

CHAPTER 18

GOVERNMENT - STATE

HOUSE BILL 17-1058

BY REPRESENTATIVE(S) Thurlow, Arndt, Hooton, Kraft-Tharp, McKean, McLachlan, Melton, Rankin, Winter, Valdez;
also SENATOR(S) Kerr, Moreno, Tate, Cooke, Holbert, Martinez Humenik, Merrifield, Priola, Todd.

AN ACT

CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE DEPARTMENT OF PERSONNEL TO THE
GENERAL ASSEMBLY.

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

SECTION 1. In Colorado Revised Statutes, 24-30-201, **amend** (1) introductory portion; and **repeal** (1)(l) as follows:

24-30-201. Accounts and control - controller. (1) The powers, duties, and functions concerning accounts and control as set forth in this part 2 ~~shall be~~ ARE the responsibility of the state controller. The ~~controller shall be appointed by the~~ executive director of the department of personnel SHALL APPOINT THE CONTROLLER, subject to ~~the provisions of~~ section 13 of article XII of the state constitution. The controller ~~shall~~ MUST be bonded in such amount as the executive director shall fix. The powers and duties of the controller ~~shall be~~ ARE:

(l) ~~To make available to each member of the general assembly by November 1 of each year a report on all capital leases having a total value of five hundred thousand dollars or more, concerning real property pursuant to sections 24-82-102, 24-82-801, and 24-82-1204, concerning personal property pursuant to the "Procurement Code", articles 101 to 112 of this title, and concerning lease-purchase agreements pursuant to section 24-82-801. The controller shall notify, in the most cost-effective manner available, each member of the general assembly of the availability of the report and offer to provide the members with copies of the report. The controller shall require and each department and agency of the executive branch shall submit to the controller by October 1 of each year a report on capital leases having a total value of five hundred thousand dollars or more, concerning real property pursuant to section 24-82-102, concerning personal property pursuant to the "Procurement Code", articles 101 to 112 of this title, and concerning~~

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

~~lease-purchase agreements pursuant to section 24-82-801, the payments of which are financed by appropriated funds to which the department or agency is a party. For the purpose of this paragraph (1), "capital lease" means a capital lease as defined in the generally accepted accounting principles issued by the governmental accounting standards board that the controller prescribes for the state as specified in section 24-30-202 (12).~~

SECTION 2. In Colorado Revised Statutes, 24-30-202, **amend** (26) as follows:

24-30-202. Procedures - vouchers, warrants, and checks - rules - penalties.

~~(26) The controller shall promulgate equitable fiscal rules concerning travel policies applicable to state employees, including methods of transportation, travel advances, reimbursements, travel allowances, use of travel agents, and use of state or privately owned vehicles, and may promulgate such rules for the implementation of a state travel policy as he deems necessary to assure fair and reasonable expenditures. The controller shall make available a report no later than February 1 of each year to the governor, the joint budget committee, and the legislative audit committee regarding the travel expenses of state employees for the prior fiscal year. Such report shall include, but shall not be limited to, an itemized list of the travel expenses of each department including in-state travel, out-of-state travel, and out-of-country travel. The controller shall notify, in the most cost-effective manner available, the governor, the joint budget committee, and the legislative audit committee of the availability of the report and offering to provide copies of the report.~~

SECTION 3. In Colorado Revised Statutes, 24-30-204, **amend** (1) as follows:

24-30-204. Fiscal year. (1) The fiscal year of the state government shall commence on July 1 and end on June 30 of each year. This fiscal year shall be followed in making appropriations and in financial reporting and shall be uniformly adopted by all departments, institutions, and agencies in the state government except the department of transportation, which shall prepare and submit its budget as required by law. Financial statements for the fiscal year shall be submitted by each department, institution, or agency to the controller no later than August 25. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the controller shall prepare financial statements in accordance with generally accepted accounting principles and submit these financial statements to the governor and the general assembly no later than September 20. The controller may grant an extension, not to exceed twenty days, to any department, institution, or agency because of administrative hardship in complying with this section.

SECTION 4. In Colorado Revised Statutes, 24-30-1104, **amend** (2) introductory portion, (2)(c)(II) introductory portion, and (2)(c)(V) introductory portion as follows:

24-30-1104. Central services functions of the department - definitions. (2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The provisions of the motor vehicle fleet system created pursuant to this subsection (2) shall apply to the executive branch of the state of Colorado, its departments, its

institutions, and its agencies; except that the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, may elect to be exempt from the provisions of this subsection (2) and may obtain a motor vehicle fleet system independent of the state motor vehicle fleet system. Under the direction of the executive director, the department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state:

(c) (II) By January 1, 2008, the executive director shall adopt a policy to significantly increase the utilization of alternative fuels and that establishes increasing utilization objectives for each following year. To encourage compliance with this policy, the rules promulgated pursuant to this ~~paragraph (c)~~ SUBSECTION (2)(c) may establish progressively more stringent percentage mileposts and, for fiscal years commencing after July 1, 2004, require the collection of data concerning the annual percentage of state-owned bi-fueled vehicles that were fueled exclusively with an alternative fuel. For the years commencing on January 1, 2008, and January 1, 2009, the executive director shall purchase flexible fuel vehicles or hybrid vehicles, subject to availability, unless the increased cost of such vehicle is more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. Beginning on January 1, 2010, the executive director shall purchase motor vehicles that operate on compressed natural gas, plug-in hybrid electric vehicles, or vehicles that operate on other alternative fuels, subject to their availability and the availability of adequate fuel and fueling infrastructure, if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. The executive director shall adopt a policy to allow some vehicles to be exempted from this requirement. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the executive director or the director's designee shall submit an annual report to the transportation committees of the senate and the house of representatives, or any successor committees, and the joint budget committee of the general assembly, detailing the items specified in ~~subparagraph (V) of this paragraph (c)~~ SUBSECTION (2)(c)(V) OF THIS SECTION. As used in this ~~subparagraph (H)~~ SUBSECTION (2)(c)(II):

(V) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before November 1, 2013, and each November 1 thereafter, the executive director or the director's designee shall submit a report to the general assembly as specified in ~~subparagraph (H) of this paragraph (c)~~ SUBSECTION (2)(c)(II) OF THIS SECTION. The report must include, but need not be limited to, the following:

SECTION 5. In Colorado Revised Statutes, 24-30-1303.5, **amend** (6) as follows:

24-30-1303.5. Office of the state architect to prepare and maintain inventory of state property - vacant facilities. (6) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the office shall prepare an annual report of the acquisitions and dispositions of real property subject to this section and make the report available to the members of the capital development committee. Such report must include a description of the real property and its present use and value.

SECTION 6. In Colorado Revised Statutes, 24-30-1305.5, **amend** (7) as follows:

24-30-1305.5. High performance standards - report - legislative declaration

- **definition.** (7) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the office shall report annually to the capital development committee regarding contracting documents, project guidelines, and reporting and tracking procedures related to the implementation of this section.

SECTION 7. In Colorado Revised Statutes, 24-50-104, **repeal** (1)(c.5)(V) as follows:

24-50-104. Job evaluation and compensation - state employee reserve fund - created - definitions. (1) **Total compensation philosophy.** (c.5) (V) ~~The state personnel director shall monitor compliance with the requirements of this paragraph (c.5) and paragraph (c) of this subsection (1) and shall annually report the director's findings pertaining to the prior fiscal year no later than January 1 of the following fiscal year to the joint budget committee of the general assembly. The report shall include, by department or institution, the number of supervisors who were suspended or demoted, the percentage of all supervisors who complied with the requirements of this paragraph (c.5), the total amount of dollars that were awarded to employees for merit pay, the total amount of those dollars awarded for each priority group and each salary range and performance category, any reversion amounts that were transferred for the prior state fiscal year pursuant to subparagraph (IV) of paragraph (j) of this subsection (1), the line item appropriation related to each reversion amount, and the balance in the department's account within the state employee reserve fund as of the date of the report.~~

SECTION 8. In Colorado Revised Statutes, 24-75-201.3, **amend** (2) as follows:

24-75-201.3. Procedures relating to revenue estimates. (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), no later than June 20 prior to the beginning of each fiscal year, and no later than September 20, December 20, and March 20 within each fiscal year, the governor, with the assistance of the controller, the office of state planning and budgeting, and the governor's revenue-estimating advisory group, shall make an estimate of general fund revenues for such fiscal year. Copies of each such revenue estimate must be promptly transmitted to the general assembly. Such revenue estimates are used in the implementation of section 24-75-201.5 but are not binding on the general assembly in determining the amount of general funds available for appropriation for the next ensuing fiscal year.

SECTION 9. In Colorado Revised Statutes, 24-75-212, **repeal** (2) as follows:

24-75-212. Legislative reporting of federal money - definitions. (2) ~~In accordance with the provisions of section 24-1-136 (9), the controller shall submit to the general assembly by November 1 of each year a report of all federal moneys, including the same matters required by subsection (1) of this section, received by each state agency during the prior state fiscal year. In the report, the controller shall identify any state agency that failed to submit a report as required by this section.~~

SECTION 10. In Colorado Revised Statutes, 24-77-106.5, **amend** (1)(b) as follows:

24-77-106.5. Annual financial report - certification of excess state revenues. (1) (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), based upon the financial

report prepared in accordance with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION for any given fiscal year, the controller shall certify to the governor, the general assembly, and the executive director of the department of revenue no later than September 1 following the end of a fiscal year the amount of state revenues in excess of the limitation on state fiscal year spending imposed by section 20 (7)(a) of article X of the state constitution, if any, for such fiscal year and the state revenues in excess of such limitation that the state is authorized to retain and spend pursuant to voter approval of section 24-77-103.6.

SECTION 11. In Colorado Revised Statutes, 24-102-205, **repeal** (7) as follows:

24-102-205. Centralized contract management system - personal services contracts - legislative declaration - definitions. (7) (a) ~~Commencing on September 30, 2007, until such time as the development of the system created in paragraph (a) of subsection (3) of this section is complete, the department shall provide reports on a quarterly basis to the joint budget committee of the general assembly concerning the status of the development of the system:~~

~~(b) The department shall annually report information on personal services contracts contained in the centralized contract management system created in paragraph (a) of subsection (3) of this section to the standing legislative committees of reference in each house of the general assembly with oversight responsibilities over the department's affairs:~~

~~(c) With respect to any sole-source personal services contract identified in the system required to be maintained by the department pursuant to paragraph (a) of subsection (3) of this section, the department shall submit an annual report to the legislative council of the general assembly created in section 2-3-301 (1), C.R.S., concerning any new contract entered into by the state during the prior calendar year. Each report shall describe, without limitation, the following:~~

~~(f) The number and aggregate value of the sole-source personal services contracts for each category of services specified in subsection (4) of this section; and~~

~~(H) The justification provided by the governmental body for the use of the sole-source contracting provisions in section 24-103-205 and the steps taken to determine if a vendor is the only available source for the required supply, service, or construction item.~~

SECTION 12. Effective date. (1) Except as provided in subsection (2) of this section, this act takes effect upon passage.

(2) Section 7 of this act takes effect January 1, 2020.

SECTION 13. 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 8, 2017