

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0491.01 Ed DeCecco x4216

HOUSE BILL 20-1329

HOUSE SPONSORSHIP

Kipp and Saine, Froelich

SENATE SPONSORSHIP

Todd and Lundeen,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A DEPARTMENTAL REPORT TO THE GENERAL ASSEMBLY**
102 **ABOUT UNFUNDED PROGRAMS THAT HAVE NOT RECEIVED ANY**
103 **MONEY FOR AT LEAST SIX FISCAL YEARS.**

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>.)

Section 1 of the bill requires a department to annually submit a report of all unfunded programs (report) to staff of legislative council (staff) along with a SMART Act report. An "unfunded program" is defined as any program, service, study, or other function that a department is required or permitted by law to undertake, but for which the

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 has not received an appropriation or money from any other source for the last 6 fiscal years. Staff will provide the report to the applicable SMART Act joint committee of reference and a compilation of the reports to the statutory revision committee. The department is required to include the report in its SMART Act presentation to the joint committee of reference.

Section 2 authorizes the statutory revision committee to recommend legislation to repeal an unfunded program included in the report.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-7-203, **amend**
3 (2)(a)(II) and (2)(a)(III); and **add** (2)(a)(IV) and (6) as follows:

4 **2-7-203. Departmental presentations to legislative committees**
5 **of reference - departmental regulatory agendas - definition.**

6 (2) (a) Each joint committee of reference shall conduct at least one but
7 not more than three hearings in the first two weeks of the regular
8 legislative session, during which hearings the joint committee shall hear
9 a presentation from each department that is assigned to such committee
10 pursuant to subsection (1) of this section regarding:

11 (II) The department's regulatory agenda required pursuant to
12 subsection (4) of this section; **and**

13 (III) The department's budget request and associated legislative
14 agenda for the current regular legislative session; **AND**

15 (IV) **THE DEPARTMENT'S REPORT OF ALL UNFUNDED PROGRAMS**
16 **REQUIRED PURSUANT TO SUBSECTION (6) OF THIS SECTION.**

17 (6) (a) **ALONG WITH THE DEPARTMENTAL REGULATORY AGENDA**
18 **THAT IS FILED ON NOVEMBER 1, 2020, AND NOVEMBER 1 OF EACH YEAR**
19 **THEREAFTER, EACH DEPARTMENT SHALL PROVIDE STAFF OF THE**
20 **LEGISLATIVE COUNCIL WITH A REPORT OF ALL UNFUNDED PROGRAMS, IF**

1 ANY, WHICH INCLUDES THE FOLLOWING INFORMATION FOR EACH
2 UNFUNDED PROGRAM:

3 (I) A BRIEF DESCRIPTION OF THE UNFUNDED PROGRAM;

4 (II) THE LAST FISCAL YEAR THAT THE DEPARTMENT RECEIVED AN
5 APPROPRIATION OR MONEY FROM ANY OTHER SOURCE FOR THE UNFUNDED
6 PROGRAM; AND

7 (III) THE STATUTORY CITATION FOR THE UNFUNDED PROGRAM.

8 (b) STAFF OF THE LEGISLATIVE COUNCIL SHALL DISTRIBUTE A
9 REPORT RECEIVED IN ACCORDANCE WITH SUBSECTION (6)(a) OF THIS
10 SECTION TO THE APPLICABLE COMMITTEE OF REFERENCE PRIOR TO THE
11 DEPARTMENTAL PRESENTATIONS TO THE COMMITTEE OF REFERENCE.
12 STAFF SHALL COMPILE ALL OF THE REPORTS AND SUBMIT THE
13 COMPILATION TO THE STATUTORY REVISION COMMITTEE CREATED IN
14 SECTION 2-3-901 (1).

15 (c) AS USED IN THIS SUBSECTION (6), "UNFUNDED PROGRAM"
16 MEANS ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION THAT A
17 DEPARTMENT IS REQUIRED OR PERMITTED BY LAW TO UNDERTAKE, BUT
18 FOR WHICH THE DEPARTMENT HAS NOT RECEIVED AN APPROPRIATION OR
19 MONEY FROM ANY OTHER SOURCE FOR THE LAST SIX FISCAL YEARS
20 PRECEDING THE DATE OF THE REPORT DESCRIBED IN SUBSECTION (6)(a) OF
21 THIS SECTION.

22 **SECTION 2.** In Colorado Revised Statutes, 2-3-902, **amend** (2);
23 and **add** (4) as follows:

24 **2-3-902. Duties of committee.** (2) Any legislation proposed by
25 the committee and sponsored by a committee member under ~~paragraph~~
26 ~~(d) of subsection (1)~~ SUBSECTION (1)(d) OR (4) of this section is exempt
27 from the five-bill limitation specified in rule 24 of the joint rules of the

1 senate and the house of representatives.

2 (4) IN ADDITION TO OTHER DUTIES, THE COMMITTEE MAY, UPON AN
3 AFFIRMATIVE VOTE BY AT LEAST SEVEN LEGISLATIVE MEMBERS OF THE
4 COMMITTEE, AND IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION,
5 RECOMMEND LEGISLATION TO REPEAL AN UNFUNDED PROGRAM INCLUDED
6 IN A REPORT RECEIVED IN ACCORDANCE WITH SECTION 2-7-203 (6)(b). IF
7 AN UNFUNDED PROGRAM PREVIOUSLY RECEIVED MONEY AND THAT MONEY
8 IS STILL AVAILABLE IN A CASH FUND, THEN IT IS THE INTENT OF THE
9 GENERAL ASSEMBLY THAT THE MONEY BE RETURNED TO THE PAYOR OR
10 OTHER SOURCE, IF POSSIBLE, AS PART OF THE LEGISLATION THAT REPEALS
11 THE UNFUNDED PROGRAM.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.