

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REREVISED**

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

LLS NO. 22-0759.02 Nicole Myers x4326

**SENATE BILL 22-130**

**SENATE SPONSORSHIP**

**Rankin and Hansen**, Bridges, Buckner, Cooke, Donovan, Ginal, Gonzales, Jaquez Lewis, Kolker, Lee, Zenzinger

**HOUSE SPONSORSHIP**

**McCluskie**, Bernett, Lindsay, Lontine, McLachlan, Michaelson Jenet, Ricks, Tipper, Titone

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

Business Affairs & Labor  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING THE AUTHORITY FOR STATE PUBLIC ENTITIES TO ENTER**  
102             **INTO PUBLIC-PRIVATE PARTNERSHIPS FOR PUBLIC PROJECTS,**  
103             **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

**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 authorizes a state public entity to enter into an agreement with a private partner to form a public-private partnership to develop or operate a public project. "State public entity" includes the executive, legislative, and judicial branches of state government, but excludes the department of transportation and any institution of higher education. 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.*

HOUSE  
3rd Reading Unamended  
April 29, 2022

HOUSE  
Amended 2nd Reading  
April 26, 2022

SENATE  
3rd Reading Unamended  
April 6, 2022

SENATE  
Amended 2nd Reading  
April 5, 2022

bill does not impact the authority of the department of transportation or any institution of higher education to enter into a public-private partnership or similar agreement as otherwise authorized by law.

The bill specifies the project delivery methods or agreements that a state public entity may use to develop or operate a public project and that the financing of a public project may be in the amounts and upon the terms and conditions determined by the parties to the agreement. The private partner and state public entity may use any money that may be available for the public project and may enter into specified financing agreements.

The executive director of the department of personnel or the executive director's designee (executive director) is required to oversee any public-private partnership undertaken pursuant to the bill by a state public entity that is in the executive branch of state government. The executive director is also required to ensure that each public-private partnership undertaken by a state public entity that is in the executive branch of state government is in the best interest of the taxpayers of the state.

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

2 **SECTION 1. Department of labor and employment authority**

3 **to dispose of real property.** (1) The state of Colorado, acting by and  
4 through the division of employment and training in the department of  
5 labor and employment, is authorized to dispose of real property with the  
6 following legal description: "Lot 13, 14, 15, 16, 17, 18, 19, 20, 21  
7 BLOCK 3 FRISCO TOWN SUB, County of Summit, State of Colorado."

8 (2) The capital development committee, the state controller, and  
9 the office of the state architect must approve all agreements relating to the  
10 disposition of the real property prior to closing.

11 (3) The proceeds of the disposition of the real property described  
12 in subsection (1) of this section must be credited to the employment  
13 support fund created in section 8-77-109, Colorado Revised Statutes, to  
14 be used for the future improvement of buildings used by the department  
15 of labor and employment.

1                   **SECTION 2. In Colorado Revised Statutes, add article 94 to title**  
2                   24 as follows:

3   **ARTICLE 94**

4                                   **Public-private Partnerships for State Public Entities**

5                   **24-94-101. Legislative declaration. (1) THE GENERAL ASSEMBLY**  
6                   HEREBY FINDS AND DECLARES THAT:

7                   (a) PUBLIC-PRIVATE PARTNERSHIPS ARE AN EFFECTIVE TOOL TO  
8                   LEVERAGE THE EXPERTISE AND RESOURCES OF BOTH THE PUBLIC AND  
9                   PRIVATE SECTORS TO ACCOMMODATE MULTIFACETED SOCIAL  
10                  INFRASTRUCTURE AND OPERATIONAL NEEDS;

11                  (b) PUBLIC-PRIVATE PARTNERSHIPS HAVE A PROVEN TRACK  
12                  RECORD OF ENABLING PUBLIC PROJECTS TO BE COMPLETED ON TIME AND  
13                  AT A LOWER COST THAN EITHER THE PUBLIC OR PRIVATE SECTORS ARE  
14                  ABLE TO ACHIEVE ALONE;

15                  (c) DELIVERING PUBLIC PROJECTS THROUGH PUBLIC-PRIVATE  
16                  PARTNERSHIPS IS AN EFFECTIVE MODEL TO ACCOMMODATE SOME OF OUR  
17                  STATE'S MOST PRESSING AND FOUNDATIONAL NEEDS, SUCH AS INCREASED  
18                  BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE  
19                  HOUSING DEVELOPMENT, AND CHILD CARE SERVICES;

20                  (d) THE COVID-19 PANDEMIC FORCED THE CLOSURE OF MANY  
21                  CHILD CARE FACILITIES AND CLASSROOMS, EXACERBATING A CHILD CARE  
22                  SHORTAGE THAT FORCED MANY PARENTS TO COMPROMISE BETWEEN WORK  
23                  AND FAMILY LIFE; AND

24                  (e) COLORADO FAMILIES HAVE LONG STRUGGLED WITH THE COST  
25                  OF CHILD CARE AND IT REMAINS ONE OF THE PRIMARY BARRIERS TO FULL  
26                  PARTICIPATION IN THE WORKFORCE.

27                  (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT

1 IT IS THE INTENT OF THIS ARTICLE 94 TO PERMIT STATE PUBLIC ENTITIES TO  
2 ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO:

3 (a) DEVELOP, BUILD, FINANCE, OPERATE, AND MAINTAIN QUALITY,  
4 COST-EFFECTIVE PUBLIC PROJECTS THAT PROVIDE ECONOMIC AND SOCIAL  
5 VALUE;

6 (b) PROVIDE A WELL-DEFINED AND TRANSPARENT PROCESS TO  
7 FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES AND  
8 PRIVATE PARTNERS WHILE ENABLING ACCESS TO PRIVATE CAPITAL;

9 (c) BRING INNOVATIVE THINKING AND APPROACHES TO PUBLIC  
10 PROJECTS;

11 (d) REDUCE TOTAL LIFE-CYCLE COSTS OF PUBLIC PROJECTS; AND

12 (e) ALLOW FOR COST, RISK, AND BENEFIT SHARING BETWEEN  
13 PUBLIC AND PRIVATE PARTNERS.

14 **24-94-102. Definitions.** AS USED IN THIS ARTICLE 94, UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL.

17 (2) "DEVELOP" MEANS TO PLAN, DESIGN, DEVELOP, BUILD,  
18 ESTABLISH, FINANCE, LEASE, ACQUIRE, INSTALL, CONSTRUCT,  
19 RECONSTRUCT, OR EXPAND A PUBLIC PROJECT.

20 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
21 THE DEPARTMENT OF PERSONNEL OR THE EXECUTIVE DIRECTOR'S  
22 DESIGNEE.

23 (4) "FINANCE" MEANS THE SUPPLY BY A PRIVATE PARTNER OF  
24 RESOURCES TO ACCOMPLISH ALL OR ANY PART OF THE WORK OR SERVICES  
25 FOR A PUBLIC PROJECT, INCLUDING FUNDS, FINANCING, INCOME, REVENUE,  
26 COST SHARING, TECHNOLOGY, PERSONNEL, EQUIPMENT, EXPERTISE, DATA,  
27 OR ENGINEERING, CONSTRUCTION, OR MAINTENANCE SERVICES.

1           (5) "OPERATE" MEANS TO FINANCE, OPERATE, MAINTAIN, IMPROVE,  
2           EQUIP, MODIFY, REPAIR, OR ADMINISTER A PUBLIC PROJECT.

3           (6) "PRIVATE PARTNER" MEANS ANY NATURAL PERSON,  
4           CORPORATION, GENERAL PARTNERSHIP, LIMITED LIABILITY COMPANY,  
5           LIMITED PARTNERSHIP, JOINT VENTURE, BUSINESS TRUST, PUBLIC BENEFIT  
6           CORPORATION, NONPROFIT ENTITY, LOCAL GOVERNMENT, OTHER PRIVATE  
7           BUSINESS ENTITY, OR ANY COMBINATION THEREOF.

8           (7) "PUBLIC-PRIVATE AGREEMENT" MEANS ANY AGREEMENT  
9           BETWEEN ONE OR MORE PRIVATE PARTNERS AND ONE OR MORE STATE  
10           PUBLIC ENTITIES THAT CONTRACTUALLY PROVIDES FOR THE  
11           RESPONSIBILITIES OF ALL PARTIES IN NEGOTIATING, DEVELOPING, OR  
12           OPERATING ANY ASPECT OF A PROPOSED OR APPROVED PUBLIC PROJECT OR  
13           FINANCED PURCHASED OF AN ASSET. "PUBLIC-PRIVATE AGREEMENT" DOES  
14           NOT MEAN A GRANT OR INCENTIVE PROGRAM ESTABLISHED IN ANOTHER  
15           PROVISION OF LAW OR AN AGREEMENT APPROVED BY THE ECONOMIC  
16           DEVELOPMENT COMMISSION PURSUANT TO PARTS 1 AND 3 OF ARTICLE 46  
17           OF THIS TITLE 24.

18           (8) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT  
19           BETWEEN ONE OR MORE STATE PUBLIC ENTITIES AND ONE OR MORE  
20           PRIVATE PARTNERS BY WHICH A STATE PUBLIC ENTITY MAY ALLOCATE  
21           RESPONSIBILITY OR RISK TO A PRIVATE PARTNER TO DEVELOP OR OPERATE  
22           A PUBLIC PROJECT AND, IN RETURN, THE PRIVATE PARTNER MAY RECEIVE  
23           THE RIGHT TO ALL OR A PORTION OF FEES GENERATED BY THE PUBLIC  
24           PROJECT, AVAILABILITY PAYMENTS MADE BY THE STATE PUBLIC ENTITY,  
25           OTHER PUBLIC MONEY, OR ANY OTHER LEGALLY AVAILABLE  
26           CONSIDERATION. A PUBLIC-PRIVATE PARTNERSHIP DOES NOT CONFER  
27           ONTO THE RELATIONSHIP FORMED ANY OF THE ATTRIBUTES OR INCIDENTS

1 OF A PARTNERSHIP PURSUANT TO SECTION 7-60-106 OR THE COMMON LAW.  
2 "PUBLIC-PRIVATE PARTNERSHIP" DOES NOT MEAN ANY GRANT OR  
3 INCENTIVE PROGRAM ESTABLISHED BY ANOTHER PROVISION OF LAW OR  
4 AGREEMENTS THAT ARE APPROVED BY THE ECONOMIC DEVELOPMENT  
5 COMMISSION, INCLUDING BUT NOT LIMITED TO GRANT OR INCENTIVE  
6 PROGRAMS DESCRIBED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS TITLE 24.

7 (9) "PUBLIC PROJECT" MEANS ANY CONSTRUCTION, ALTERATION,  
8 REPAIR, DEMOLITION, OR IMPROVEMENT OF ANY STATE-OWNED LAND,  
9 BUILDING, STRUCTURE, FACILITY, ASSET, OR OTHER PUBLIC IMPROVEMENT  
10 SUITABLE FOR AND INTENDED FOR USE IN THE PROMOTION OF THE PUBLIC  
11 HEALTH, WELFARE, OR SAFETY, AND ANY MAINTENANCE PROGRAMS FOR  
12 THE UPKEEP OF SUCH PROJECTS SUBJECT TO PART 2 OF ARTICLE 92 OF THIS  
13 TITLE 24. "PUBLIC PROJECT" INCLUDES BUT IS NOT LIMITED TO A PROJECT  
14 FOR CIVIC, CHILD CARE, MEDICAL, UTILITY, TELECOMMUNICATION,  
15 CULTURAL, RECREATIONAL, OR EDUCATIONAL FACILITIES OR SERVICES.

16 (10) "STATE PUBLIC ENTITY" MEANS ANY DEPARTMENT, AGENCY,  
17 OR SUBDIVISION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT;  
18 EXCEPT THAT "STATE PUBLIC ENTITY" DOES NOT INCLUDE STATE ENTITIES  
19 THAT HAVE SPECIFIC STATUTORY AUTHORITY TO ENTER INTO  
20 PUBLIC-PRIVATE PARTNERSHIPS, INCLUDING BUT NOT LIMITED TO THE  
21 AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,  
22 24-33.5-510, 26-6.9-102, 32-22-105 (1)(a)(VIII), 40-2-123, AND  
23 43-4-806.

24 (11) "SUBCOMMITTEE" MEANS THE PUBLIC-PRIVATE PARTNERSHIP  
25 SUBCOMMITTEE OF THE COLORADO ECONOMIC DEVELOPMENT COMMISSION  
26 CREATED IN SECTION 24-46-102 (5).

27 (12) "UNIT" MEANS THE PUBLIC-PRIVATE COLLABORATION UNIT

1 CREATED IN SECTION 24-94-103 (2).

2 **24-94-103. Public-private partnerships - oversight of state**  
3 **public entities in the executive branch of state government.**

4 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE 94, THE  
5 EXECUTIVE DIRECTOR SHALL:

6 (a) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR  
7 STATE PUBLIC ENTITIES TO INITIATE REQUESTS FOR PROPOSALS OR BIDS OR  
8 TO REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS FOR PUBLIC  
9 PROJECTS TO BE COMPLETED THROUGH PUBLIC-PRIVATE PARTNERSHIPS  
10 SUBJECT TO THE EXECUTIVE DIRECTOR'S APPROVAL PURSUANT TO SECTION  
11 24-94-104(1). THE PROCESSES MAY INCLUDE, BUT NEED NOT LIMITED TO:

12 (I) COMPLETION OF ANALYSES REGARDING PERCEIVED  
13 ADVANTAGES, DISADVANTAGES, RISKS, BENEFITS, COSTS, AND  
14 VALUE-FOR-MONEY OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

15 (II) DOCUMENTED CONSIDERATIONS OF POTENTIAL FUNDING  
16 ALTERNATIVES, IMPACTS ON AFFECTED COMMUNITIES, AND THE  
17 SUITABILITY AND SCOPE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

18 (III) DOCUMENTED CONSIDERATIONS OF THE ENTIRE LIFE CYCLE  
19 OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP, INCLUDING PLANNING,  
20 DESIGN, ENGINEERING, CONSTRUCTION, REPAIR, MAINTENANCE,  
21 OPERATIONS, FINANCING, AND HANDOVER;

22 (IV) DUE DILIGENCE REQUIREMENTS; AND

23 (V) DEVELOPMENT OF ANY OTHER MATERIALS, ANALYSES,  
24 CONSIDERATIONS, REQUIREMENTS, OR REPORTS NECESSARY FOR THE  
25 EXECUTIVE DIRECTOR TO MAKE A DETERMINATION THAT THE PROPOSAL  
26 FOR A PUBLIC-PRIVATE PARTNERSHIP SERVES AN IMPORTANT SOCIAL OR  
27 ECONOMIC VALUE, INCLUDING BUT NOT LIMITED TO INCREASED

1 BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE  
2 HOUSING DEVELOPMENT, CHILD CARE SERVICES, OR ANY OTHER PUBLIC  
3 BENEFIT.

4 (b) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR  
5 STATE PUBLIC ENTITIES TO EXECUTE PUBLIC-PRIVATE PARTNERSHIP  
6 AGREEMENTS FOR PUBLIC PROJECTS SUBJECT TO THE EXECUTIVE  
7 DIRECTOR'S APPROVAL PURSUANT TO SECTION 24-94-104 (1). THE  
8 PROCESSES MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

9 (I) ACCEPTABLE PROJECT DELIVERY METHODS, INCLUDING  
10 ALTERNATIVE DELIVERY METHODS, FOR AN APPROVED PUBLIC-PRIVATE  
11 PARTNERSHIP PROPOSAL;

12 (II) ACCEPTABLE FINANCING METHODS FOR AN APPROVED  
13 PUBLIC-PRIVATE PARTNERSHIP, INCLUDING BUT NOT LIMITED TO A PLEDGE  
14 OF, SECURITY OF, INTEREST IN, OR LIEN ON PROPERTY OR INTEREST IN  
15 PROPERTY, AND ANY AMOUNTS, TERMS, AND CONDITIONS TO BE INCLUDED  
16 IN PUBLIC-PRIVATE AGREEMENTS;

17 (III) REPORTING REQUIREMENTS FOR STATE PUBLIC ENTITIES AND  
18 PRIVATE PARTNERS THROUGHOUT THE LIFE CYCLE OF AN EXECUTIVE  
19 DIRECTOR-APPROVED PUBLIC-PRIVATE PARTNERSHIP;

20 (IV) POLICIES CONCERNING TRANSPARENCY AND TIMELY  
21 REPORTING; AND

22 (V) DEVELOPING A FAIR, UNBIASED METHOD OF CHOOSING  
23 PROPOSALS BASED ON THE BEST INTERESTS OF THE STATE AND  
24 CONSIDERING FINANCIAL COSTS AND BENEFITS TO THE STATE AND PUBLIC  
25 PROJECT USERS.

26 (c) FURTHER DEFINE ANY RELEVANT TERMS IN THIS ARTICLE 94,  
27 INCLUDING BUT NOT LIMITED TO PUBLIC-PRIVATE PARTNERSHIP AND



1 PUBLIC-PRIVATE AGREEMENT; AND  
2 (d) DEVELOP COST THRESHOLDS FOR PUBLIC PROJECTS THAT  
3 QUALIFY AS A PUBLIC-PRIVATE PARTNERSHIP OR PUBLIC-PRIVATE  
4 AGREEMENT, WHICH MAY DEPEND ON THE TYPE OF PROJECT AND THE  
5 RESPONSIBLE STATE PUBLIC ENTITY.  
6 (2) THERE IS HEREBY ESTABLISHED THE PUBLIC-PRIVATE  
7 COLLABORATION UNIT IN THE DEPARTMENT. THE UNIT SHALL:  
8 (a) IN COORDINATION WITH RELEVANT STATE PUBLIC ENTITIES,  
9 IDENTIFY, PRIORITIZE, AND ADVANCE POTENTIAL PUBLIC PROJECTS THAT  
10 MAY BE BEST DELIVERED THROUGH A PUBLIC-PRIVATE PARTNERSHIP;  
11 (b) FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES  
12 AND PRIVATE PARTNERS IN CONNECTION WITH PUBLIC PROJECTS;  
13 (c) PROVIDE TECHNICAL ASSISTANCE AND EXPERTISE TO STATE  
14 PUBLIC ENTITIES IN CONNECTION WITH ANY ASPECT OF PROPOSED OR  
15 APPROVED PUBLIC-PRIVATE PARTNERSHIPS, WHICH MAY INCLUDE  
16 ASSISTANCE WITH:  
17 (I) SATISFYING THE REQUIREMENTS ESTABLISHED BY THE  
18 EXECUTIVE DIRECTOR IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;  
19 (II) PROJECT SCREENING, PLANNING, DEVELOPMENT,  
20 PROCUREMENT, OPERATIONS, AND MANAGEMENT; AND  
21 (III) SERVING AS A LIAISON WITH FEDERAL AND LOCAL  
22 GOVERNMENT OFFICIALS;  
23 (d) CREATE BEST PRACTICES THAT INCORPORATE LESSONS  
24 LEARNED FROM OTHER PUBLIC-PRIVATE PARTNERSHIPS FOR EVERY STAGE  
25 OF THE LIFE CYCLE OF A PUBLIC-PRIVATE PARTNERSHIP, WHICH MAY  
26 INCLUDE:  
27 (I) STANDARDIZING METHODOLOGIES AND PROCESSES;

1           (II) CREATING TEMPLATES FOR INTERAGENCY AGREEMENTS THAT  
2           IDENTIFY PROJECT RESOURCES AND RESPONSIBILITIES; AND

3           (III) CREATING TEMPLATES FOR PARTNERSHIP AGREEMENTS THAT  
4           ADDRESS RISK ALLOCATIONS, KEY TERMS, AND CONDITIONS;

5           (e) CONDUCT PUBLIC AND STAKEHOLDER ENGAGEMENT TO  
6           ENCOURAGE TRANSPARENCY, ACCOUNTABILITY, AND INFORMATION  
7           SHARING REGARDING PUBLIC-PRIVATE PARTNERSHIPS;

8           (f) TRACK PROPOSED, ONGOING, AND COMPLETED PUBLIC-PRIVATE  
9           PARTNERSHIPS;

10          (g) ATTRACT PRIVATE INVESTMENTS FOR PUBLIC PROJECTS; AND

11          (h) IN COORDINATION WITH THE DEPARTMENT OF EARLY  
12          CHILDHOOD, CREATED IN SECTION 24-1-120.5 (1), DISTRIBUTE FUNDING TO  
13          HELP INCREASE THE SUPPLY OF CHILD CARE FACILITIES USING PUBLIC  
14          BUILDINGS OR OTHER APPROPRIATE PUBLIC ASSETS.

15          (3) FOR THE 2023-24 STATE FISCAL YEAR AND FOR EACH STATE  
16          FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL MAKE AN  
17          APPROPRIATION FROM THE GENERAL FUND TO THE DEPARTMENT FOR THE  
18          STANDARD OPERATING EXPENSES OF THE PUBLIC-PRIVATE  
19          COLLABORATION UNIT CREATED IN SUBSECTION (2) OF THIS SECTION,  
20          INCLUDING PERSONAL SERVICES AND RELATED COSTS.

21          (4) ANY ISSUANCE OR INCURRENCE OF FINANCIAL OBLIGATIONS  
22          UNDER THIS ARTICLE 94 MUST COMPLY WITH SECTION 24-36-121.

23          **24-94-104. State public entity agreements - public-private**  
24          **partnership.** (1) A STATE PUBLIC ENTITY IS AUTHORIZED, EITHER  
25          SEPARATELY OR IN COMBINATION WITH ANY OTHER STATE PUBLIC ENTITY,  
26          TO INITIATE SOLICITATIONS, REVIEW ANY PRIVATE PARTNER-INITIATED  
27          PROPOSALS, EXECUTE PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, OR

1 EXECUTE PUBLIC-PRIVATE AGREEMENTS TO DEVELOP OR OPERATE A  
2 PUBLIC PROJECT SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE 94.

3 (2) SUBJECT TO SUBSECTION (5) OF THIS SECTION, ANY STATE  
4 PUBLIC ENTITY MUST OBTAIN APPROVALS FROM THE EXECUTIVE DIRECTOR  
5 IN THE TIME AND MANNER DETERMINED BY THE EXECUTIVE DIRECTOR  
6 PURSUANT TO SECTIONS 24-94-103 (1)(a) AND (1)(b).

7 (3) ANY PUBLIC-PRIVATE AGREEMENT ENTERED INTO PURSUANT  
8 TO SUBSECTION (1) OF THIS SECTION MUST COMPLY WITH APPLICABLE  
9 STATE LAWS AND PROCESSES DEVELOPED BY THE EXECUTIVE DIRECTOR  
10 PURSUANT TO SECTION 24-94-103 (1)(a) AND 24-94-103 (1)(b).

11 (4) SUBJECT TO SUBSECTION (2) OF THIS SECTION, STATE PUBLIC  
12 ENTITIES MAY REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS BUT  
13 NEED NOT RESPOND TO SUCH PROPOSALS.

14 (5) NOTHING IN THIS ARTICLE 94 SHALL BE CONSTRUED TO  
15 PROHIBIT, LIMIT, OR OTHERWISE MODIFY THE SPECIFIC STATUTORY  
16 AUTHORITY OF STATE PUBLIC ENTITIES, INCLUDING BUT NOT LIMITED TO  
17 THE AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,  
18 23-5-101.7, 24-33.5-510, 24-36-121, 26-6.9-102, 32-22-105 (1)(a)(VIII),  
19 33-1-105(1), 33-10-107(1), 36-1-118(1), 40-2-123, AND 43-4-806, AND  
20 THE AUTHORITY SPECIFIED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS TITLE  
21 24 AND PARTS 8 AND 13 OF ARTICLE 82 OF THIS TITLE 24, TO ENTER INTO  
22 A PUBLIC-PRIVATE PARTNERSHIP, A PUBLIC-PRIVATE AGREEMENT, OR  
23 OTHER AGREEMENT, OR TO UTILIZE A STATUTORY MECHANISM AS  
24 AUTHORIZED BY ANY OTHER PROVISION OF LAW.

25 **24-94-105. Public-private partnership subcommittee - contract**  
26 **review - lease - sale of state property.** (1) EXCEPT AS OTHERWISE  
27 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A STATE PUBLIC ENTITY

1 THAT INTENDS TO ENTER INTO A CONTRACT, SALE, OR LEASE OF STATE  
2 PROPERTY PURSUANT TO SECTION 24-82-102.5 OR 24-94-104 ON OR AFTER  
3 THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT THE PROPOSED  
4 CONTRACT, SALE, OR LEASE OF STATE PROPERTY TO THE PUBLIC-PRIVATE  
5 PARTNERSHIP SUBCOMMITTEE CREATED IN SECTION 24-46-102 (5) FOR THE  
6 SUBCOMMITTEE'S REVIEW BEFORE ENTERING INTO THE CONTRACT, SALE,  
7 OR LEASE OF STATE PROPERTY. THE STATE PUBLIC ENTITY, IN  
8 COORDINATION WITH THE COLORADO ECONOMIC DEVELOPMENT  
9 COMMISSION STAFF, SHALL SUBMIT A REPORT TO THE SUBCOMMITTEE  
10 REGARDING THE ANTICIPATED USE OF THE STATE PROPERTY IN A TIME AND  
11 MANNER ESTABLISHED BY THE SUBCOMMITTEE. THE SUBCOMMITTEE  
12 SHALL REVIEW THE REPORT AND MAKE ANY RECOMMENDATIONS IT DEEMS  
13 NECESSARY TO THE STATE PUBLIC ENTITY. THE STATE PUBLIC ENTITY  
14 MUST CONSIDER THE SUBCOMMITTEE'S RECOMMENDATIONS, BUT NEED  
15 NOT INCORPORATE OR ADOPT ANY OF THE RECOMMENDATIONS.

16 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A STATE  
17 PUBLIC ENTITY THAT INTENDS TO ENTER INTO A NEW CONTRACT, SALE, OR  
18 LEASE OF STATE PROPERTY PURSUANT TO SECTION 24-82-102.5 OR  
19 24-92-104 WITH EXISTING PRIVATE PARTNERS.

20 **24-94-106. Report.** (1) THE EXECUTIVE DIRECTOR OR THE  
21 EXECUTIVE DIRECTOR'S DESIGNEE SHALL ANNUALLY REPORT ON THE  
22 IMPLEMENTATION AND USE OF THIS ARTICLE 94 AT ITS PRESENTATION TO  
23 ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION  
24 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE,  
25 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

26 (2) THE REPORT PRESENTED PURSUANT TO SUBSECTION (1) OF THIS  
27 SECTION SHALL INCLUDE:

1 (a) THE NUMBER OF PUBLIC-PRIVATE PARTNERSHIPS THAT WERE  
2 EXECUTED TO DEVELOP OR OPERATE A PUBLIC PROJECT PURSUANT TO THIS  
3 ARTICLE 94 DURING THE YEAR IN WHICH THE REPORT IS PRESENTED;

4 (b) THE PROJECT DELIVERY METHOD AND FINANCING METHOD OF  
5 EACH PUBLIC-PRIVATE PARTNERSHIP SPECIFIED IN SUBSECTION (2)(a) OF  
6 THIS SECTION; AND

7 (c) AN OVERVIEW OF THE IMPORTANT SOCIAL OR ECONOMIC  
8 VALUE OF EACH PUBLIC-PRIVATE PARTNERSHIP SPECIFIED IN SUBSECTION  
9 (2)(a) OF THIS SECTION.

10 (3) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S  
11 DESIGNEE SHALL ANNUALLY PROVIDE THE INFORMATION SPECIFIED IN  
12 SUBSECTION (1) OF THIS SECTION TO THE JOINT BUDGET COMMITTEE.

13 **SECTION 3.** In Colorado Revised Statutes, 24-46-102, add (5)  
14 as follows:

15 **24-46-102. Colorado economic development commission -**  
16 **creation - membership - definition. (5) BEGINNING ON SEPTEMBER 1,**  
17 **2022, THE ECONOMIC DEVELOPMENT COMMISSION SHALL ESTABLISH A**  
18 **PUBLIC-PRIVATE PARTNERSHIP SUBCOMMITTEE TO REVIEW PROPOSED**  
19 **CONTRACTS, SALES, AND LEASES OF STATE PROPERTY AS SPECIFIED IN**  
20 **SECTION 24-94-105. THE SUBCOMMITTEE CONSISTS OF AT LEAST THREE**  
21 **MEMBERS OF THE COMMISSION AS SELECTED BY THE COMMISSION. AT NO**  
22 **TIME SHALL ALL OF THE MEMBERS OF THE SUBCOMMITTEE BE APPOINTEES**  
23 **FROM THE SAME APPOINTING AUTHORITY.**

24 **SECTION 4.** In Colorado Revised Statutes, 24-101-105, amend  
25 (1)(a)(XIV) and (1)(a)(XV); and add (1)(a)(XVI) as follows:

26 **24-101-105. Application of this code. (1) (a) This code shall**  
27 **apply to all publicly funded contracts entered into by all governmental**

1 bodies of the executive branch of this state; except that this code shall not  
2 apply to:

3 (XIV) Annuities; and

4 (XV) Real property or interest in real property; AND

5 (XVI) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED BY PART 1 OF  
6 ARTICLE 94 OF THIS TITLE 24.

7 **SECTION 5.** In Colorado Revised Statutes, 24-82-102.5, amend  
8 (2)(c), (4)(d), and (5) as follows:

9 **24-82-102.5. Unused state-owned real property - cash fund -**  
10 **legislative declaration - definitions.** (2) As used in this section, unless  
11 the context otherwise requires:

12 (c) "Unused state-owned real property" means state-owned real  
13 property IDENTIFIED IN THE INVENTORY LIST MAINTAINED ON THE  
14 DEPARTMENT'S WEBSITE PURSUANT TO SUBSECTION (3) OF THIS SECTION,  
15 THAT IS NOT BEING USED AT ITS OPTIMAL OR BEST USE, THAT IS owned by  
16 or under the control of a state agency, not including the division of parks  
17 and wildlife in the department of natural resources and not including the  
18 state board of land commissioners or any state institution of higher  
19 education as defined in section 24-30-1301 (18), AND that is not  
20 otherwise protected for or dedicated to another use such as an access or  
21 a conservation easement.

22 (4) (d) The department may enter into contracts with qualified  
23 developers for proposals to construct affordable housing, child care  
24 facilities, public school facilities, or residential mental and behavioral  
25 health care facilities, or to place renewable energy facilities on unused  
26 state-owned real property that the department has deemed suitable under  
27 subsection (4)(a) of this section, subject to available appropriations.

1 Budget requests under this section must be made through the process  
2 established in section 24-37-304 (1)(c.3); except that budget requests  
3 under this section may not be made through a request for a supplemental  
4 appropriation. Notwithstanding section 24-82-102 (2)(a), contracts  
5 between the state and qualified developers may not require improvements  
6 constructed on state property for the purposes of this section to become  
7 the property of the state upon termination of a lease for such property.

8 (5) (a) The unused state-owned real property fund is hereby  
9 created in the state treasury. Unless otherwise directed, the state treasurer  
10 shall credit all proceeds from the sale, rent, or lease, including any leases  
11 entered into under section 24-82-102 (2)(a), of unused state-owned real  
12 property AND ANY REVENUE GENERATED FROM PUBLIC-PRIVATE  
13 AGREEMENTS PURSUANT TO SECTION 24-94-103 to the fund. The fund also  
14 consists of any other money that the general assembly may appropriate or  
15 transfer to the fund.

16 (b) The state treasurer shall credit all interest and income derived  
17 from the deposit and investment of money in the unused state-owned real  
18 property fund to the fund. Any unexpended and unencumbered money in  
19 the fund at the end of a fiscal year remains in the fund. Subject to annual  
20 appropriation by the general assembly, The department may expend  
21 money from the fund for

22 (c) (I) THE MONEY IN THE UNUSED STATE-OWNED REAL PROPERTY  
23 FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR:

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

27 (B) PUBLIC-PRIVATE AGREEMENTS, AS DEFINED IN SECTION

1 24-94-102 (7), AND ANY ASSOCIATED COSTS.

2 (II) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
3 ASSEMBLY SHALL MAKE AN APPROPRIATION FROM THE FUND TO THE  
4 DEPARTMENT FOR THE STANDARD OPERATING EXPENSES OF THE  
5 PUBLIC-PRIVATE COLLABORATION UNIT CREATED IN SECTION 24-94-103  
6 (2), INCLUDING PERSONAL SERVICES AND RELATED COSTS.

7 (d) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER  
8 FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

9 **SECTION 6. Appropriation.** (1) For the 2022-23 state fiscal  
10 year, \$306,634 is appropriated to the department of personnel. This  
11 appropriation is from the unused state-owned real property fund created  
12 in section 24-82-102.5 (5)(a), C.R.S. To implement this act, the  
13 department may use this appropriation as follows:


14 (a) \$283,984 for personal services related to the public-private  
15 collaboration unit, which amount is based on an assumption that the  
16 department will require an additional 3.0 FTE; and

17 (b) \$22,650 for operating expenses related to the public-private  
18 collaboration unit.

19  
20 (2) For the 2022-23 state fiscal year, \$49,285 is appropriated to  
21 the department of law. This appropriation is from reappropriated funds  
22 received from the department of personnel from the unused state-owned  
23 real property fund created in section 24-82-102.5 (5)(a), C.R.S., and is  
24 based on an assumption that the department of law will require an  
25 additional 0.3 FTE. To implement this act, the department of law may use  
26 this appropriation to provide legal services for the department of  
27 personnel.



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 **SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.