

CHAPTER 173

GOVERNMENT - STATE

HOUSE BILL 10-1178

BY REPRESENTATIVE(S) Stephens, Baumgardner, DelGrosso, Frangas, Gardner C., Gerou, Kerr J., Labuda, Lambert, May, McNulty, Nikkel, Pace, Roberts, Schafer S., Summers, Tipton, Todd, Waller, Court, King S., Massey, Pommer; also SENATOR(S) Scheffel, Boyd, Heath, Hudak, Newell, Romer, Schultheis, Steadman, Williams.

AN ACT

CONCERNING INCREASING THE TRANSPARENCY IN THE USE OF GIFTS, GRANTS, AND DONATIONS TO FUND PROGRAMS BY STATE AGENCIES.

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

SECTION 1. Article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 13
STATUS OF GIFTS, GRANTS, AND DONATIONS
MADE TO STATE AGENCIES**

24-75-1301. Definitions. AS USED IN THIS PART 13, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER DIRECT CONTRIBUTION OF MONEYS FROM THE FEDERAL GOVERNMENT THAT IS NOT REQUIRED TO BE REPAID, REGARDLESS OF WHETHER SUCH FEDERAL MONEYS PASS THROUGH THE STATE PRIOR TO RECEIPT BY A STATE AGENCY. "GRANT" SHALL ALSO INCLUDE ANY GIFT, GRANT, OR DONATION FROM A NONGOVERNMENTAL ENTITY TO A STATE AGENCY THAT IS NOT REQUIRED TO BE REPAID AND THAT IS FIFTY DOLLARS OR MORE.

(2) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION, COUNCIL, BOARD, BUREAU, COMMITTEE, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT. "STATE AGENCY" SHALL NOT INCLUDE ANY INSTITUTION OF HIGHER EDUCATION.

24-75-1302. State agencies - information obtained with grants. EACH STATE

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

AGENCY THAT RECEIVES A GRANT FROM A NONGOVERNMENTAL ENTITY TO PROVIDE FUNDING FOR A BILL ENACTED BY THE GENERAL ASSEMBLY THAT RELIES ENTIRELY OR IN ANY PART ON GRANT MONEYS FOR THE FUNDING SOURCE OF THE PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER GOVERNMENT FUNCTION REQUIRED BY THE BILL, SHALL REQUEST THAT THE ENTITY SUBMIT A LETTER TO THE STATE AGENCY AT THE TIME OF MAKING THE GRANT SPECIFYING THE AMOUNT OF THE GRANT, THE DURATION OF THE GRANT, AND THE SPECIFIC PURPOSES FOR WHICH THE GRANT MONEY IS TO BE USED. THE STATE AGENCY SHALL REQUEST THAT THE NONGOVERNMENTAL ENTITY INCLUDE THE BILL NUMBER OF THE BILL THAT CREATED THE PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER GOVERNMENTAL FUNCTION FOR WHICH THE GRANT IS INTENDED TO PROVIDE FUNDING.

24-75-1303. Report to general assembly. (1) ON OR BEFORE NOVEMBER 1, 2011, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, EACH STATE AGENCY SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, OF ALL GRANTS MADE TO THE STATE AGENCY DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, WHICH GRANTS PROVIDED FUNDING FOR A BILL ENACTED BY THE GENERAL ASSEMBLY THAT RELIES ENTIRELY OR IN ANY PART ON GRANT MONEYS FOR THE FUNDING SOURCE OF THE PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER GOVERNMENTAL FUNCTION REQUIRED BY THE BILL. THE STATE AGENCY SHALL BE PREPARED TO REVIEW THE REPORT AT THE STATE AGENCY'S BRIEFING WITH THE JOINT BUDGET COMMITTEE IN CONNECTION WITH ITS ANNUAL BUDGET REQUEST.

(2) IN COMPILING THE REPORT REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE STATE AGENCY MAY USE THE DOCUMENTATION PROVIDED BY NONGOVERNMENTAL ENTITIES PURSUANT TO SECTION 24-75-1302 FOR A GRANT MADE BY A NONGOVERNMENTAL ENTITY AND MAY USE THE SAME METHOD OF TRACKING FEDERAL GRANTS AS IS USED FOR TRACKING SUCH GRANTS FOR THE PURPOSE OF THE REPORT TO THE CONTROLLER REQUIRED PURSUANT TO SECTION 24-75-212.

(3) THE REPORT REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING INFORMATION FOR EVERY GRANT RECEIVED:

(a) THE SOURCE OF THE GRANT, REGARDLESS OF WHETHER THE GRANT IS FROM THE FEDERAL GOVERNMENT OR FROM A NONGOVERNMENTAL ENTITY;

(b) THE AMOUNT OF MONEY THAT THE STATE AGENCY RECEIVES THROUGH THE GRANT ON AN ANNUAL BASIS AND THE NUMBER OF YEARS THAT THE STATE AGENCY WILL RECEIVE SUCH GRANT MONEYS; AND

(c) THE SPECIFIC PROGRAM THAT THE GRANT IS INTENDED TO SUPPORT, INCLUDING THE BILL NUMBER OF THE BILL THAT CREATED THE PROGRAM.

(4) IN ADDITION TO THE INFORMATION SPECIFIED IN SUBSECTION (3) OF THIS SECTION, A STATE AGENCY SHALL INCLUDE IN THE REPORT A STATEMENT OF THE STATE AGENCY'S INTENT REGARDING THE SUSTAINABILITY OF EACH PROGRAM OR SERVICE THAT IS FUNDED ENTIRELY OR IN ANY PART BY GRANT MONEYS IN THE EVENT THAT GRANT MONEYS ARE NO LONGER AVAILABLE TO SUPPORT THE PROGRAM

OR SERVICE IN THE FUTURE. IF THE STATE AGENCY INTENDS TO CONTINUE THE PROGRAM OR SERVICE AFTER GRANT MONEYS ARE NO LONGER AVAILABLE, THE STATE AGENCY SHALL INCLUDE A STATEMENT REGARDING HOW THE PROGRAM OR SERVICE WILL BE FUNDED.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A SCHOOL DISTRICT TO SUBMIT INFORMATION TO THE DEPARTMENT OF EDUCATION FOR PURPOSES OF THE REPORT REQUIRED IN THIS SECTION.

24-75-1304. Legislation - programs or services reliant on grants - repeal of program. (1) BEGINNING ON JANUARY 1, 2011, THE LEGISLATIVE COUNCIL STAFF SHALL KEEP A RECORD OF ALL BILLS PASSED DURING EACH SESSION OF THE GENERAL ASSEMBLY THAT RELY ENTIRELY OR IN ANY PART ON GRANT MONEYS FOR THE FUNDING SOURCE OF A PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER FUNCTION OF STATE GOVERNMENT THAT IS REQUIRED BY THE BILL.

(2) ANY BILL PASSED BY THE GENERAL ASSEMBLY ON OR AFTER JANUARY 1, 2011, THAT INCLUDES A PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER FUNCTION OF STATE GOVERNMENT AND THAT RELIES ENTIRELY OR IN ANY PART ON GRANT MONEYS AS ITS FUNDING SOURCE SHALL INCLUDE A PROVISION REQUIRING NOTICE OF FUNDING THAT REQUIRES THE STATE AGENCY THAT WILL OVERSEE THE PROGRAM, SERVICE, STUDY, INTERIM COMMITTEE, OR OTHER FUNCTION OF STATE GOVERNMENT PURSUANT TO THE BILL TO REPORT TO THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING FOR THE RELEVANT PORTIONS OF THE BILL THROUGH GRANT MONEYS. IN THE EVENT THAT A LEGISLATIVE INTERIM COMMITTEE IS CREATED THROUGH A RESOLUTION AND IS DEPENDENT ON GRANTS TO FUND THE COMMITTEE, THE LEGISLATIVE COUNCIL STAFF SHALL BE THE ENTITY RESPONSIBLE FOR TRACKING WHETHER GRANT MONEYS HAVE BEEN RECEIVED IN AN AMOUNT THAT IS SUFFICIENT TO FUND THE INTERIM COMMITTEE.

(3) THE NOTICE TO THE LEGISLATIVE COUNCIL STAFF REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL INCLUDE THE SAME INFORMATION REGARDING THE GRANT THAT THE STATE AGENCY IS REQUIRED TO SUBMIT TO THE JOINT BUDGET COMMITTEE PURSUANT TO SECTION 24-75-1303 (3).

(4) IF THE LEGISLATIVE COUNCIL STAFF DOES NOT RECEIVE NOTICE OF FUNDING PURSUANT TO SUBSECTION (2) OF THIS SECTION WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THE BILL, THE LEGISLATIVE COUNCIL STAFF SHALL INCLUDE THE BILL NUMBER ON THE LIST PROVIDED TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE REVISOR OF STATUTES PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(5) ON OR BEFORE DECEMBER 1, 2012, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE LEGISLATIVE COUNCIL STAFF SHALL SUBMIT TO THE MEMBERS OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY, THE MEMBERS OF THE COMMITTEE ON LEGAL SERVICES, AND THE REVISOR OF STATUTES A LIST OF THE BILLS THAT HAVE NOT RECEIVED FUNDING FROM GRANTS IN AN AMOUNT SUFFICIENT TO FUND THE PROGRAMS, SERVICES, STUDIES, INTERIM COMMITTEES, OR OTHER FUNCTIONS OF STATE GOVERNMENT CONTAINED IN SUCH BILLS.

(6) BEGINNING WITH THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, COMMENCING IN JANUARY 2013, THE REVISOR OF STATUTES, UNDER THE SUPERVISION AND DIRECTION OF THE COMMITTEE ON LEGAL SERVICES, SHALL PREPARE AND SUBMIT ANNUALLY ONE OR MORE BILLS CONTAINING THE REPEAL OF THE STATUTORY PROVISIONS CREATED BY THE BILLS INCLUDED ON THE LIST PREPARED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

24-75-1305. Programs or services reliant on grants - statutory reauthorization of program. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, BEGINNING JANUARY 1, 2011, THE GENERAL ASSEMBLY SHALL NOT MAKE AN APPROPRIATION OF MONEYS FROM THE GENERAL FUND OR FROM ANY OTHER SOURCE OF STATE MONEYS TO FUND A PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT THAT WAS PREVIOUSLY FUNDED THROUGH GRANT MONEYS AND THAT HAS NOT RECEIVED ADEQUATE GRANT MONEYS TO SUPPORT THE PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT FOR THE APPLICABLE FISCAL YEAR.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, BEGINNING JANUARY 1, 2011, A STATE AGENCY THAT OVERSEES ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT SHALL NOT REQUEST AS PART OF ITS ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE THAT THE GENERAL ASSEMBLY MAKE AN APPROPRIATION FROM THE GENERAL FUND OR ANY OTHER SOURCE OF STATE MONEYS TO FUND A PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT THAT WAS PREVIOUSLY FUNDED THROUGH GRANT MONEYS AND THAT HAS NOT RECEIVED ADEQUATE GRANT MONEYS TO SUPPORT THE PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT FOR THE APPLICABLE FISCAL YEAR.

(3) THE GENERAL ASSEMBLY MAY ADOPT LEGISLATION TO REAUTHORIZE ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT THAT WAS PREVIOUSLY FUNDED THROUGH GRANT MONEYS AND, IF SUCH LEGISLATION INCLUDES AN APPROPRIATION FROM THE GENERAL FUND OR ANY OTHER SOURCE OF STATE MONEYS AND BECOMES LAW, MAY MAKE AN APPROPRIATION FROM THE GENERAL FUND OR FROM ANY OTHER SOURCE OF STATE MONEYS TO A STATE AGENCY TO OVERSEE THE PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 29, 2010