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SENATE BILL 23-001

BY SENATOR(S) Roberts and Zenzinger, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Winter F., Fenberg;
also REPRESENTATIVE(S) Bird and Lukens, Amabile, Boesenecker, Dickson, Duran, Froelich, Hamrick, Jodeh, Kipp, Lindsay, Lindstedt, McCormick, Michaelson Jenet, Ricks, Snyder, Velasco, Woodrow, McCluskie.

CONCERNING ADDITIONAL FUNCTIONS OF THE PUBLIC-PRIVATE COLLABORATION UNIT FOR PUBLIC PROJECTS THAT PROVIDE HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(5) (a) The unused state-owned real property fund is hereby created in the state treasury. Unless otherwise directed, the state treasurer shall credit all proceeds from the sale, rent, or lease, including any leases entered into under section 24-82-102 (2)(a), of unused state-owned real property, ANY MONEY TRANSFERRED OR CREDITED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, and any revenue generated from public-private agreements pursuant to section 24-94-103 to the fund. The fund also consists of any other money that the general assembly may appropriate or transfer to the fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Attract private investments for public projects; ~~and~~

(h) In coordination with the department of early childhood, created in section 24-1-120.5 (1), distribute funding to help increase the supply of child care facilities using public buildings or other appropriate public assets; AND

(i) GIVE PREFERENCE TO PROPOSED OR EXECUTED PUBLIC-PRIVATE

PARTNERSHIP AGREEMENTS THAT WILL USE STATE-OWNED REAL PROPERTY FOR THE PURPOSES OF MIXED-INCOME DEVELOPMENT AND AFFORDABLE HOUSING THAT IS PROPORTIONAL TO THE COMMUNITY'S DEMONSTRATED AFFORDABLE HOUSING NEEDS.

(2.2) (a) THE UNIT MAY:

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

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

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

(A) PURCHASE STATE-OWNED REAL PROPERTY;

(B) TRANSFER STATE-OWNED REAL PROPERTY;

(C) EXCHANGE STATE-OWNED REAL PROPERTY;

(D) SELL OR OTHERWISE DISPOSE OF STATE-OWNED REAL PROPERTY SUBJECT TO ANY PROCEDURES AND LIMITATIONS APPLICABLE TO THE STATE PUBLIC ENTITY TO SELL OR OTHERWISE DISPOSE OF PROPERTY;

(E) ENTER INTO AN AGREEMENT FOR EASEMENTS OR DEED RESTRICTIONS CONCERNING STATE-OWNED REAL PROPERTY; AND

(F) ENTER INTO A LEASE AGREEMENT CONCERNING STATE-OWNED REAL PROPERTY; AND

(IV) USE REQUESTS FOR INFORMATION TO SOLICIT PUBLIC PROJECTS THAT PROVIDE AFFORDABLE HOUSING AND ESTABLISH POLICIES CONCERNING A REQUEST FOR INFORMATION PROCESS.

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

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

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

~~(3) For the 2023-24 state fiscal year and for each state fiscal year thereafter, the general assembly shall make an appropriation from the general fund to the department for the standard operating expenses of the public-private collaboration unit created in subsection (2) of this section, including personal services and related costs.~~

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

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO