

CHAPTER 122

GOVERNMENT - STATE

HOUSE BILL 12-1009

BY REPRESENTATIVE(S) Gerou, Barker, Becker, Brown, Conti, DelGrosso, Kerr A., Liston, Looper, Murray, Nikkel, Priola, Sonnenberg, Summers, McNulty;
also SENATOR(S) Lambert, Cadman, Hodge, Mitchell, Steadman.

AN ACT

CONCERNING A REPORT RELATED TO THE FEDERAL MONEYS RECEIVED BY THE EXECUTIVE BRANCH.

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

SECTION 1. Short title. This act shall be known and may be cited as the "Federal Funds Transparency Act".

SECTION 2. In Colorado Revised Statutes, **amend** 24-75-212 as follows:

24-75-212. Legislative reporting of federal moneys - definitions. (1) (a) Each ~~department and agency of the executive branch of state government~~ STATE AGENCY shall submit to the controller by October 1 of each year a report of all federal moneys received by the ~~department or~~ STATE agency. ~~listing each~~ EXCEPT AS SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (1), FOR EACH SEPARATE GRANT OF FEDERAL MONEYS RECEIVED, THE STATE AGENCY SHALL INCLUDE IN THE REPORT THE FOLLOWING INFORMATION:

- (I) THE federal program;
- (II) A citation to its federal statutory authority; ~~and~~
- (III) The amount received under such program, including indirect cost recoveries; ~~during the prior year.~~
- (IV) THE PURPOSE FOR WHICH THE MONEYS WERE USED;
- (V) THE PERCENTAGE OF THE FEDERAL MONEYS THAT THE STATE AGENCY USED

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

FOR ADMINISTRATIVE EXPENSES; AND

(VI) A SUMMARY OF ANY OBLIGATIONS IMPOSED ON THE STATE AS A RESULT OF ACCEPTING THE FEDERAL MONEYS.

(b) THE STATE AGENCY SHALL ALSO INCLUDE IN THE REPORT THE FOLLOWING INFORMATION:

(I) THE TOTAL AMOUNT OF ALL FEDERAL MONEYS RECEIVED BY THE STATE AGENCY;

(II) THE PERCENTAGE OF THE STATE AGENCY'S TOTAL SPENDING THAT WAS FROM FEDERAL MONEYS; AND

(III) PLANS FOR OPERATING THE STATE AGENCY IF THERE IS A REDUCTION OF:

(A) FIVE PERCENT OR MORE IN THE TOTAL AMOUNT OF ALL FEDERAL MONEYS THAT THE STATE AGENCY RECEIVES; AND

(B) TWENTY-FIVE PERCENT OR MORE IN THE TOTAL AMOUNT OF ALL FEDERAL MONEYS THAT THE STATE AGENCY RECEIVES.

(c) A STATE AGENCY SHALL USE THE MOST RECENTLY COMPLETED STATE FISCAL YEAR AS OF THE REPORT DEADLINE IN DETERMINING THE INFORMATION REQUIRED BY THIS SUBSECTION (1).

(d) A STATE INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED TO INCLUDE THE INFORMATION REQUIRED BY SUBPARAGRAPHS (IV), (V), AND (VI) OF PARAGRAPH (a) OR PARAGRAPH (b) OF THIS SUBSECTION (1) IN ITS REPORT TO THE CONTROLLER.

(2) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136 (9), the controller shall submit to the general assembly by November 1 of each year a report of all federal moneys, including the same matters required by subsection (1) of this section, received by each ~~department and agency of the executive branch of state government~~ STATE AGENCY during the prior STATE FISCAL year. IN THE REPORT, THE CONTROLLER SHALL IDENTIFY ANY STATE AGENCY THAT FAILED TO SUBMIT A REPORT AS REQUIRED BY THIS SECTION.

(3) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11) (a) (I).

(4) AS USED IN THIS SECTION, "STATE AGENCY" MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT SPECIFIED IN SECTION 24-1-110, A STATE INSTITUTION OF HIGHER EDUCATION, OR AN OFFICE CREATED IN THE OFFICE OF THE GOVERNOR.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Act subject to petition - effective date. This act takes 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 8, 2012, if adjournment sine die is on May 9, 2012); 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 will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 16, 2012