

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0278.01 Kristen Forrestal x4217

HOUSE BILL 17-1058

HOUSE SPONSORSHIP

Thurlow, Arndt

SENATE SPONSORSHIP

Kerr, Moreno, Tate

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE
102 DEPARTMENT OF PERSONNEL TO THE GENERAL ASSEMBLY.

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/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses reporting

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.

requirements of the department of personnel and administration.

Sections 1, 2, 6, 8, and 10 repeal reports that are scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there are no repeal dates in the organic statutes.

Sections 3, 4, 5, 7, and 9 continue indefinitely the reporting requirements contained in those statutory sections.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-201, **amend**
3 (1) introductory portion; and **repeal** (1)(l) as follows:

4 **24-30-201. Accounts and control - controller.** (1) The powers,
5 duties, and functions concerning accounts and control as set forth in this
6 part 2 ~~shall be~~ ARE the responsibility of the state controller. The ~~controller~~
7 ~~shall be appointed by the~~ executive director of the department of
8 personnel SHALL APPOINT THE CONTROLLER, subject to ~~the provisions of~~
9 section 13 of article XII of the state constitution. The controller ~~shall~~
10 MUST be bonded in such amount as the executive director shall fix. The
11 powers and duties of the controller ~~shall be~~ ARE:

12 (l) ~~To make available to each member of the general assembly by~~
13 ~~November 1 of each year a report on all capital leases having a total value~~
14 ~~of five hundred thousand dollars or more, concerning real property~~
15 ~~pursuant to sections 24-82-102, 24-82-801, and 24-82-1204, concerning~~
16 ~~personal property pursuant to the "Procurement Code", articles 101 to 112~~
17 ~~of this title, and concerning lease-purchase agreements pursuant to section~~
18 ~~24-82-801. The controller shall notify, in the most cost-effective manner~~
19 ~~available, each member of the general assembly of the availability of the~~
20 ~~report and offer to provide the members with copies of the report. The~~
21 ~~controller shall require and each department and agency of the executive~~
22 ~~branch shall submit to the controller by October 1 of each year a report on~~

1 capital leases having a total value of five hundred thousand dollars or
2 more, concerning real property pursuant to section 24-82-102, concerning
3 personal property pursuant to the "Procurement Code", articles 101 to 112
4 of this title, and concerning lease-purchase agreements pursuant to section
5 24-82-801, the payments of which are financed by appropriated funds to
6 which the department or agency is a party. For the purpose of this
7 paragraph (1), "capital lease" means a capital lease as defined in the
8 generally accepted accounting principles issued by the governmental
9 accounting standards board that the controller prescribes for the state as
10 specified in section 24-30-202 (12):

11 **SECTION 2.** In Colorado Revised Statutes, 24-30-202, **amend**
12 (26) as follows:

13 **24-30-202. Procedures - vouchers, warrants, and checks -**
14 **rules - penalties.** (26) The controller shall promulgate equitable fiscal
15 rules concerning travel policies applicable to state employees, including
16 methods of transportation, travel advances, reimbursements, travel
17 allowances, use of travel agents, and use of state or privately owned
18 vehicles, and may promulgate such rules for the implementation of a state
19 travel policy as he deems necessary to assure fair and reasonable
20 expenditures. The controller shall make available a report no later than
21 February 1 of each year to the governor ~~the joint budget committee, and~~
22 ~~the legislative audit committee~~ regarding the travel expenses of state
23 employees for the prior fiscal year. ~~Such~~ THE report ~~shall~~ MUST include
24 ~~but shall not be limited to,~~ an itemized list of the travel expenses of each
25 department including in-state travel, out-of-state travel, and
26 out-of-country travel. The controller shall notify THE GOVERNOR ~~in the~~
27 ~~most cost-effective manner available, the governor the joint budget~~

1 ~~committee, and the legislative audit committee~~ of the availability of the
2 report and ~~offering~~ OFFER to provide copies of the report.

3 **SECTION 3.** In Colorado Revised Statutes, 24-30-204, **amend**
4 (1) as follows:

5 **24-30-204. Fiscal year.** (1) The fiscal year of the state
6 government shall commence on July 1 and end on June 30 of each year.
7 This fiscal year shall be followed in making appropriations and in
8 financial reporting and shall be uniformly adopted by all departments,
9 institutions, and agencies in the state government except the department
10 of transportation, which shall prepare and submit its budget as required
11 by law. Financial statements for the fiscal year shall be submitted by each
12 department, institution, or agency to the controller no later than August
13 25. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the controller shall
14 prepare financial statements in accordance with generally accepted
15 accounting principles and submit these financial statements to the
16 governor and the general assembly no later than September 20. The
17 controller may grant an extension, not to exceed twenty days, to any
18 department, institution, or agency because of administrative hardship in
19 complying with this section.

20 **SECTION 4.** In Colorado Revised Statutes, 24-30-1104, **amend**
21 (2) introductory portion, (2)(c)(II) introductory portion, and (2)(c)(V),
22 introductory portion follows:

23 **24-30-1104. Central services functions of the department -**
24 **definitions.** (2) In addition to the county-specific functions set forth in
25 subsection (1) of this section, the department of personnel shall take such
26 steps as are necessary to fully implement a central state motor vehicle
27 fleet system by January 1, 1993. The provisions of the motor vehicle fleet

1 system created pursuant to this subsection (2) shall apply to the executive
2 branch of the state of Colorado, its departments, its institutions, and its
3 agencies; except that the governing board of each institution of higher
4 education, by formal action of the board, and the Colorado commission
5 on higher education, by formal action of the commission, may elect to be
6 exempt from the provisions of this subsection (2) and may obtain a motor
7 vehicle fleet system independent of the state motor vehicle fleet system.
8 Under the direction of the executive director, the department of personnel
9 shall perform the following functions pertaining to the motor vehicle fleet
10 system throughout the state:

11 (c) (II) By January 1, 2008, the executive director shall adopt a
12 policy to significantly increase the utilization of alternative fuels and that
13 establishes increasing utilization objectives for each following year. To
14 encourage compliance with this policy, the rules promulgated pursuant to
15 this ~~paragraph (c)~~ SUBSECTION (2)(c) may establish progressively more
16 stringent percentage mileposts and, for fiscal years commencing after July
17 1, 2004, require the collection of data concerning the annual percentage
18 of state-owned bi-fueled vehicles that were fueled exclusively with an
19 alternative fuel. For the years commencing on January 1, 2008, and
20 January 1, 2009, the executive director shall purchase flexible fuel
21 vehicles or hybrid vehicles, subject to availability, unless the increased
22 cost of such vehicle is more than ten percent over the cost of a
23 comparable dedicated petroleum fuel vehicle. Beginning on January 1,
24 2010, the executive director shall purchase motor vehicles that operate on
25 compressed natural gas, plug-in hybrid electric vehicles, or vehicles that
26 operate on other alternative fuels, subject to their availability and the
27 availability of adequate fuel and fueling infrastructure, if either the

1 increased base cost of such vehicle or the increased life-cycle cost of such
2 vehicle is not more than ten percent over the cost of a comparable
3 dedicated petroleum fuel vehicle. The executive director shall adopt a
4 policy to allow some vehicles to be exempted from this requirement.
5 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the executive director
6 or the director's designee shall submit an annual report to the
7 transportation committees of the senate and the house of representatives,
8 or any successor committees, and the joint budget committee of the
9 general assembly, detailing the items specified in ~~subparagraph (V) of this~~
10 ~~paragraph (c)~~ SUBSECTION (2)(c)(V) OF THIS SECTION. As used in this
11 ~~subparagraph (H)~~ SUBSECTION (2)(c)(II):

12 (V) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before
13 November 1, 2013, and each November 1 thereafter, the executive
14 director or the director's designee shall submit a report to the general
15 assembly as specified in ~~subparagraph (H) of this paragraph (c)~~
16 SUBSECTION (2)(c)(II) OF THIS SECTION. The report must include, but need
17 not be limited to, the following:

18 **SECTION 5.** In Colorado Revised Statutes, 24-30-1303.5,
19 **amend** (6) and (7) as follows:

20 **24-30-1303.5. Office of the state architect to prepare and**
21 **maintain inventory of state property - vacant facilities.**

22 (6) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the office shall
23 prepare an annual report of the acquisitions and dispositions of real
24 property subject to this section and make the report available to the
25 members of the capital development committee. Such report must include
26 a description of the real property and its present use and value.

27 (7) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the office

1 shall report annually to the capital development committee regarding
2 contracting documents, project guidelines, and reporting and tracking
3 procedures related to the implementation of this section.

4 **SECTION 6.** In Colorado Revised Statutes, 24-50-104, **repeal**
5 (1)(c.5)(V) as follows:

6 **24-50-104. Job evaluation and compensation - state employee**
7 **reserve fund - created - definitions. (1) Total compensation**
8 **philosophy. (c.5) (V)** ~~The state personnel director shall monitor~~
9 ~~compliance with the requirements of this paragraph (c.5) and paragraph~~
10 ~~(c) of this subsection (1) and shall annually report the director's findings~~
11 ~~pertaining to the prior fiscal year no later than January 1 of the following~~
12 ~~fiscal year to the joint budget committee of the general assembly. The~~
13 ~~report shall include, by department or institution, the number of~~
14 ~~supervisors who were suspended or demoted, the percentage of all~~
15 ~~supervisors who complied with the requirements of this paragraph (c.5);~~
16 ~~the total amount of dollars that were awarded to employees for merit pay;~~
17 ~~the total amount of those dollars awarded for each priority group and each~~
18 ~~salary range and performance category, any reversion amounts that were~~
19 ~~transferred for the prior state fiscal year pursuant to subparagraph (IV) of~~
20 ~~paragraph (j) of this subsection (1), the line item appropriation related to~~
21 ~~each reversion amount, and the balance in the department's account~~
22 ~~within the state employee reserve fund as of the date of the report.~~

23 **SECTION 7.** In Colorado Revised Statutes, 24-75-201.3, **amend**
24 (2) as follows:

25 **24-75-201.3. Procedures relating to revenue estimates.**
26 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), no later than June
27 20 prior to the beginning of each fiscal year, and no later than September

1 20, December 20, and March 20 within each fiscal year, the governor,
2 with the assistance of the controller, the office of state planning and
3 budgeting, and the governor's revenue-estimating advisory group, shall
4 make an estimate of general fund revenues for such fiscal year. Copies of
5 each such revenue estimate must be promptly transmitted to the general
6 assembly. Such revenue estimates are used in the implementation of
7 section 24-75-201.5 but are not binding on the general assembly in
8 determining the amount of general funds available for appropriation for
9 the next ensuing fiscal year.

10 **SECTION 8.** In Colorado Revised Statutes, 24-75-212, **repeal** (2)
11 as follows:

12 **24-75-212. Legislative reporting of federal money - definitions.**

13 ~~(2) In accordance with the provisions of section 24-1-136 (9), the~~
14 ~~controller shall submit to the general assembly by November 1 of each~~
15 ~~year a report of all federal moneys, including the same matters required~~
16 ~~by subsection (1) of this section, received by each state agency during the~~
17 ~~prior state fiscal year. In the report, the controller shall identify any state~~
18 ~~agency that failed to submit a report as required by this section.~~

19 **SECTION 9.** In Colorado Revised Statutes, 24-77-106.5, **amend**
20 (1)(b) as follows:

21 **24-77-106.5. Annual financial report - certification of excess**
22 **state revenues.** (1) (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),
23 based upon the financial report prepared in accordance with ~~paragraph (a)~~
24 ~~of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION for any given
25 fiscal year, the controller shall certify to the governor, the general
26 assembly, and the executive director of the department of revenue no later
27 than September 1 following the end of a fiscal year the amount of state

1 revenues in excess of the limitation on state fiscal year spending imposed
2 by section 20 (7)(a) of article X of the state constitution, if any, for such
3 fiscal year and the state revenues in excess of such limitation that the state
4 is authorized to retain and spend pursuant to voter approval of section
5 24-77-103.6.

6 **SECTION 10.** In Colorado Revised Statutes, 24-102-205, **repeal**
7 (7) as follows:

8 **24-102-205. Centralized contract management system -**
9 **personal services contracts - legislative declaration - definitions.**

10 ~~(7) (a) Commencing on September 30, 2007, until such time as the~~
11 ~~development of the system created in paragraph (a) of subsection (3) of~~
12 ~~this section is complete, the department shall provide reports on a~~
13 ~~quarterly basis to the joint budget committee of the general assembly~~
14 ~~concerning the status of the development of the system.~~

15 ~~(b) The department shall annually report information on personal~~
16 ~~services contracts contained in the centralized contract management~~
17 ~~system created in paragraph (a) of subsection (3) of this section to the~~
18 ~~standing legislative committees of reference in each house of the general~~
19 ~~assembly with oversight responsibilities over the department's affairs.~~

20 ~~(c) With respect to any sole-source personal services contract~~
21 ~~identified in the system required to be maintained by the department~~
22 ~~pursuant to paragraph (a) of subsection (3) of this section, the department~~
23 ~~shall submit an annual report to the legislative council of the general~~
24 ~~assembly created in section 2-3-301 (1), C.R.S., concerning any new~~
25 ~~contract entered into by the state during the prior calendar year. Each~~
26 ~~report shall describe, without limitation, the following:~~

27 ~~(I) The number and aggregate value of the sole-source personal~~

1 ~~services contracts for each category of services specified in subsection (4)~~
2 ~~of this section; and~~

3 ~~(H) The justification provided by the governmental body for the~~
4 ~~use of the sole-source contracting provisions in section 24-103-205 and~~
5 ~~the steps taken to determine if a vendor is the only available source for~~
6 ~~the required supply, service, or construction item.~~

7 **SECTION 11. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.