

CHAPTER 200

GOVERNMENT - STATE

SENATE BILL 99-204

BY SENATORS Tebedo, Nichol, and Weddig;
also REPRESENTATIVES McElhany, Pfiffner, Spence, and Stengel.

AN ACT

CONCERNING RECOMMENDATIONS OF THE SENATE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE RELATED TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES UNDER TITLE 24 TO PART 1 OF ARTICLE 32, COLORADO REVISED STATUTES.

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

SECTION 1. 24-1-107.5 (2) and (3), Colorado Revised Statutes, are amended to read:

24-1-107.5. Nonprofit entities created or supported by state agencies - review and report - legislative declaration. (2) (a) No later than ~~November 1, 1995~~ DECEMBER 31, 1999, the head of each principal department of state government shall submit a report to the legislative audit committee that lists:

(I) All nonprofit entities, including but not limited to corporations, foundations, and institutes, created or otherwise established by the department or an agency thereof or an employee of the department or agency acting within the scope of employment; and

(II) All nonprofit entities to which the department or agency has provided support in excess of twenty-five thousand dollars in either the year ending June 30, ~~1994~~ 1998, or the year ending June 30, ~~1995~~ 1999, excluding amounts paid for the purchase of services from the nonprofit entity.

(b) The report shall include the name of each entity and a copy of the most recent annual report, audit report, or internal revenue service form 990 for each entity.

(3) The legislative audit committee shall perform a review of the entities listed in the reports submitted pursuant to subsection (2) of this section and MAKE AVAILABLE

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

A report to the general assembly regarding its findings no later than ~~March 1, 1996~~ MAY 1, 2000. THE LEGISLATIVE AUDIT COMMITTEE SHALL NOTIFY, IN THE MOST COST-EFFECTIVE MANNER AVAILABLE, EACH MEMBER OF THE GENERAL ASSEMBLY OF THE AVAILABILITY OF SUCH REPORT AND OFFER TO PROVIDE EACH MEMBER WITH A COPY OF THE REPORT.

SECTION 2. 24-4.1-206, Colorado Revised Statutes, is amended to read:

24-4.1-206. Annual reports of funds. No later than February 15 of each year, the board shall ~~submit~~ MAKE AVAILABLE a report to the general assembly for the previous calendar year of an accounting of all funds received and disbursed under this part 2. THE BOARD SHALL NOTIFY, IN THE MOST COST-EFFECTIVE MANNER AVAILABLE, EACH MEMBER OF THE GENERAL ASSEMBLY OF THE AVAILABILITY OF SUCH REPORT AND OFFER TO PROVIDE EACH MEMBER WITH A COPY OF THE REPORT.

SECTION 3. 24-4.2-108 (2) and (3), Colorado Revised Statutes, are amended to read:

24-4.2-108. Report of grants and expenditures. (2) The board shall report annually to the victims compensation and assistance coordinating committee established pursuant to section 24-4.1-117.5 (2) (a) on all grants made and contracts entered into pursuant to this article. The victims compensation and assistance coordinating committee may review such grants and contracts to determine the existence of any conflicts of interest involving members of boards, recipients, or contracting parties. ~~The victims compensation and assistance coordinating committee shall report to the general assembly on any such conflicts of interest.~~

(3) ~~The state judicial department shall report annually by December 1 of each year to the joint budget committee of the general assembly on all grants of moneys from the fund received for the preceding fiscal year.~~

SECTION 4. 24-10-115.5 (4), Colorado Revised Statutes, is amended to read:

24-10-115.5. Authority for public entities to pool insurance coverage. (4) Each self-insurance pool for public entities created in this state shall file, with the commissioner of insurance on or before March 30 of each year, a written report in a form prescribed by the commissioner, signed and verified by its chief executive officer as to its condition. Such report shall include a detailed statement of assets and liabilities, the amount and character of the business transacted, and the moneys reserved and expended during the year. ~~All such reports shall be transmitted to the governor and the general assembly.~~

SECTION 5. 24-20-104 (2), Colorado Revised Statutes, is amended to read:

24-20-104. Publication policy - reports to general assembly. (2) The governor shall review all reports on the operations of all agencies in the executive branch submitted by the heads of the principal departments in accordance with the provisions of section 24-1-136. Upon approval, the governor shall ~~submit~~ MAKE AVAILABLE to each member of the general assembly, at the opening of each regular session, a copy of each such report, accounting to the general assembly for the efficient discharge of all responsibilities assigned by law or directive to the executive branch of state

government. THE GOVERNOR SHALL NOTIFY, IN THE MOST COST-EFFECTIVE MANNER AVAILABLE, EACH MEMBER OF THE GENERAL ASSEMBLY OF THE AVAILABILITY OF THE REPORTS AND OFFERING TO PROVIDE EACH MEMBER WITH A COPY OF THE REPORTS.

SECTION 6. Repeal. 24-22-107 (3), Colorado Revised Statutes, is repealed as follows:

~~**24-22-107. Duties and powers of state treasurer.** (3) On or before January 10 of each year, he shall prepare and transmit to the governor, and each member of the general assembly, in the manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting for the condition of the state treasury at the end of the preceding fiscal year and for the discharge of all responsibilities assigned by law to himself or the treasury department.~~

SECTION 7. 24-30-201 (1) (1), Colorado Revised Statutes, is amended to read:

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

(1) To ~~submit~~ 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 fifty thousand dollars or more, concerning real property pursuant to section 24-82-102 and concerning personal property pursuant to the "Procurement Code", articles 101 to 112 of this title. THE CONTROLLER SHALL NOTIFY, IN THE MOST COST-EFFECTIVE MANNER AVAILABLE, EACH MEMBER OF THE GENERAL ASSEMBLY OF THE AVAILABILITY OF THE REPORT AND OFFERING 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 ~~him~~ THE CONTROLLER by October 1 of each year a report on ~~such~~ capital leases HAVING A TOTAL VALUE OF FIFTY THOUSAND DOLLARS OR MORE, CONCERNING REAL PROPERTY PURSUANT TO SECTION 24-82-102 AND CONCERNING PERSONAL PROPERTY PURSUANT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE, 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 lease-purchase agreement which provides an option for the state to purchase the property which is the subject thereof, at a purchase price corresponding to the principal component of the remaining lease payments under the lease-purchase agreement, if any, plus a reasonable prepayment premium, if any, and leases with option to purchase which results in the transfer of the ownership of leased property to the state by the end of the contract or lease term or the contract or lease contains an option for the state to purchase said property at less than fair market value, or which provides an option for the state to purchase the property which is the subject thereof at a purchase price which is either a fixed dollar amount or is computed on the basis of market value of the property or on any other basis which does not credit any substantial portion of lease payments made prior to exercise of the purchase option.

SECTION 8. 24-30-202 (5.5) and (26), Colorado Revised Statutes, are amended

to read:

24-30-202. Procedures - vouchers and warrants - rules - penalties. (5.5) Any commitment voucher that provides that the financial obligations of the state in subsequent fiscal years are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available shall not be deemed to create any state multiple-fiscal year direct or indirect debt or other financial obligation whatsoever for purposes of section 20 (4) (b) of article X of the state constitution. ~~Notwithstanding any other provision of this subsection (5.5), no contract for the purchase or lease of property, real or personal, shall be entered into if it involves the issuance of certificates of participation or other instruments evidencing the commitment of the state to make payments in subsequent fiscal years of moneys due under such contract, even if such commitment of funds is expressly made contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available, unless and until a court of competent jurisdiction renders a final decision as to the constitutionality of the issuance of certificates of participation or other instruments evidencing the commitment of a district to make payments in subsequent fiscal years of moneys due under a contract for the purchase or lease of property, real or personal, even if such commitment of funds is expressly made contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available. For purposes of this section and parts 7 and 8 of article 82 of this title, a final decision by a court of competent jurisdiction shall mean a decision by the Colorado supreme court or by the Colorado court of appeals after any period for appeal to the Colorado supreme court has passed. The department of personnel shall report to the executive committee of the legislative council, the joint budget committee, and the capital development committee of the general assembly concerning the occurrence of any such court decision. If a lease-purchase agreement is subject to the requirement of specific authorization by the general assembly under part 8 of said article 82 OF THIS TITLE, such committees shall make a recommendation to the general assembly concerning whether to authorize the lease-purchase agreement involving the issuance of certificates of participation or other instruments. The department of personnel and the Colorado commission on higher education shall maintain comparative data which will assist in determining the relative costs to the state, over the entire term of the arrangement, of financing the purchase or lease of property through pay-as-you-go methods, certificates of participation, or other arrangements.~~

(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 ~~submit~~ 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 9. 24-30-202.4 (3) (d), (4), and (7), Colorado Revised Statutes, are amended to read:

24-30-202.4. Collection of debts due state - controller's duties - creation of debt collection fund. (3) (d) Net proceeds of debts collected by the controller or by a private counsel or private collection agency shall be accounted for and paid into the fund from which the receivable was derived, and if the fund is no longer in existence, it shall be paid into the general fund. ~~and the controller shall report periodically and at least annually to the general assembly concerning the results of collections activities.~~ Net revenues collected by the controller to pay for state collection activities shall be deposited in the debt collection fund.

~~(4) The controller shall report to the general assembly and to the governor, on or before January 1, 1976, and each January 1 thereafter, on the progress of the collection activities of the controller, private counsel, and private collection agencies and on expenses paid or incurred relative to the collection of debts owed the state.~~

~~(7) The controller shall establish specific performance policies and standards for measuring state agency performance in collecting debts due the state. The controller shall report annually to the general assembly and to the governor on or before January 1, 1992, and each January 1 thereafter, on agency compliance with the established accounts receivable policies and standards, and shall indicate the amount of accounts receivable for each state agency.~~

SECTION 10. 24-30-908.5 (6), Colorado Revised Statutes, is amended to read:

24-30-908.5. Public safety communications trust fund - creation. (6) The executive director of the department of personnel shall keep an accurate account of all activities related to the fund including its receipts and expenditures and shall annually, in the month of January, report such information to the ~~governor, the capital development committee, the joint budget committee, and the state auditor.~~ The state auditor may investigate the affairs of the fund, severally examine the properties and records relating to the fund, and prescribe accounting methods and procedures for rendering periodical reports in relation to disbursements and purchases made from the fund. The provisions of this section and the expenditures from the fund shall be reviewed by the legislative audit committee commencing July 1, 1999, and every two years thereafter.

SECTION 11. 24-30-1303.5 (6), Colorado Revised Statutes, is amended to read:

24-30-1303.5. Department to prepare and maintain inventory of state property. (6) The department shall prepare ~~and submit~~ an annual report of the acquisitions and dispositions of property subject to this section ~~to AND MAKE THE REPORT AVAILABLE TO THE MEMBERS OF the capital development committee. on or before January 10, 1991, and every year thereafter.~~ Such report shall include a description of such property and its present use and value.

SECTION 12. Repeal. 24-30-1303.7 (2), Colorado Revised Statutes, is repealed as follows:

24-30-1303.7. Controlled maintenance projects - flexibility in administering

~~**appropriations.** (2) The executive director shall report quarterly to the capital development committee and the joint budget committee on any controlled maintenance projects eliminated, completed, or undertaken pursuant to this section.~~

SECTION 13. Repeal. 24-30-1704, Colorado Revised Statutes, is repealed as follows:

~~**24-30-1704. Annual report by commission.** The commission shall report to the general assembly regularly on at least an annual basis concerning the implementation of the provisions of this part 17.~~

SECTION 14. Repeal. 24-32-106 (1) (f), Colorado Revised Statutes, is repealed as follows:

24-32-106. Powers of the director. (1) In order to perform the functions and duties of the division expressly set forth in this part 1, the director, acting under the authority of the executive director of the department of local affairs, has the following powers:

~~(f) To prepare and, in accordance with section 24-1-136, submit to the governor and the general assembly each year a report of the activities of the division;~~

SECTION 15. 24-32-114 (5), Colorado Revised Statutes, is amended to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal. (5) No later than January 1, ~~1999~~ 2001, the director shall ~~submit~~ PREPARE a report to the general assembly concerning the ~~following:~~ ITEMS LISTED IN THIS SUBSECTION (5). THE DIRECTOR SHALL NOTIFY, IN THE MOST COST-EFFECTIVE MANNER AVAILABLE, EACH MEMBER OF THE GENERAL ASSEMBLY OF THE AVAILABILITY OF THE REPORT AND OFFERING TO PROVIDE EACH MEMBER WITH A COPY OF THE REPORT. THE REPORT SHALL ADDRESS THE FOLLOWING:

- (a) Expenditures made pursuant to this section;
- (b) The status of waste tire disposal and recycling activities pursuant to this section;
- (c) The status of illegal waste tire dumping or storage facilities by county;
- (d) The amount of tires recycled, expressed in weight or as a number of tires; and
- (e) The cost-effectiveness of making grants pursuant to this section for the proper disposal of waste tires.

SECTION 16. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Section 1 of this act shall take effect only if S.B. 99-004 does not become law.

Approved: May 19, 1999