

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;

(c) BRING INNOVATIVE THINKING AND APPROACHES TO PUBLIC PROJECTS;

- (d) REDUCE TOTAL LIFE-CYCLE COSTS OF PUBLIC PROJECTS; AND
- (e) ALLOW FOR COST, RISK, AND BENEFIT SHARING BETWEEN PUBLIC AND PRIVATE PARTNERS.

**24-94-102. Definitions.** AS USED IN THIS ARTICLE 94, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(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.

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;

(II) DOCUMENTED CONSIDERATIONS OF POTENTIAL FUNDING ALTERNATIVES, IMPACTS ON AFFECTED COMMUNITIES, AND THE SUITABILITY AND SCOPE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

(III) DOCUMENTED CONSIDERATIONS OF THE ENTIRE LIFE CYCLE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP, INCLUDING PLANNING, DESIGN, ENGINEERING, CONSTRUCTION, REPAIR, MAINTENANCE, OPERATIONS, FINANCING, AND HANDOVER;

(IV) DUE DILIGENCE REQUIREMENTS; AND

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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