIME SHALL ALL OF THE MEMBERS OF THE SUBCOMMITTEE BE APPOINTEES
16 FROM THE SAME APPOINTING AUTHORITY.

17 **SECTION 3.** In Colorado Revised Statutes, 24-101-105, **amend**
18 (1)(a)(XIV) and (1)(a)(XV); and **add** (1)(a)(XVI) as follows:

19 **24-101-105. Application of this code.** (1) (a) This code shall
20 apply to all publicly funded contracts entered into by all governmental
21 bodies of the executive branch of this state; except that this code shall not
22 apply to:

23 (XIV) Annuities; and

24 (XV) Real property or interest in real property; AND

25 (XVI) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED BY PART 1 OF
26 ARTICLE 94 OF THIS TITLE 24.

27 **SECTION 4.** In Colorado Revised Statutes, 24-82-102.5, **amend**
28 (2)(c), (4)(d), and (5) as follows:

29 **24-82-102.5. Unused state-owned real property - cash fund -**
30 **legislative declaration - definitions.** (2) As used in this section, unless
31 the context otherwise requires:

32 (c) "Unused state-owned real property" means state-owned real
33 property IDENTIFIED IN THE INVENTORY LIST MAINTAINED ON THE
34 DEPARTMENT'S WEBSITE PURSUANT TO SUBSECTION (3) OF THIS SECTION,
35 THAT IS NOT BEING USED AT ITS OPTIMAL OR BEST USE, THAT IS OWNED BY
36 OR UNDER THE CONTROL OF A STATE AGENCY, NOT INCLUDING THE DIVISION OF PARKS
37 AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES AND NOT INCLUDING THE
38 STATE BOARD OF LAND COMMISSIONERS OR ANY STATE INSTITUTION OF HIGHER
39 EDUCATION AS DEFINED IN SECTION 24-30-1301 (18), AND THAT IS NOT
40 OTHERWISE PROTECTED FOR OR DEDICATED TO ANOTHER USE SUCH AS AN ACCESS OR
41 A CONSERVATION EASEMENT.

42 (4) (d) The department may enter into contracts with qualified
43 developers for proposals to construct affordable housing, child care

1 facilities, public school facilities, or residential mental and behavioral
2 health care facilities, or to place renewable energy facilities on unused
3 state-owned real property that the department has deemed suitable under
4 subsection (4)(a) of this section, subject to available appropriations.
5 Budget requests under this section must be made through the process
6 established in section 24-37-304 (1)(c.3). ~~except that budget requests~~
7 ~~under this section may not be made through a request for a supplemental~~
8 ~~appropriation.~~ Notwithstanding section 24-82-102 (2)(a), contracts
9 between the state and qualified developers may not require improvements
10 constructed on state property for the purposes of this section to become
11 the property of the state upon termination of a lease for such property.

12 (5) (a) The unused state-owned real property fund is hereby
13 created in the state treasury. Unless otherwise directed, the state treasurer
14 shall credit all proceeds from the sale, rent, or lease, including any leases
15 entered into under section 24-82-102 (2)(a), of unused state-owned real
16 property AND ANY REVENUE GENERATED FROM PUBLIC-PRIVATE
17 AGREEMENTS PURSUANT TO SECTION 24-94-103 to the fund. The fund also
18 consists of any other money that the general assembly may appropriate or
19 transfer to the fund.

20 (b) The state treasurer shall credit all interest and income derived
21 from the deposit and investment of money in the unused state-owned real
22 property fund to the fund. Any unexpended and unencumbered money in
23 the fund at the end of a fiscal year remains in the fund. ~~Subject to annual~~
24 ~~appropriation by the general assembly, The department may expend~~
25 ~~money from the fund for~~

26 (c) (I) THE MONEY IN THE UNUSED STATE-OWNED REAL PROPERTY
27 FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR:

28 (A) The purposes set forth in this section, including for appraisals,
29 surveys, and property improvement, and for any operational costs to
30 administer this section; AND

31 (B) PUBLIC-PRIVATE AGREEMENTS, AS DEFINED IN SECTION
32 24-94-102 (7), AND ANY ASSOCIATED COSTS.

33 (II) THE GENERAL ASSEMBLY SHALL MAKE AN ANNUAL
34 APPROPRIATION FROM THE FUND TO THE DEPARTMENT FOR THE STANDARD
35 OPERATING EXPENSES OF THE PUBLIC-PRIVATE COLLABORATION UNIT
36 CREATED IN SECTION 24-94-103 (2), INCLUDING PERSONAL SERVICES AND
37 RELATED COSTS.

38 (d) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER
39 FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

40 **SECTION 5. Safety clause.** The general assembly hereby finds,
41 determines, and declares that this act is necessary for the immediate
42 preservation of the public peace, health, or safety."

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