

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading 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,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

Business Affairs & Labor
Appropriations

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
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.

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 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.