

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0675.01 Nicole Myers x4326

SENATE BILL 17-239

SENATE SPONSORSHIP

Williams A. and Martinez Humenik, Tate

HOUSE SPONSORSHIP

Singer and Thurlow, Pabon

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

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

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/>.)

Joint Technology Committee. Current law specifies a process by which any department, institution, or agency of the state, including any institution of higher education, may request permission to expend money differently from the authority granted by an appropriation for a capital construction budget item if the project for which the appropriation was

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

made requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not in session. This process includes appropriations for capital construction, controlled maintenance, or capital renewal appropriations. Currently, the process does not include information technology capital projects, as they are no longer included in the definition of capital construction. The bill specifies that a department, institution, or agency of the state, including any institution of higher education, may, under the same circumstances specified for capital construction appropriations, use the process to request permission to expend money differently from the authority granted by the appropriation for an information technology capital project.

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

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

4 **24-75-111.5. Additional authority for controller to allow**
5 **expenditures for capital construction items in certain circumstances**
6 **- definition.** (2) For fiscal years commencing on or after July 1, 2015, the
7 controller may allow any department, institution, or agency of the state,
8 including any institution of higher education, to expend moneys
9 differently from the authority granted by an item of appropriation for a
10 capital construction budget item **OR AN INFORMATION TECHNOLOGY**
11 **CAPITAL PROJECT** if the capital construction, controlled maintenance, **or**
12 capital renewal project, **OR INFORMATION TECHNOLOGY CAPITAL PROJECT**
13 that the appropriation was for requires a nonmonetary adjustment for its
14 timely continuation and the nonmonetary adjustment is due to unforeseen
15 circumstances arising while the general assembly is not meeting in regular
16 or special session during which such nonmonetary adjustment would be
17 legislatively addressed, under the following circumstances:

18 (c) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO AN
19 INFORMATION TECHNOLOGY CAPITAL PROJECT AND IS REQUESTED BY A

1 DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE OTHER THAN THE
2 DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE
3 DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE
4 DEPARTMENT:

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

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

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

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

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

27 (I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN

1 SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL
2 ASSEMBLY FOR CONSIDERATION;

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

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

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

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2018 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.