A BILL FOR AN ACT

Concerning a departmental report to the General Assembly about unfunded programs that have not received any money for at least six fiscal years.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Section 1 of the bill requires a department to annually submit a report of all unfunded programs (report) to staff of legislative council (staff) along with a SMART Act report. An "unfunded program" is defined as any program, service, study, or other function that a department is required or permitted by law to undertake, but for which the
department has not received an appropriation or money from any other source for the last 6 fiscal years. Staff will provide the report to the applicable SMART Act joint committee of reference and a compilation of the reports to the statutory revision committee. The department is required to include the report in its SMART Act presentation to the joint committee of reference.

Section 2 authorizes the statutory revision committee to recommend legislation to repeal an unfunded program included in the report.

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

SECTION 1. In Colorado Revised Statutes, 2-7-203, amend (2)(a)(II) and (2)(a)(III); and add (2)(a)(IV) and (6) as follows:

2-7-203. Departmental presentations to legislative committees of reference - departmental regulatory agendas - definition.

(2) (a) Each joint committee of reference shall conduct at least one but not more than three hearings in the first two weeks of the regular legislative session, during which hearings the joint committee shall hear a presentation from each department that is assigned to such committee pursuant to subsection (1) of this section regarding:

(II) The department's regulatory agenda required pursuant to subsection (4) of this section; and

(III) The department's budget request and associated legislative agenda for the current regular legislative session; AND

(IV) THE DEPARTMENT'S REPORT OF ALL UNFUNDED PROGRAMS REQUIRED PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(6) (a) ALONG WITH THE DEPARTMENTAL REGULATORY AGENDA THAT IS FILED ON NOVEMBER 1, 2020, AND NOVEMBER 1 OF EACH YEAR THEREAFTER, EACH DEPARTMENT SHALL PROVIDE STAFF OF THE LEGISLATIVE COUNCIL WITH A REPORT OF ALL UNFUNDED PROGRAMS, IF
ANY, WHICH INCLUDES THE FOLLOWING INFORMATION FOR EACH UNFUNDED PROGRAM:

(I) A BRIEF DESCRIPTION OF THE UNFUNDED PROGRAM;

(II) THE LAST FISCAL YEAR THAT THE DEPARTMENT RECEIVED AN APPROPRIATION OR MONEY FROM ANY OTHER SOURCE FOR THE UNFUNDED PROGRAM; AND

(III) THE STATUTORY CITATION FOR THE UNFUNDED PROGRAM.

(b) STAFF OF THE LEGISLATIVE COUNCIL SHALL DISTRIBUTE A REPORT RECEIVED IN ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION TO THE APPLICABLE COMMITTEE OF REFERENCE PRIOR TO THE DEPARTMENTAL PRESENTATIONS TO THE COMMITTEE OF REFERENCE. STAFF SHALL COMPILE ALL OF THE REPORTS AND SUBMIT THE COMPILATION TO THE STATUTORY REVISION COMMITTEE CREATED IN SECTION 2-3-901 (1).

(c) AS USED IN THIS SUBSECTION (6), "UNFUNDED PROGRAM" MEANS ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION THAT A DEPARTMENT IS REQUIRED OR PERMITTED BY LAW TO UNDERTAKE, BUT FOR WHICH THE DEPARTMENT HAS NOT RECEIVED AN APPROPRIATION OR MONEY FROM ANY OTHER SOURCE FOR THE LAST SIX FISCAL YEARS PRECEDING THE DATE OF THE REPORT DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 2-3-902, amend (2); and add (4) as follows:

2-3-902. Duties of committee. (2) Any legislation proposed by the committee and sponsored by a committee member under paragraph (d) of subsection (4) SUBSECTION (1)(d) or (4) of this section is exempt from the five-bill limitation specified in rule 24 of the joint rules of the
senate and the house of representatives.

(4) In addition to other duties, the committee may, upon an affirmative vote by at least seven legislative members of the committee, and in accordance with subsection (3) of this section, recommend legislation to repeal an unfunded program included in a report received in accordance with section 2-7-203 (6)(b). If an unfunded program previously received money and that money is still available in a cash fund, then it is the intent of the general assembly that the money be returned to the payor or other source, if possible, as part of the legislation that repeals the unfunded program.

SECTION 3. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.