

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0335.01 Megan McCall x4215

SENATE BILL 23-001

SENATE SPONSORSHIP

Roberts and Zenzinger, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fenberg, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Winter F.

HOUSE SPONSORSHIP

Bird and Lukens,

Senate Committees

Local Government & Housing
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL FUNCTIONS OF THE PUBLIC-PRIVATE**
102 **COLLABORATION UNIT FOR PUBLIC PROJECTS THAT PROVIDE**
103 **HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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 public-private collaboration unit (unit) in the department of personnel (department) promotes the use of public-private partnerships between state public entities such as departments, agencies, or

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

SENATE
3rd Reading Unamended
April 10, 2023

SENATE
Amended 2nd Reading
April 6, 2023

subdivisions of the executive branch of state government, and private partners as a tool for time and cost-efficient completion of public projects. The bill authorizes the unit to undertake additional functions in connection with public projects that provide housing including:

- Accepting gifts, grants, and donations, which if monetary, are to be credited to the unused state-owned real property fund (fund);
- Utilizing proceeds from real estate transactions and revenue from public-private agreements;
- Acting as an agent on behalf of the department in real estate transactions using real property that upon approval by the governor has been deeded to the department by a state public entity, including for the purchase, transfer, exchange, sale and disposition, and lease of real property; and
- Establishing a process for using requests for information to solicit public projects.

The bill also allows the department and the unit to use money from the fund to facilitate these additional functions by the unit in connection with public projects that provide housing and for the standard operating expenses of the unit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-82-102.5, **amend**
3 (5); and **add** (2)(b.5) as follows:

4 **24-82-102.5. Unused state-owned real property - cash fund -**
5 **legislative declaration - definitions - repeal.** (2) As used in this section,
6 unless the context otherwise requires:

7 (b.5) "UNIT" MEANS THE PUBLIC-PRIVATE COLLABORATION UNIT
8 CREATED IN SECTION 24-94-103 (2) WITHIN THE DEPARTMENT.

9 (5) (a) The unused state-owned real property fund is hereby
10 created in the state treasury. Unless otherwise directed, the state treasurer
11 shall credit all proceeds from the sale, rent, or lease, including any leases
12 entered into under section 24-82-102 (2)(a), of unused state-owned real
13 property, ANY MONEY TRANSFERRED OR CREDITED PURSUANT TO

1 SUBSECTION (5)(b) OF THIS SECTION, and any revenue generated from
2 public-private agreements pursuant to section 24-94-103 to the fund. The
3 fund also consists of any other money that the general assembly may
4 appropriate or transfer to the fund.

5 (b) (I) The state treasurer shall credit all interest and income
6 derived from the deposit and investment of money in the unused
7 state-owned real property fund to the fund. Any unexpended and
8 unencumbered money in the fund at the end of a fiscal year remains in the
9 fund.

10 (II) THE UNIT MAY SEEK AND ACCEPT GIFTS, GRANTS, OR
11 DONATIONS FROM PRIVATE OR PUBLIC SOURCES, AND THE DEPARTMENT OR
12 THE UNIT MAY EXPEND THE GIFTS, GRANTS, OR DONATIONS FOR THE
13 PURPOSES SET FORTH IN SUBSECTION (5)(c) OF THIS SECTION. THE UNIT
14 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR
15 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO
16 THE FUND.

17 (III) ANY PROCEEDS FROM REAL ESTATE TRANSACTIONS THAT THE
18 UNIT IS AUTHORIZED TO FACILITATE PURSUANT TO SECTION 24-94-103
19 (2.2) (c) SHALL BE TRANSMITTED BY THE UNIT OR BY THE DEPARTMENT TO
20 THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

21 (c) (I) The money in the unused state-owned real property fund is
22 continuously appropriated to the department for:

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

26 (B) Public-private agreements, as defined in section 24-94-102
27 (7), and any associated costs;

1 (C) FOR USE BY THE UNIT TO CARRY OUT THE FUNCTIONS OF THE
2 UNIT PURSUANT TO SECTION 24-94-103 (2.2) FOR PUBLIC PROJECTS THAT
3 PROVIDE AFFORDABLE HOUSING; AND

4 (D) FOR THE STANDARD OPERATING EXPENSES OF THE UNIT,
5 INCLUDING PERSONAL SERVICES AND RELATED COSTS.

6 (II) (A) For the 2022-23 state fiscal year, the general assembly
7 shall make an appropriation from the fund to the department for the
8 standard operating expenses of the public-private collaboration unit
9 created in section 24-94-103 (2), including personal services and related
10 costs.

11 (B) THIS SUBSECTION (5)(c)(II) IS REPEALED, EFFECTIVE JULY 1,
12 2023.

13 (d) (I) On July 1, 2022, the state treasurer shall transfer fifteen
14 million dollars from the general fund to the fund. THIS SUBSECTION
15 (5)(d)(I) IS REPEALED, EFFECTIVE JULY 1, 2023.

16 (II) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER
17 FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND AND EIGHT
18 MILLION DOLLARS FROM THE HOUSING DEVELOPMENT GRANT FUND TO THE
19 FUND. THIS SUBSECTION (5)(d)(II) IS REPEALED, EFFECTIVE JULY 1, 2024.

20 **SECTION 2.** In Colorado Revised Statutes, 24-94-103, **amend**
21 **(2)(g) and (2)(h); repeal (3); and add (2)(i) and (2.2) as follows:**

22 **24-94-103. Public-private partnerships - oversight of state**
23 **public entities in the executive branch of state government -**
24 **definition - repeal.** (2) There is hereby established the public-private
25 collaboration unit in the department. The unit shall:

26 (g) Attract private investments for public projects; **and**

27 (h) In coordination with the department of early childhood,

1 created in section 24-1-120.5 (1), distribute funding to help increase the
2 supply of child care facilities using public buildings or other appropriate
3 public assets; AND

4 (i) GIVE PREFERENCE TO PROPOSED OR EXECUTED PUBLIC-PRIVATE
5 PARTNERSHIP AGREEMENTS THAT WILL USE STATE-OWNED REAL PROPERTY
6 FOR THE PURPOSES OF MIXED-INCOME DEVELOPMENT AND AFFORDABLE
7 HOUSING THAT IS PROPORTIONAL TO THE COMMUNITY'S DEMONSTRATED
8 AFFORDABLE HOUSING NEEDS.

9 (I) ACCEPT MONETARY AND NONMONETARY GIFTS, GRANTS, AND
10 DONATIONS. MONETARY GIFTS, GRANTS, AND DONATIONS SHALL BE
11 TRANSFERRED BY THE UNIT TO THE STATE TREASURER AND CREDITED BY
12 THE STATE TREASURER TO THE UNUSED STATE-OWNED REAL PROPERTY
13 FUND CREATED IN SECTION 24-82-102.5 (5).

14 (II) ACCEPT, APPROPRIATE, HOLD IN TRUST, AND LEVERAGE, ON
15 BEHALF OF PRIVATE PARTNERS, PROCEEDS FROM REAL ESTATE
16 TRANSACTIONS CONDUCTED IN ACCORDANCE WITH THIS SECTION AND
17 OTHER APPLICABLE STATE LAW, AS WELL AS REVENUES FROM
18 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS FOR PUBLIC PROJECTS THAT
19 PROVIDE AFFORDABLE HOUSING.

20 (III) USE REAL PROPERTY THAT, UPON APPROVAL BY THE
21 GOVERNOR, HAS BEEN DEEDED TO THE DEPARTMENT BY A STATE PUBLIC
22 ENTITY FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF AN
23 EXECUTED OR PROPOSED PUBLIC-PRIVATE AGREEMENT OR REAL ESTATE
24 STATE CONTRACT FOR A PUBLIC PROJECT THAT PROVIDES AFFORDABLE
25 HOUSING. IN FURTHERANCE OF THIS SUBSECTION (2.2)(a)(III), THE UNIT
26 MAY ACT AS THE DEPARTMENT'S AGENT IN REAL ESTATE TRANSACTIONS
27 TO:

- 1 (A) PURCHASE STATE-OWNED REAL PROPERTY;
- 2 (B) TRANSFER STATE-OWNED REAL PROPERTY;
- 3 (C) EXCHANGE STATE-OWNED REAL PROPERTY;
- 4 (D) SELL OR OTHERWISE DISPOSE OF STATE-OWNED REAL
- 5 PROPERTY SUBJECT TO ANY PROCEDURES AND LIMITATIONS APPLICABLE
- 6 TO THE STATE PUBLIC ENTITY TO SELL OR OTHERWISE DISPOSE OF
- 7 PROPERTY;
- 8 (E) ENTER INTO AN AGREEMENT FOR EASEMENTS OR DEED
- 9 RESTRICTIONS CONCERNING STATE-OWNED REAL PROPERTY; AND
- 10 (F) ENTER INTO A LEASE AGREEMENT CONCERNING STATE-OWNED
- 11 REAL PROPERTY; AND
- 12 (IV) USE REQUESTS FOR INFORMATION TO SOLICIT PUBLIC
- 13 PROJECTS THAT PROVIDE AFFORDABLE HOUSING AND ESTABLISH POLICIES
- 14 CONCERNING A REQUEST FOR INFORMATION PROCESS.

15 (b) AS USED IN THIS SUBSECTION (2.2), UNLESS THE CONTEXT
16 OTHERWISE REQUIRES:

17 (I) "PUBLIC PROJECT THAT PROVIDES AFFORDABLE HOUSING"
18 MEANS A PUBLIC PROJECT THAT INCLUDES HOUSING PROPORTIONAL TO A
19 COMMUNITY'S DEMONSTRATED AFFORDABLE HOUSING NEEDS AND MAY
20 INCLUDE MIXED-USE DEVELOPMENT. THE PERCENTAGE OF
21 INCOME-RESTRICTED UNITS AND AFFORDABILITY LEVELS IN SUCH A PUBLIC
22 PROJECT MUST COMPLY WITH ANY LOCAL LAWS PROMOTING THE
23 DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO
24 SECTION 29-20-104 (1)(e.5)."

25 (II) "STATE-OWNED REAL PROPERTY" HAS THE SAME MEANING AS
26 "REAL PROPERTY" AS SET FORTH IN SECTION 24-30-1301 (15).

27 (3) For the 2023-24 state fiscal year and for each state fiscal year

1 thereafter, the general assembly shall make an appropriation from the
2 general fund to the department for the standard operating expenses of the
3 public-private collaboration unit created in subsection (2) of this section,
4 including personal services and related costs.

5 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
6 \$47,583 is appropriated to the department of law. This appropriation is
7 from the legal services cash fund created in section 24-31-108 (4), C.R.S.,
8 from revenue received from the department of personnel that is
9 continuously appropriated to the department of personnel from the unused
10 state-owned real property fund created in section 24-82-102.5 (5)(a),
11 C.R.S. The appropriation to the department of law is based on an
12 assumption that the department of law will require an additional 0.3 FTE.
13 To implement this act, the department of law may use this appropriation
14 to provide legal services for the department of personnel.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.