

CHAPTER 350

GOVERNMENT - STATE

SENATE BILL 17-239

BY SENATOR(S) Williams A. and Martinez Humenik, Tate;
also REPRESENTATIVE(S) Singer and Thurlow, Pabon, Rosenthal, Young.

AN ACT

CONCERNING ADDITIONAL AUTHORITY FOR THE CONTROLLER TO ALLOW NONMONETARY ADJUSTMENTS FOR INFORMATION TECHNOLOGY CAPITAL PROJECTS IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. In Colorado Revised Statutes, 24-75-111.5, **amend** (2) introductory portion and (3); and **add** (2)(c) and (2)(d) as follows:

24-75-111.5. Additional authority for controller to allow expenditures for capital construction items in certain circumstances - definition. (2) For fiscal years commencing on or after July 1, 2015, the controller may allow any department, institution, or agency of the state, including any institution of higher education, to expend moneys differently from the authority granted by an item of appropriation for a capital construction budget item OR AN INFORMATION TECHNOLOGY CAPITAL PROJECT if the capital construction, controlled maintenance, ~~or capital renewal project~~, OR INFORMATION TECHNOLOGY CAPITAL PROJECT that the appropriation was for requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not meeting in regular or special session during which such nonmonetary adjustment would be legislatively addressed, under the following circumstances:

(c) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO AN INFORMATION TECHNOLOGY CAPITAL PROJECT AND IS REQUESTED BY A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE OTHER THAN THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

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

(I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING FOR APPROVAL AND THE OFFICE OF STATE PLANNING AND BUDGETING HAS APPROVED THE NONMONETARY ADJUSTMENT, IN WHOLE OR IN PART;

(II) UPON APPROVAL BY THE OFFICE OF STATE PLANNING AND BUDGETING, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY FOR CONSIDERATION;

(III) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE NONMONETARY ADJUSTMENT BY THE JOINT TECHNOLOGY COMMITTEE, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR APPROVAL; AND

(IV) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE; OR

(d) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO AN INFORMATION TECHNOLOGY CAPITAL PROJECT AND IS REQUESTED BY THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

(I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY FOR CONSIDERATION;

(II) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE NONMONETARY ADJUSTMENT BY THE JOINT TECHNOLOGY COMMITTEE, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR APPROVAL; AND

(III) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE.

(3) Any department, institution, or agency of the state requesting a nonmonetary adjustment pursuant to subsection (1) of this section shall make the request in such form and shall include in the request such information as may be required by the office of state planning and budgeting, the capital development committee, THE JOINT TECHNOLOGY COMMITTEE, and the joint budget committee, as applicable.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2017