

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0443.01 Esther van Mourik x4215

HOUSE BILL 18-1229

HOUSE SPONSORSHIP

Neville P., Humphrey, Everett, Saine, Leonard, Liston, Wilson, Van Winkle, Lundeen, Landgraf, Reyher, Lewis, Wist, Covarrubias, Willett, Lebsock, Becker J., McKean, Ransom, Sandridge, Williams D.

SENATE SPONSORSHIP

Neville T. and Smallwood,

House Committees

State, Veterans, & Military Affairs
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE JOINT COMMITTEE OF REFERENCE REVIEW OF**
102 **DEPARTMENTAL BUDGET REQUESTS AS PART OF THE "STATE**
103 **MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND**
104 **TRANSPARENT (SMART) GOVERNMENT ACT" HEARINGS.**

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 bill changes the deadlines for state agencies to submit their budget requests to the general assembly in order for each joint committee of reference assigned to a particular state department to hear that

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

department's budget request, budget request amendment, or request for supplemental appropriation prior to the presentation of such matters to the joint budget committee. The bill requires the joint committee of reference to provide to the joint budget committee, at a joint meeting, any recommendations regarding the budget request no later than November 1 and any recommendations regarding budget request amendments or requests for supplemental appropriations no later than January 15. The bill requires the joint budget committee liaison assigned to the joint committee of reference to notify the joint committee of reference which recommendations the joint budget committee did or did not adopt in the joint budget committee's appropriations recommendations to the appropriations committees. The bill also requires the staff of the joint budget committee to provide budget analyses to the joint committees of reference.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Because the joint committees of reference are already the
5 experts on the departments they oversee, it makes good policy sense for
6 the departments to present their budget requests to the joint committees
7 of reference;

8 (b) This process will also improve the usefulness of the "State
9 Measurement for Accountable, Responsive, and Transparent (SMART)
10 Government Act" hearings because not only will the joint committees of
11 reference have the expertise about that particular department, the joint
12 committees of reference will be hearing about the department's budget
13 requests at the same time that the department will present its performance
14 plan and regulatory agenda, ensuring that all work together from a policy
15 perspective;

16 (c) Since a department's budget affects the department's
17 performance plan, it is imperative that the joint committee of reference

1 has a say in the budget of the department that they oversee; and

2 (d) The joint committees of reference will provide the joint budget
3 committee with expertise on each department that will be useful to the
4 joint budget committee and will foster a closer working relationship with
5 all of the general assembly in finalizing the state's budget each year.

6 **SECTION 2.** In Colorado Revised Statutes, **amend 2-3-208** as
7 follows:

8 **2-3-208. Budget requests - amendments - supplemental**
9 **appropriation requests - deadlines - definitions.** (1) As used in this
10 section, unless the context otherwise requires:

11 (a) "Budget request amendment" means any change to a budget
12 request for the upcoming state fiscal year that a state agency submits to
13 the joint budget committee.

14 (b) "JOINT COMMITTEE OF REFERENCE" MEANS THE JOINT MEETING
15 OF THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES OF
16 REFERENCE ASSIGNED TO EACH STATE AGENCY PURSUANT TO SECTION
17 2-7-203.

18 ~~(b)~~ (c) "State agency" means any department, commission,
19 council, board, bureau, committee, institution of higher education,
20 agency, or other governmental unit of the executive, legislative, or
21 judicial branch of state government that receives an appropriation or is
22 otherwise included in the annual general appropriation act.

23 (2) (a) A state agency shall submit its budget request for the
24 upcoming state fiscal year to the joint budget committee AND TO ITS
25 ASSIGNED JOINT COMMITTEE OF REFERENCE by ~~November 1~~ OCTOBER 1.
26 Except as set forth in ~~paragraph (b) of this subsection~~ (2) SUBSECTION
27 (2)(b) OF THIS SECTION, the state agency shall submit any budget request

1 amendments to the joint budget committee AND TO ITS ASSIGNED JOINT
2 COMMITTEE OF REFERENCE by ~~January 15~~ DECEMBER 15.

3 (b) (I) A state agency shall submit a budget request amendment
4 that is related to a request for a supplemental appropriation to the joint
5 budget committee AND TO ITS ASSIGNED JOINT COMMITTEE OF REFERENCE
6 by ~~January 2~~ DECEMBER 2; except that the ~~January 2~~ DECEMBER 2
7 deadline does not apply to a budget request amendment that is related to
8 a request for a supplemental appropriation identified in ~~subparagraph (f)~~
9 ~~of paragraph (b) of subsection (3)~~ SUBSECTION (3)(b)(I) of this section.

10 (II) A state agency may submit a budget request amendment to the
11 joint budget committee AND TO ITS ASSIGNED JOINT COMMITTEE OF
12 REFERENCE after its applicable deadline if the budget request amendment
13 is based upon circumstances unknown to, and not reasonably foreseeable
14 by, the state agency prior to the deadline.

15 (c) Any deadline in this subsection (2) is the date immediately
16 preceding the state fiscal year that is the subject of the budget request or
17 budget request amendment.

18 (3) (a) Except as set forth in ~~paragraph (b) of this subsection (3)~~
19 SUBSECTION (3)(b) OF THIS SECTION, a state agency shall submit a request
20 for a supplemental appropriation for the current state fiscal year to the
21 joint budget committee AND TO ITS ASSIGNED JOINT COMMITTEE OF
22 REFERENCE by ~~January 2~~ DECEMBER 2.

23 (b) (I) The department of education shall submit a request for a
24 supplemental appropriation pursuant to section 22-54-106 (4)(b) to the
25 joint budget committee AND TO ITS ASSIGNED JOINT COMMITTEE OF
26 REFERENCE by ~~January 15~~ DECEMBER 15. The department of corrections
27 and the division of youth services in the department of human services

1 shall each submit a request for a supplemental appropriation related to
2 changes in caseload to the joint budget committee AND TO ITS ASSIGNED
3 JOINT COMMITTEE OF REFERENCE by ~~January 15~~ DECEMBER 15.

4 (II) A state agency may submit a request for a supplemental
5 appropriation to the joint budget committee AND TO ITS ASSIGNED JOINT
6 COMMITTEE OF REFERENCE after its applicable deadline if the
7 supplemental appropriation is based upon circumstances unknown to, and
8 not reasonably foreseeable by, the state agency prior to the deadline.

9 (c) Any deadline in this subsection (3) is the date during the state
10 fiscal year that the request for a supplemental appropriation is made.

11 (4) The office of state planning and budgeting may submit a
12 request identified in this section to the joint budget committee AND TO
13 THE STATE AGENCY'S ASSIGNED JOINT COMMITTEE OF REFERENCE on
14 behalf of a state agency, and in such case, the corresponding deadline for
15 the request applies to the office.

16 **SECTION 3.** In Colorado Revised Statutes, 2-7-203, **amend**
17 (2)(a) and (3)(b); and **add** (2)(a.7) as follows:

18 **2-7-203. Departmental presentations to legislative committees**
19 **of reference - departmental regulatory agendas.** (2) (a) (I) Each joint
20 committee of reference shall conduct ~~at least one but not more than three~~
21 hearings during the interim between legislative sessions between
22 ~~November 1~~ OCTOBER 1 and the commencement of the following regular
23 legislative session, during which hearings the joint committee shall hear
24 a presentation from each department that is assigned to such committee
25 pursuant to subsection (1) of this section regarding:

26 (†) (A) The department's performance plan developed pursuant to
27 section 2-7-204 (3);

1 ~~(H)~~ (B) The department's regulatory agenda required pursuant to
2 subsection (4) of this section; and

3 ~~(H)~~ (C) The department's budget request PROVIDED TO THE JOINT
4 COMMITTEE OF REFERENCE AND THE JOINT BUDGET COMMITTEE PURSUANT
5 TO SECTION 2-3-208 and associated legislative agenda for the upcoming
6 regular legislative session.

7 (II) EACH JOINT COMMITTEE OF REFERENCE MAY CONDUCT
8 HEARINGS DURING THE LEGISLATIVE SESSION AS NECESSARY IN ORDER TO
9 HEAR DEPARTMENTAL BUDGET REQUEST AMENDMENTS OR REQUESTS FOR
10 SUPPLEMENTAL APPROPRIATIONS PROVIDED TO THE JOINT COMMITTEE OF
11 REFERENCE AND THE JOINT BUDGET COMMITTEE PURSUANT TO SECTION
12 2-3-208.

13 (III) EACH JOINT COMMITTEE OF REFERENCE MAY HOLD AS MANY
14 HEARINGS AS NECESSARY TO FULFILL THE JOINT COMMITTEE'S
15 RESPONSIBILITIES SET FORTH IN SUBSECTIONS (2)(a)(I) AND (2)(a)(II) OF
16 THIS SECTION.

17 (a.7) (I) EACH JOINT COMMITTEE OF REFERENCE SHALL REVIEW A
18 DEPARTMENT'S BUDGET REQUEST, CONSIDER THE DEPARTMENT'S
19 PRESENTATION, AND THE COMMITTEE OF REFERENCE FROM EACH HOUSE
20 SHALL MAKE WRITTEN RECOMMENDATIONS REGARDING THE
21 DEPARTMENT'S BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE NO
22 LATER THAN NOVEMBER 1.

23 (II) EACH JOINT COMMITTEE OF REFERENCE SHALL REVIEW A
24 DEPARTMENT'S BUDGET REQUEST AMENDMENTS OR REQUESTS FOR
25 SUPPLEMENTAL APPROPRIATIONS, CONSIDER THE DEPARTMENT'S
26 PRESENTATION, AND THE COMMITTEE OF REFERENCE FROM EACH HOUSE
27 SHALL MAKE WRITTEN RECOMMENDATIONS REGARDING THE

1 DEPARTMENT'S BUDGET REQUEST AMENDMENTS OR REQUESTS FOR
2 SUPPLEMENTAL APPROPRIATIONS TO THE JOINT BUDGET COMMITTEE NO
3 LATER THAN JANUARY 15.

4 (III) THE STAFF OF THE JOINT BUDGET COMMITTEE SHALL ASSIST
5 THE JOINT COMMITTEES OF REFERENCE AS SPECIFIED IN SECTION 2-3-204.

6 (3) (b) The chair of the joint budget committee shall assign one
7 member of the joint budget committee to serve as a liaison for each
8 department. The joint budget committee liaison shall inform the joint
9 committee of reference regarding the department's performance
10 management system and performance plan AND SHALL INFORM THE
11 COMMITTEE OF REFERENCE FROM EACH HOUSE, IN WRITING, WHICH
12 COMMITTEE OF REFERENCE RECOMMENDATIONS REGARDING THE
13 DEPARTMENT'S BUDGET REQUEST, BUDGET REQUEST AMENDMENT, OR
14 REQUEST FOR SUPPLEMENTAL APPROPRIATION WERE OR WERE NOT
15 ADOPTED BY THE JOINT BUDGET COMMITTEE IN THE APPROPRIATIONS
16 RECOMMENDATIONS THAT THE JOINT BUDGET COMMITTEE IS REQUIRED TO
17 PROVIDE TO THE APPROPRIATIONS COMMITTEES PURSUANT TO SECTION
18 2-3-203 (1)(b.1).

19 **SECTION 4.** In Colorado Revised Statutes, 2-3-204, **amend** (1)
20 as follows:

21 **2-3-204. Staff director, assistants, and consultants - definition.**

22 (1) (a) The committee shall interview persons applying for the position
23 of staff director as to qualifications and ability and shall make
24 recommendations thereon to the executive committee, which shall appoint
25 the staff director as provided in section 2-3-303 (3). The staff director
26 shall be responsible to the committee AND EACH JOINT COMMITTEE OF
27 REFERENCE for the collection and assembling of all data and the

1 preparation of reports and recommendations. The staff director shall also
2 be responsible for preparing for consideration by the committee AND
3 EACH JOINT COMMITTEE OF REFERENCE analyses of all requests for funds.
4 With the approval of the committee, the staff director may appoint such
5 additional professional, technical, clerical, or other employees necessary
6 to perform the functions assigned to the committee AND EACH JOINT
7 COMMITTEE OF REFERENCE. The staff director and such additional
8 personnel shall be appointed without reference to affiliation and solely on
9 the basis of ability to perform the duties of the position. They shall be
10 employees of the general assembly and shall not be subject to the state
11 personnel system laws. The committee shall establish appropriate
12 qualifications and compensation for all positions. With the consent of the
13 committee, the chairperson may contract for professional services by
14 private consultants as needed.

15 (b) FOR PURPOSES OF THIS SECTION, "JOINT COMMITTEE OF
16 REFERENCE" HAS THE SAME MEANING AS SPECIFIED IN SECTION 2-7-208
17 (1).

18 **SECTION 5. 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 8, 2018, if adjournment sine die is on May 9, 2018); 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.