

## CHAPTER 306

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 08-1268**

BY REPRESENTATIVE(S) White, Buescher, Pommer, Labuda, Riesberg, Todd, and Summers;  
also SENATOR(S) Johnson, Keller, Morse, and Wiens.

**AN ACT**

**CONCERNING THE AUTHORITY OF THE DEPARTMENT OF HUMAN SERVICES TO RENT SURPLUS FACILITIES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-1-133.5. Rental properties - fund created.** (1) THE EXECUTIVE DIRECTOR IS AUTHORIZED TO RENT SURPLUS FACILITIES ON THE CAMPUSES OF THE VARIOUS INSTITUTIONS OPERATED BY THE STATE DEPARTMENT SO LONG AS THE RENTALS ARE NOT PROHIBITED BY CONTRACTUAL AGREEMENT, STATE LAW, OR OTHER LEGAL RESTRICTIONS ON THE STATE DEPARTMENT'S POSSESSION OR USE OF THE PROPERTY. THE STATE DEPARTMENT SHALL NOT ENTER INTO ANY LEASE AGREEMENT THAT WOULD ENDANGER THE STATE'S OWNERSHIP OF THE PROPERTY OR THAT IS EXPECTED TO RESULT IN A FINANCIAL LOSS TO THE STATE.

(2) ALL MONEYS COLLECTED FROM THE RENTAL OF SURPLUS FACILITIES PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HUMAN SERVICES BUILDINGS AND GROUNDS CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND".

(3) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT TO BE USED IN OPERATING, REPAIRING, REMODELING, OR DEMOLISHING THE FACILITIES OF ANY PROPERTIES RENTED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF SUBSECTION

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(3) OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

**SECTION 2.** 25-1-118, Colorado Revised Statutes, is amended to read:

**25-1-118. Rental properties - salvage - fund created - repeal.** (1) If any federal surplus property ~~which~~ THAT has been acquired by the governor pursuant to the provisions of section 25-1-117 consists of rental property, the executive director of the department of human services is authorized to continue renting such property for such rentals as he OR SHE deems reasonable.

(2) The executive director is also authorized to sell any salvage resulting from the repair, remodeling, or demolition of the facilities of any ~~such~~ properties acquired under the provisions of ~~said~~ section 25-1-117.

(3) Any moneys received from ~~such~~ rentals and from any ~~such~~ salvage shall be deposited with the state treasurer and credited by him OR HER to the Fort Logan state hospital fund, which fund is hereby created. ANY MONEYS REMAINING IN THE FUND AT THE END OF THE 2007-08 FISCAL YEAR SHALL BE TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES BUILDINGS AND GROUNDS CASH FUND CREATED IN SECTION 26-1-133.5 (2), C.R.S.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 3. Repeal.** 25-1-119 and 27-10.5-309, Colorado Revised Statutes, are repealed.

**SECTION 4.** 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions.** (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(u) THE DEPARTMENT OF HUMAN SERVICES BUILDINGS AND GROUNDS CASH FUND CREATED IN SECTION 26-1-133.5 (2), C.R.S.

**SECTION 5. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of human services buildings and grounds cash fund created in section 26-1-133.5 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to the office of operations, for the fiscal year beginning July 1, 2008, the sum of eighty-one thousand twenty-four dollars (\$81,024) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2008