

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

_____ April 1, 2022
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB22-130 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Strike the Business, Labor, & Technology Committee Report, dated
2 March 2, 2022.

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** article 94 to
6 title 24 as follows:

7 **ARTICLE 94**
8 **Public-private Partnerships for State Public Entities**
9 **24-94-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 HEREBY FINDS AND DECLARES THAT:

11 (a) PUBLIC-PRIVATE PARTNERSHIPS ARE AN EFFECTIVE TOOL TO
12 LEVERAGE THE EXPERTISE AND RESOURCES OF BOTH THE PUBLIC AND
13 PRIVATE SECTORS TO ACCOMMODATE MULTIFACETED SOCIAL
14 INFRASTRUCTURE AND OPERATIONAL NEEDS;

15 (b) PUBLIC-PRIVATE PARTNERSHIPS HAVE A PROVEN TRACK
16 RECORD OF ENABLING PUBLIC PROJECTS TO BE COMPLETED ON TIME AND
17 AT A LOWER COST THAN EITHER THE PUBLIC OR PRIVATE SECTORS ARE
18 ABLE TO ACHIEVE ALONE;

19 (c) DELIVERING PUBLIC PROJECTS THROUGH PUBLIC-PRIVATE
20 PARTNERSHIPS IS AN EFFECTIVE MODEL TO ACCOMMODATE SOME OF OUR
21 STATE'S MOST PRESSING AND FOUNDATIONAL NEEDS, SUCH AS INCREASED
22 BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE
23 HOUSING DEVELOPMENT, AND CHILD CARE SERVICES;

24 (d) THE COVID-19 PANDEMIC FORCED THE CLOSURE OF MANY
25 CHILD CARE FACILITIES AND CLASSROOMS, EXACERBATING A CHILD CARE
26 SHORTAGE THAT FORCED MANY PARENTS TO COMPROMISE BETWEEN WORK

1 AND FAMILY LIFE; AND
2 (e) COLORADO FAMILIES HAVE LONG STRUGGLED WITH THE COST
3 OF CHILD CARE AND IT REMAINS ONE OF THE PRIMARY BARRIERS TO FULL
4 PARTICIPATION IN THE WORKFORCE.
5 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
6 IT IS THE INTENT OF THIS ARTICLE 94 TO PERMIT STATE PUBLIC ENTITIES TO
7 ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO:
8 (a) DEVELOP, BUILD, FINANCE, OPERATE, AND MAINTAIN QUALITY,
9 COST-EFFECTIVE PUBLIC PROJECTS THAT PROVIDE ECONOMIC AND SOCIAL
10 VALUE;
11 (b) PROVIDE A WELL-DEFINED AND TRANSPARENT PROCESS TO
12 FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES AND
13 PRIVATE PARTNERS WHILE ENABLING ACCESS TO PRIVATE CAPITAL;
14 (c) BRING INNOVATIVE THINKING AND APPROACHES TO PUBLIC
15 PROJECTS;
16 (d) REDUCE TOTAL LIFE-CYCLE COSTS OF PUBLIC PROJECTS; AND
17 (e) ALLOW FOR COST, RISK, AND BENEFIT SHARING BETWEEN
18 PUBLIC AND PRIVATE PARTNERS.
19 **24-94-102. Definitions.** AS USED IN THIS ARTICLE 94, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:
21 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL.
22 (2) "DEVELOP" MEANS TO PLAN, DESIGN, DEVELOP, BUILD,
23 ESTABLISH, FINANCE, LEASE, ACQUIRE, INSTALL, CONSTRUCT,
24 RECONSTRUCT, OR EXPAND A PUBLIC PROJECT.
25 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT OF PERSONNEL OR THE EXECUTIVE DIRECTOR'S
27 DESIGNEE.
28 (4) "FINANCE" MEANS THE SUPPLY BY A PRIVATE PARTNER OF
29 RESOURCES TO ACCOMPLISH ALL OR ANY PART OF THE WORK OR SERVICES
30 FOR A PUBLIC PROJECT, INCLUDING FUNDS, FINANCING, INCOME, REVENUE,
31 COST SHARING, TECHNOLOGY, PERSONNEL, EQUIPMENT, EXPERTISE, DATA,
32 OR ENGINEERING, CONSTRUCTION, OR MAINTENANCE SERVICES.
33 (5) "OPERATE" MEANS TO FINANCE, OPERATE, MAINTAIN, IMPROVE,
34 EQUIP, MODIFY, REPAIR, OR ADMINISTER A PUBLIC PROJECT.
35 (6) "PRIVATE PARTNER" MEANS ANY NATURAL PERSON,
36 CORPORATION, GENERAL PARTNERSHIP, LIMITED LIABILITY COMPANY,
37 LIMITED PARTNERSHIP, JOINT VENTURE, BUSINESS TRUST, PUBLIC BENEFIT
38 CORPORATION, NONPROFIT ENTITY, LOCAL GOVERNMENT, OTHER PRIVATE
39 BUSINESS ENTITY, OR ANY COMBINATION THEREOF.
40 (7) "PUBLIC-PRIVATE AGREEMENT" MEANS ANY AGREEMENT
41 BETWEEN ONE OR MORE PRIVATE PARTNERS AND ONE OR MORE STATE
42 PUBLIC ENTITIES THAT CONTRACTUALLY PROVIDES FOR THE
43 RESPONSIBILITIES OF ALL PARTIES IN NEGOTIATING, DEVELOPING, OR

1 OPERATING ANY ASPECT OF A PROPOSED OR APPROVED PUBLIC PROJECT OR
2 FINANCED PURCHASED OF AN ASSET. "PUBLIC-PRIVATE AGREEMENT" DOES
3 NOT MEAN A GRANT OR INCENTIVE PROGRAM ESTABLISHED IN ANOTHER
4 PROVISION OF LAW OR AN AGREEMENT APPROVED BY THE ECONOMIC
5 DEVELOPMENT COMMISSION PURSUANT TO PARTS 1 AND 3 OF ARTICLE 46
6 OF THIS TITLE 24.

7 (8) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT
8 BETWEEN ONE OR MORE STATE PUBLIC ENTITIES AND ONE OR MORE
9 PRIVATE PARTNERS BY WHICH A STATE PUBLIC ENTITY MAY TRANSFER
10 RESPONSIBILITY OR RISK TO A PRIVATE PARTNER TO DEVELOP OR OPERATE
11 A PUBLIC PROJECT AND, IN RETURN, THE PRIVATE PARTNER MAY RECEIVE
12 THE RIGHT TO ALL OR A PORTION OF FEES GENERATED BY THE PUBLIC
13 PROJECT OR OTHER PUBLIC MONEY. A PUBLIC-PRIVATE PARTNERSHIP DOES
14 NOT CONFER ONTO THE RELATIONSHIP FORMED ANY OF THE ATTRIBUTES
15 OR INCIDENTS OF A PARTNERSHIP PURSUANT TO SECTION 7-60-106 OR THE
16 COMMON LAW. "PUBLIC-PRIVATE PARTNERSHIP" DOES NOT MEAN ANY
17 GRANT OR INCENTIVE PROGRAM ESTABLISHED BY ANOTHER PROVISION OF
18 LAW OR AGREEMENTS THAT ARE APPROVED BY THE ECONOMIC
19 DEVELOPMENT COMMISSION, INCLUDING BUT NOT LIMITED TO GRANT OR
20 INCENTIVE PROGRAMS DESCRIBED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS
21 TITLE 24.

22 (9) "PUBLIC PROJECT" MEANS ANY CONSTRUCTION, ALTERATION,
23 REPAIR, DEMOLITION, OR IMPROVEMENT OF ANY STATE-OWNED LAND,
24 BUILDING, STRUCTURE, FACILITY, ASSET, OR OTHER PUBLIC IMPROVEMENT
25 SUITABLE FOR AND INTENDED FOR USE IN THE PROMOTION OF THE PUBLIC
26 HEALTH, WELFARE, OR SAFETY, AND ANY MAINTENANCE PROGRAMS FOR
27 THE UPKEEP OF SUCH PROJECTS SUBJECT TO PART 2 OF ARTICLE 92 OF THIS
28 TITLE 24. "PUBLIC PROJECT" INCLUDES BUT IS NOT LIMITED TO A PROJECT
29 FOR CIVIC, CHILD CARE, MEDICAL, UTILITY, TELECOMMUNICATION,
30 CULTURAL, RECREATIONAL, OR EDUCATIONAL FACILITIES OR SERVICES.

31 (10) "STATE PUBLIC ENTITY" MEANS ANY DEPARTMENT, AGENCY,
32 OR SUBDIVISION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT;
33 EXCEPT THAT "STATE PUBLIC ENTITY" DOES NOT INCLUDE STATE ENTITIES
34 THAT HAVE SPECIFIC STATUTORY AUTHORITY TO ENTER INTO
35 PUBLIC-PRIVATE PARTNERSHIPS, INCLUDING BUT NOT LIMITED TO THE
36 AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,
37 24-33.5-510, 26-6.9-102, 32-22-105 (1)(a) (VIII), 40-2-123, AND
38 43-4-806.

39 (11) "SUBCOMMITTEE" MEANS THE PUBLIC-PRIVATE PARTNERSHIP
40 SUBCOMMITTEE OF THE COLORADO ECONOMIC DEVELOPMENT COMMISSION
41 CREATED IN SECTION 24-46-102 (5).

42 (12) "UNIT" MEANS THE PUBLIC-PRIVATE COLLABORATION UNIT
43 CREATED IN SECTION 24-94-103 (2).

1 **24-94-103. Public-private partnerships - oversight of state**
2 **public entities in the executive branch of state government.**

3 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE 94, THE
4 EXECUTIVE DIRECTOR SHALL:

5 (a) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR
6 STATE PUBLIC ENTITIES TO INITIATE REQUESTS FOR PROPOSALS OR BIDS OR
7 TO REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS FOR PUBLIC
8 PROJECTS TO BE COMPLETED THROUGH PUBLIC-PRIVATE PARTNERSHIPS
9 SUBJECT TO THE EXECUTIVE DIRECTOR'S APPROVAL PURSUANT TO SECTION
10 24-94-104(1). THE PROCESSES MAY INCLUDE, BUT NEED NOT LIMITED TO:

11 (I) COMPLETION OF ANALYSES REGARDING PERCEIVED
12 ADVANTAGES, DISADVANTAGES, RISKS, BENEFITS, COSTS, AND
13 VALUE-FOR-MONEY OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

14 (II) DOCUMENTED CONSIDERATIONS OF POTENTIAL FUNDING
15 ALTERNATIVES, IMPACTS ON AFFECTED COMMUNITIES, AND THE
16 SUITABILITY AND SCOPE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP;

17 (III) DOCUMENTED CONSIDERATIONS OF THE ENTIRE LIFE CYCLE
18 OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP, INCLUDING PLANNING,
19 DESIGN, ENGINEERING, CONSTRUCTION, REPAIR, MAINTENANCE,
20 OPERATIONS, FINANCING, AND HANDOVER;

21 (IV) DUE DILIGENCE REQUIREMENTS; AND

22 (V) DEVELOPMENT OF ANY OTHER MATERIALS, ANALYSES,
23 CONSIDERATIONS, REQUIREMENTS, OR REPORTS NECESSARY FOR THE
24 EXECUTIVE DIRECTOR TO MAKE A DETERMINATION THAT THE PROPOSAL
25 FOR A PUBLIC-PRIVATE PARTNERSHIP SERVES AN IMPORTANT SOCIAL OR
26 ECONOMIC VALUE, INCLUDING BUT NOT LIMITED TO INCREASED
27 BEHAVIORAL HEALTH CAPACITY, BROADBAND DEPLOYMENT, AFFORDABLE
28 HOUSING DEVELOPMENT, CHILD CARE SERVICES, OR ANY OTHER PUBLIC
29 BENEFIT.

30 (b) CREATE REQUIREMENTS REGARDING THE AUTHORITY FOR
31 STATE PUBLIC ENTITIES TO EXECUTE PUBLIC-PRIVATE PARTNERSHIP
32 AGREEMENTS FOR PUBLIC PROJECTS SUBJECT TO THE EXECUTIVE
33 DIRECTOR'S APPROVAL PURSUANT TO SECTION 24-94-104 (1). THE
34 PROCESSES MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

35 (I) ACCEPTABLE PROJECT DELIVERY METHODS, INCLUDING
36 ALTERNATIVE DELIVERY METHODS, FOR AN APPROVED PUBLIC-PRIVATE
37 PARTNERSHIP PROPOSAL;

38 (II) ACCEPTABLE FINANCING METHODS FOR AN APPROVED
39 PUBLIC-PRIVATE PARTNERSHIP, INCLUDING BUT NOT LIMITED TO A PLEDGE
40 OF, SECURITY OF, INTEREST IN, OR LIEN ON PROPERTY OR INTEREST IN
41 PROPERTY, AND ANY AMOUNTS, TERMS, AND CONDITIONS TO BE INCLUDED
42 IN PUBLIC-PRIVATE AGREEMENTS;

43 (III) REPORTING REQUIREMENTS FOR STATE PUBLIC ENTITIES AND

1 PRIVATE PARTNERS THROUGHOUT THE LIFE CYCLE OF AN EXECUTIVE
2 DIRECTOR-APPROVED PUBLIC-PRIVATE PARTNERSHIP;

3 (IV) POLICIES CONCERNING TRANSPARENCY AND TIMELY
4 REPORTING; AND

5 (V) DEVELOPING A FAIR, UNBIASED METHOD OF CHOOSING
6 PROPOSALS BASED ON THE BEST INTERESTS OF THE STATE AND
7 CONSIDERING FINANCIAL COSTS AND BENEFITS TO THE STATE AND PUBLIC
8 PROJECT USERS.

9 (c) FURTHER DEFINE ANY RELEVANT TERMS IN THIS ARTICLE 94,
10 INCLUDING BUT NOT LIMITED TO PUBLIC-PRIVATE PARTNERSHIP AND
11 PUBLIC-PRIVATE AGREEMENT; AND

12 (d) DEVELOP COST THRESHOLDS FOR PUBLIC PROJECTS THAT
13 QUALIFY AS A PUBLIC-PRIVATE PARTNERSHIP OR PUBLIC-PRIVATE
14 AGREEMENT, WHICH MAY DEPEND ON THE TYPE OF PROJECT AND THE
15 RESPONSIBLE STATE PUBLIC ENTITY.

16 (2) THERE IS HEREBY ESTABLISHED THE PUBLIC-PRIVATE
17 COLLABORATION UNIT IN THE DEPARTMENT. THE UNIT SHALL:

18 (a) IN COORDINATION WITH RELEVANT STATE PUBLIC ENTITIES,
19 IDENTIFY, PRIORITIZE, AND ADVANCE POTENTIAL PUBLIC PROJECTS THAT
20 MAY BE BEST DELIVERED THROUGH A PUBLIC-PRIVATE PARTNERSHIP;

21 (b) FACILITATE COLLABORATION BETWEEN STATE PUBLIC ENTITIES
22 AND PRIVATE PARTNERS IN CONNECTION WITH PUBLIC PROJECTS;

23 (c) PROVIDE TECHNICAL ASSISTANCE AND EXPERTISE TO STATE
24 PUBLIC ENTITIES IN CONNECTION WITH ANY ASPECT OF PROPOSED OR
25 APPROVED PUBLIC-PRIVATE PARTNERSHIPS, WHICH MAY INCLUDE
26 ASSISTANCE WITH:

27 (I) SATISFYING THE REQUIREMENTS ESTABLISHED BY THE
28 EXECUTIVE DIRECTOR IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;

29 (II) PROJECT SCREENING, PLANNING, DEVELOPMENT,
30 PROCUREMENT, OPERATIONS, AND MANAGEMENT; AND

31 (III) SERVING AS A LIAISON WITH FEDERAL AND LOCAL
32 GOVERNMENT OFFICIALS;

33 (d) CREATE BEST PRACTICES THAT INCORPORATE LESSONS
34 LEARNED FROM OTHER PUBLIC-PRIVATE PARTNERSHIPS FOR EVERY STAGE
35 OF THE LIFE CYCLE OF A PUBLIC-PRIVATE PARTNERSHIP, WHICH MAY
36 INCLUDE:

37 (I) STANDARDIZING METHODOLOGIES AND PROCESSES;

38 (II) CREATING TEMPLATES FOR INTERAGENCY AGREEMENTS THAT
39 IDENTIFY PROJECT RESOURCES AND RESPONSIBILITIES; AND

40 (III) CREATING TEMPLATES FOR PARTNERSHIP AGREEMENTS THAT
41 ADDRESS RISK ALLOCATIONS, KEY TERMS, AND CONDITIONS;

42 (e) CONDUCT PUBLIC AND STAKEHOLDER ENGAGEMENT TO
43 ENCOURAGE TRANSPARENCY, ACCOUNTABILITY, AND INFORMATION

1 SHARING REGARDING PUBLIC-PRIVATE PARTNERSHIPS;
2 (f) TRACK PROPOSED, ONGOING, AND COMPLETED PUBLIC-PRIVATE
3 PARTNERSHIPS;
4 (g) ATTRACT PRIVATE INVESTMENTS FOR PUBLIC PROJECTS; AND
5 (h) IN COORDINATION WITH THE DEPARTMENT OF EARLY
6 CHILDHOOD, CREATED IN SECTION 24-1-120.5 (1), DISTRIBUTE FUNDING TO
7 HELP INCREASE THE SUPPLY OF CHILD CARE FACILITIES USING PUBLIC
8 BUILDINGS OR OTHER APPROPRIATE PUBLIC ASSETS.
9 (3) ANY ISSUANCE OR INCURRENCE OF FINANCIAL OBLIGATIONS
10 UNDER THIS ARTICLE 94 MUST COMPLY WITH SECTION 24-36-121.
11 **24-94-104. State public entity agreements - public-private**
12 **partnership.** (1) A STATE PUBLIC ENTITY IS AUTHORIZED, EITHER
13 SEPARATELY OR IN COMBINATION WITH ANY OTHER STATE PUBLIC ENTITY,
14 TO INITIATE SOLICITATIONS, REVIEW ANY PRIVATE PARTNER-INITIATED
15 PROPOSALS, EXECUTE PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, OR
16 EXECUTE PUBLIC-PRIVATE AGREEMENTS TO DEVELOP OR OPERATE A
17 PUBLIC PROJECT SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE 94.
18 (2) SUBJECT TO SUBSECTION (5) OF THIS SECTION, ANY STATE
19 PUBLIC ENTITY MUST OBTAIN APPROVALS FROM THE EXECUTIVE DIRECTOR
20 IN THE TIME AND MANNER DETERMINED BY THE EXECUTIVE DIRECTOR
21 PURSUANT TO SECTIONS 24-94-103(1)(a) AND (1)(b).
22 (3) ANY PUBLIC-PRIVATE AGREEMENT ENTERED INTO PURSUANT
23 TO SUBSECTION (1) OF THIS SECTION MUST COMPLY WITH APPLICABLE
24 STATE LAWS AND PROCESSES DEVELOPED BY THE EXECUTIVE DIRECTOR
25 PURSUANT TO SECTION 24-94-103(1)(a) AND 24-94-103 (1)(b).
26 (4) SUBJECT TO SUBSECTION (2) OF THIS SECTION, STATE PUBLIC
27 ENTITIES MAY REVIEW ANY PRIVATE PARTNER-INITIATED PROPOSALS BUT
28 NEED NOT RESPOND TO SUCH PROPOSALS.
29 (5) NOTHING IN THIS ARTICLE 94 SHALL BE CONSTRUED TO
30 PROHIBIT, LIMIT, OR OTHERWISE MODIFY THE SPECIFIC STATUTORY
31 AUTHORITY OF STATE PUBLIC ENTITIES, INCLUDING BUT NOT LIMITED TO
32 THE AUTHORITY SPECIFIED IN SECTIONS 23-3.1-301 (1), 23-3.1-306.5,
33 23-5-101.7, 24-33.5-510, 24-36-121, 26-6.9-102, 32-22-105 (1)(a)(VIII),
34 33-1-105(1), 33-10-107(1), 36-1-118(1), 40-2-123, AND 43-4-806, AND
35 THE AUTHORITY SPECIFIED IN PARTS 1 AND 3 OF ARTICLE 46 OF THIS TITLE
36 24 AND PARTS 8 AND 13 OF ARTICLE 82 OF THIS TITLE 24, TO ENTER INTO
37 A PUBLIC-PRIVATE PARTNERSHIP, A PUBLIC-PRIVATE AGREEMENT, OR
38 OTHER AGREEMENT, OR TO UTILIZE A STATUTORY MECHANISM AS
39 AUTHORIZED BY ANY OTHER PROVISION OF LAW.
40 **24-94-105. Public-private partnership subcommittee - contract**
41 **review - lease - sale of state property.** (1) EXCEPT AS OTHERWISE
42 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A STATE PUBLIC ENTITY
43 THAT INTENDS TO ENTER INTO A CONTRACT, SALE, OR LEASE OF STATE

1 PROPERTY PURSUANT TO SECTION 24-82-102.5 OR 24-94-104 ON OR AFTER
2 THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT THE PROPOSED
3 CONTRACT, SALE, OR LEASE OF STATE PROPERTY TO THE PUBLIC-PRIVATE
4 PARTNERSHIP SUBCOMMITTEE CREATED IN SECTION 24-46-102 (5) FOR THE
5 SUBCOMMITTEE'S REVIEW BEFORE ENTERING INTO THE CONTRACT, SALE,
6 OR LEASE OF STATE PROPERTY. THE STATE PUBLIC ENTITY, IN
7 COORDINATION WITH THE COLORADO ECONOMIC DEVELOPMENT
8 COMMISSION STAFF, SHALL SUBMIT A REPORT TO THE SUBCOMMITTEE
9 REGARDING THE ANTICIPATED USE OF THE STATE PROPERTY IN A TIME AND
10 MANNER ESTABLISHED BY THE SUBCOMMITTEE. THE SUBCOMMITTEE
11 SHALL REVIEW THE REPORT AND MAKE ANY RECOMMENDATIONS IT DEEMS
12 NECESSARY TO THE STATE PUBLIC ENTITY. THE STATE PUBLIC ENTITY
13 MUST CONSIDER THE SUBCOMMITTEE'S RECOMMENDATIONS, BUT NEED
14 NOT INCORPORATE OR ADOPT ANY OF THE RECOMMENDATIONS.

15 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A STATE
16 PUBLIC ENTITY THAT INTENDS TO ENTER INTO A NEW CONTRACT, SALE, OR
17 LEASE OF STATE PROPERTY PURSUANT TO SECTION 24-82-102.5 OR
18 24-92-104 WITH EXISTING PRIVATE PARTNERS.

19 **SECTION 2.** In Colorado Revised Statutes, 24-46-102, **add** (5)
20 as follows:

21 **24-46-102. Colorado economic development commission -**
22 **creation - membership - definition.** (5) BEGINNING ON SEPTEMBER 1,
23 2022, THE ECONOMIC DEVELOPMENT COMMISSION SHALL ESTABLISH A
24 PUBLIC-PRIVATE PARTNERSHIP SUBCOMMITTEE TO REVIEW PROPOSED
25 CONTRACTS, SALES, AND LEASES OF STATE PROPERTY AS SPECIFIED IN
26 SECTION 24-94-105. THE SUBCOMMITTEE CONSISTS OF AT LEAST THREE
27 MEMBERS OF THE COMMISSION AS SELECTED BY THE COMMISSION. AT NO
28 TIME SHALL ALL OF THE MEMBERS OF THE SUBCOMMITTEE BE APPOINTEES
29 FROM THE SAME APPOINTING AUTHORITY.

30 **SECTION 3.** In Colorado Revised Statutes, 24-101-105, **amend**
31 (1)(a)(XIV) and (1)(a)(XV); and **add** (1)(a)(XVI) as follows:

32 **24-101-105. Application of this code.** (1) (a) This code shall
33 apply to all publicly funded contracts entered into by all governmental
34 bodies of the executive branch of this state; except that this code shall not
35 apply to:

36 (XIV) Annuities; **and**
37 (XV) Real property or interest in real property; **AND**
38 (XVI) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED BY PART 1 OF
39 ARTICLE 94 OF THIS TITLE 24.

40 **SECTION 4.** In Colorado Revised Statutes, 24-82-102.5, **amend**
41 (2)(c), (4)(d), and (5) as follows:

42 **24-82-102.5. Unused state-owned real property - cash fund -**
43 **legislative declaration - definitions.** (2) As used in this section, unless

1 the context otherwise requires:
2 (c) "Unused state-owned real property" means state-owned real
3 property IDENTIFIED IN THE INVENTORY LIST MAINTAINED ON THE
4 DEPARTMENT'S WEBSITE PURSUANT TO SUBSECTION (3) OF THIS SECTION,
5 THAT IS NOT BEING USED AT ITS OPTIMAL OR BEST USE, THAT IS owned by
6 or under the control of a state agency, not including the division of parks
7 and wildlife in the department of natural resources and not including the
8 state board of land commissioners or any state institution of higher
9 education as defined in section 24-30-1301 (18), AND that is not
10 otherwise protected for or dedicated to another use such as an access or
11 a conservation easement.
12 (4) (d) The department may enter into contracts with qualified
13 developers for proposals to construct affordable housing, child care
14 facilities, public school facilities, or residential mental and behavioral
15 health care facilities, or to place renewable energy facilities on unused
16 state-owned real property that the department has deemed suitable under
17 subsection (4)(a) of this section, subject to available appropriations.
18 Budget requests under this section must be made through the process
19 established in section 24-37-304 (1)(c.3). ~~except that budget requests~~
20 ~~under this section may not be made through a request for a supplemental~~
21 ~~appropriation.~~ Notwithstanding section 24-82-102 (2)(a), contracts
22 between the state and qualified developers may not require improvements
23 constructed on state property for the purposes of this section to become
24 the property of the state upon termination of a lease for such property.
25 (5) (a) The unused state-owned real property fund is hereby
26 created in the state treasury. Unless otherwise directed, the state treasurer
27 shall credit all proceeds from the sale, rent, or lease, including any leases
28 entered into under section 24-82-102 (2)(a), of unused state-owned real
29 property AND ANY REVENUE GENERATED FROM PUBLIC-PRIVATE
30 AGREEMENTS PURSUANT TO SECTION 24-94-103 to the fund. The fund also
31 consists of any other money that the general assembly may appropriate or
32 transfer to the fund.
33 (b) The state treasurer shall credit all interest and income derived
34 from the deposit and investment of money in the unused state-owned real
35 property fund to the fund. Any unexpended and unencumbered money in
36 the fund at the end of a fiscal year remains in the fund. ~~Subject to annual~~
37 ~~appropriation by the general assembly, The department may expend~~
38 ~~money from the fund for~~
39 (c) (I) THE MONEY IN THE UNUSED STATE-OWNED REAL PROPERTY
40 FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR:
41 (A) The purposes set forth in this section, including for appraisals,
42 surveys, and property improvement, and for any operational costs to
43 administer this section; AND

1 (B) PUBLIC-PRIVATE AGREEMENTS, AS DEFINED IN SECTION
2 24-94-102 (7), AND ANY ASSOCIATED COSTS.

3 (II) THE GENERAL ASSEMBLY SHALL MAKE AN ANNUAL
4 APPROPRIATION FROM THE FUND TO THE DEPARTMENT FOR THE STANDARD
5 OPERATING EXPENSES OF THE PUBLIC-PRIVATE COLLABORATION UNIT
6 CREATED IN SECTION 24-94-103 (2), INCLUDING PERSONAL SERVICES AND
7 RELATED COSTS.

8 (d) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER
9 FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

10 **SECTION 5. Appropriation.** (1) For the 2022-23 state fiscal
11 year, \$406,683 is appropriated to the department of personnel. This
12 appropriation is from the unused state-owned real property fund created
13 in section 24-82-102.5 (5)(a), C.R.S. To implement this act, the
14 department may use this appropriation as follows:

15 (a) \$283,984 for personal services related to the public-private
16 collaboration unit, which amount is based on an assumption that the
17 department will require an additional 3.0 FTE;

18 (b) \$22,650 for operating expenses related to the public-private
19 collaboration unit; and

20 (c) \$100,049 for the purchase of legal services.

21 (2) For the 2022-23 state fiscal year, \$100,049 is appropriated to
22 the department of law. This appropriation is from reappropriated funds
23 received from the department of personnel under subsection (1)(c) of this
24 section and is based on an assumption that the department of law will
25 require an additional 0.6 FTE. To implement this act, the department of
26 law may use this appropriation to provide legal services for the
27 department of personnel.

28 (3) For the 2022-23 state fiscal year, \$88,713 is appropriated to
29 the department of law. This appropriation is from the general fund and is
30 based on an assumption that the department of law will require an
31 additional 0.5 FTE. To implement this act, the department of law may use
32 this appropriation to provide legal services to state agencies.

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

36 Amend printed bill, page 1, line 102, strike "**PROJECTS.**" and substitute
37 "**PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN**
38 **APPROPRIATION.**".

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