

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 23-0335.01 Megan McCall x4215

**SENATE BILL 23-001**

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**SENATE SPONSORSHIP**

**Roberts and Zenzinger**, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fenberg, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Winter F.

**HOUSE SPONSORSHIP**

**Bird and Lukens**,

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**Senate Committees**

Local Government & Housing  
Appropriations

**House Committees**

Transportation, Housing & Local Government  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING ADDITIONAL FUNCTIONS OF THE PUBLIC-PRIVATE**  
102              **COLLABORATION UNIT FOR PUBLIC PROJECTS THAT PROVIDE**  
103              **HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN**  
104              **APPROPRIATION.**

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**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>.)*

The public-private collaboration unit (unit) in the department of personnel (department) promotes the use of public-private partnerships between state public entities such as departments, agencies, or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
Amended 2nd Reading  
April 25, 2023

SENATE  
3rd Reading Unamended  
April 10, 2023

SENATE  
Amended 2nd Reading  
April 6, 2023

subdivisions of the executive branch of state government, and private partners as a tool for time and cost-efficient completion of public projects. The bill authorizes the unit to undertake additional functions in connection with public projects that provide housing including:

- Accepting gifts, grants, and donations, which if monetary, are to be credited to the unused state-owned real property fund (fund);
- Utilizing proceeds from real estate transactions and revenue from public-private agreements;
- Acting as an agent on behalf of the department in real estate transactions using real property that upon approval by the governor has been deeded to the department by a state public entity, including for the purchase, transfer, exchange, sale and disposition, and lease of real property; and
- Establishing a process for using requests for information to solicit public projects.

The bill also allows the department and the unit to use money from the fund to facilitate these additional functions by the unit in connection with public projects that provide housing and for the standard operating expenses of the unit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-82-102.5, **amend**  
3 (5); and **add** (2)(b.5) as follows:

4 **24-82-102.5. Unused state-owned real property - cash fund -**  
5 **legislative declaration - definitions - repeal.** (2) As used in this section,  
6 unless the context otherwise requires:

7 (b.5) "UNIT" MEANS THE PUBLIC-PRIVATE COLLABORATION UNIT  
8 CREATED IN SECTION 24-94-103 (2) WITHIN THE DEPARTMENT.

9 (5) (a) The unused state-owned real property fund is hereby  
10 created in the state treasury. Unless otherwise directed, the state treasurer  
11 shall credit all proceeds from the sale, rent, or lease, including any leases  
12 entered into under section 24-82-102 (2)(a), of unused state-owned real  
13 property, ANY MONEY TRANSFERRED OR CREDITED PURSUANT TO

1 SUBSECTION (5)(b) OF THIS SECTION, and any revenue generated from  
2 public-private agreements pursuant to section 24-94-103 to the fund. The  
3 fund also consists of any other money that the general assembly may  
4 appropriate or transfer to the fund.

5 (b) (I) The state treasurer shall credit all interest and income  
6 derived from the deposit and investment of money in the unused  
7 state-owned real property fund to the fund. Any unexpended and  
8 unencumbered money in the fund at the end of a fiscal year remains in the  
9 fund.

10 (II) THE UNIT MAY SEEK AND ACCEPT GIFTS, GRANTS, OR  
11 DONATIONS FROM PRIVATE OR PUBLIC SOURCES, AND THE DEPARTMENT OR  
12 THE UNIT MAY EXPEND THE GIFTS, GRANTS, OR DONATIONS FOR THE  
13 PURPOSES SET FORTH IN SUBSECTION (5)(c) OF THIS SECTION. THE UNIT  
14 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR  
15 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO  
16 THE FUND.

17 (III) ANY PROCEEDS FROM REAL ESTATE TRANSACTIONS THAT THE  
18 UNIT IS AUTHORIZED TO FACILITATE PURSUANT TO SECTION 24-94-103  
19 (2.2) (c) SHALL BE TRANSMITTED BY THE UNIT OR BY THE DEPARTMENT TO  
20 THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

21 (c) (I) The money in the unused state-owned real property fund is  
22 continuously appropriated to the department for:

23 (A) The purposes set forth in this section, including for appraisals,  
24 surveys, and property improvement, and for any ~~operational~~ costs to  
25 administer this section; ~~and~~

26 (B) Public-private agreements, as defined in section 24-94-102  
27 (7), and any associated costs;

1 (C) USE BY THE UNIT TO CARRY OUT THE FUNCTIONS OF THE UNIT  
2 PURSUANT TO SECTION 24-94-103 (2.2) FOR PUBLIC PROJECTS THAT  
3 PROVIDE AFFORDABLE HOUSING; AND

4 (D) THE STANDARD OPERATING EXPENSES OF THE UNIT, INCLUDING  
5 PERSONAL SERVICES AND RELATED COSTS.

6 (II) (A) For the 2022-23 state fiscal year, the general assembly  
7 shall make an appropriation from the fund to the department for the  
8 standard operating expenses of the public-private collaboration unit  
9 created in section 24-94-103 (2), including personal services and related  
10 costs.

11 (B) THIS SUBSECTION (5)(c)(II) IS REPEALED, EFFECTIVE JULY 1,  
12 2023.

13 (d) (I) On July 1, 2022, the state treasurer shall transfer fifteen  
14 million dollars from the general fund to the fund. THIS SUBSECTION  
15 (5)(d)(I) IS REPEALED, EFFECTIVE JULY 1, 2023.

16 (II) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER  
17 FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND AND EIGHT  
18 MILLION DOLLARS FROM THE HOUSING DEVELOPMENT GRANT FUND TO THE  
19 FUND. THIS SUBSECTION (5)(d)(II) IS REPEALED, EFFECTIVE JULY 1, 2024.

20 **SECTION 2.** In Colorado Revised Statutes, 24-94-103, **amend**  
21 **(2)(g) and (2)(h); repeal (3); and add (2)(i) and (2.2) as follows:**

22 **24-94-103. Public-private partnerships - oversight of state**  
23 **public entities in the executive branch of state government -**  
24 **definition - repeal.** (2) There is hereby established the public-private  
25 collaboration unit in the department. The unit shall:

26 (g) Attract private investments for public projects; **and**

27 (h) In coordination with the department of early childhood,

1 created in section 24-1-120.5 (1), distribute funding to help increase the  
2 supply of child care facilities using public buildings or other appropriate  
3 public assets; AND

4 (i) GIVE PREFERENCE TO PROPOSED OR EXECUTED PUBLIC-PRIVATE  
5 PARTNERSHIP AGREEMENTS THAT WILL USE STATE-OWNED REAL PROPERTY  
6 FOR THE PURPOSES OF MIXED-INCOME DEVELOPMENT AND AFFORDABLE  
7 HOUSING THAT IS PROPORTIONAL TO THE COMMUNITY'S DEMONSTRATED  
8 AFFORDABLE HOUSING NEEDS.

9 (2.2) (a) THE UNIT MAY:

10 (I) ACCEPT MONETARY AND NONMONETARY GIFTS, GRANTS, AND  
11 DONATIONS. MONETARY GIFTS, GRANTS, AND DONATIONS SHALL BE  
12 TRANSFERRED BY THE UNIT TO THE STATE TREASURER AND CREDITED BY  
13 THE STATE TREASURER TO THE UNUSED STATE-OWNED REAL PROPERTY  
14 FUND CREATED IN SECTION 24-82-102.5 (5).

15 (II) ACCEPT, APPROPRIATE, HOLD IN TRUST, AND LEVERAGE, ON  
16 BEHALF OF PRIVATE PARTNERS, PROCEEDS FROM REAL ESTATE  
17 TRANSACTIONS CONDUCTED IN ACCORDANCE WITH THIS SECTION AND  
18 OTHER APPLICABLE STATE LAW, AS WELL AS REVENUES FROM  
19 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS FOR PUBLIC PROJECTS THAT  
20 PROVIDE AFFORDABLE HOUSING;

21 (III) USE REAL PROPERTY THAT, UPON APPROVAL BY THE  
22 GOVERNOR, HAS BEEN DEEDED TO THE DEPARTMENT BY A STATE PUBLIC  
23 ENTITY FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF AN  
24 EXECUTED OR PROPOSED PUBLIC-PRIVATE AGREEMENT OR REAL ESTATE  
25 STATE CONTRACT FOR A PUBLIC PROJECT THAT PROVIDES AFFORDABLE  
26 HOUSING. IN FURTHERANCE OF THIS SUBSECTION (2.2)(a)(III), THE UNIT  
27 MAY ACT AS THE DEPARTMENT'S AGENT IN REAL ESTATE TRANSACTIONS

1 TO:

2 (A) PURCHASE STATE-OWNED REAL PROPERTY;

3 (B) TRANSFER STATE-OWNED REAL PROPERTY;

4 (C) EXCHANGE STATE-OWNED REAL PROPERTY;

5 (D) SELL OR OTHERWISE DISPOSE OF STATE-OWNED REAL  
6 PROPERTY SUBJECT TO ANY PROCEDURES AND LIMITATIONS APPLICABLE  
7 TO THE STATE PUBLIC ENTITY TO SELL OR OTHERWISE DISPOSE OF  
8 PROPERTY;

9 (E) ENTER INTO AN AGREEMENT FOR EASEMENTS OR DEED  
10 RESTRICTIONS CONCERNING STATE-OWNED REAL PROPERTY; AND

11 (F) ENTER INTO A LEASE AGREEMENT CONCERNING STATE-OWNED  
12 REAL PROPERTY; AND

13 (IV) USE REQUESTS FOR INFORMATION TO SOLICIT PUBLIC  
14 PROJECTS THAT PROVIDE AFFORDABLE HOUSING AND ESTABLISH POLICIES  
15 CONCERNING A REQUEST FOR INFORMATION PROCESS.

16 (b) AS USED IN THIS SUBSECTION (2.2), UNLESS THE CONTEXT  
17 OTHERWISE REQUIRES:

18 (I) "PUBLIC PROJECT THAT PROVIDES AFFORDABLE HOUSING"  
19 MEANS A PUBLIC PROJECT THAT INCLUDES HOUSING PROPORTIONAL TO A  
20 COMMUNITY'S DEMONSTRATED AFFORDABLE HOUSING NEEDS AND MAY  
21 INCLUDE MIXED-USE DEVELOPMENT. THE PERCENTAGE OF  
22 INCOME-RESTRICTED UNITS AND AFFORDABILITY LEVELS IN SUCH A PUBLIC  
23 PROJECT MUST COMPLY WITH ANY LOCAL LAWS PROMOTING THE  
24 DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO  
25 SECTION 29-20-104 (1)(e.5).

26 (II) "STATE-OWNED REAL PROPERTY" HAS THE SAME MEANING AS  
27 "REAL PROPERTY" AS SET FORTH IN SECTION 24-30-1301 (15).

1           (3) For the 2023-24 state fiscal year and for each state fiscal year  
2 thereafter, the general assembly shall make an appropriation from the  
3 general fund to the department for the standard operating expenses of the  
4 public-private collaboration unit created in subsection (2) of this section,  
5 including personal services and related costs.

6           **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,  
7 \$47,583 is appropriated to the department of law. This appropriation is  
8 from the legal services cash fund created in section 24-31-108 (4), C.R.S.,  
9 from revenue received from the department of personnel that is  
10 continuously appropriated to the department of personnel from the unused  
11 state-owned real property fund created in section 24-82-102.5 (5)(a),  
12 C.R.S. The appropriation to the department of law is based on an  
13 assumption that the department of law will require an additional 0.3 FTE.  
14 To implement this act, the department of law may use this appropriation  
15 to provide legal services for the department of personnel.

16           **SECTION 4. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, or safety.