

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0874.01 Nicole Myers x4326

SENATE BILL 13-268

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

May,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF CERTAIN REQUIREMENTS IN**
102 **CONNECTION WITH ANY BILL ENACTED BY THE GENERAL**
103 **ASSEMBLY THAT RELIES ON GIFTS, GRANTS, OR DONATIONS AS**
104 **ITS FUNDING SOURCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law requires state agencies to submit a report to the general assembly when the state agency receives a gift, grant, or donation

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 26, 2013

SENATE
Amended 2nd Reading
April 25, 2013

(grant) from the federal government or from a nongovernmental source and the grant provides funding for a bill enacted by the general assembly that created a program, service, study, interim committee, or other government function (program) that relies entirely or in any part on grant moneys as its funding source.

The bill modifies the reporting requirement to apply only when a grant to a state agency is from a nongovernmental source and only when the bill creating the program relies entirely on grant moneys as the funding source for the program.

Current law also requires legislative staff to track any bill enacted by the general assembly that relies on grant moneys, determine whether the state agency received the grant moneys, and prepare a bill under the supervision and direction of the committee on legal services to repeal any program that has not received adequate grant moneys to support it. In addition, the general assembly is prohibited from appropriating moneys from the general fund or from any other source of state moneys to any state agency to fund a program that was previously funded through grant moneys and that has not received adequate grant moneys to support it. The bill repeals these requirements and prohibitions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-1301, **amend**
3 (1) as follows:

4 **24-75-1301. Definitions.** As used in this part 13, unless the
5 context otherwise requires:

6 (1) "Grant" means ~~any direct cash subsidy or other direct~~
7 ~~contribution of moneys from the federal government that is not required~~
8 ~~to be repaid, regardless of whether such federal moneys pass through the~~
9 ~~state prior to receipt by a state agency.~~ "Grant" shall also include any gift,
10 grant, or donation from a nongovernmental entity to a state agency that
11 is not required to be repaid and that is fifty dollars or more.

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-75-1302
13 as follows:

14 **24-75-1302. State agencies - information obtained with grants.**

1 Each state agency that receives a grant ~~from a nongovernmental entity~~ to
2 provide funding for a bill enacted by the general assembly that relies
3 entirely ~~or in any part~~ on grant moneys for the funding source of the
4 program, service, study, interim committee, or other government function
5 required by the bill shall request that the entity submit a letter to the state
6 agency at the time of making the grant specifying the amount of the grant,
7 the duration of the grant, and the specific purposes for which the grant
8 money is to be used. The state agency shall request that the
9 ~~nongovernmental~~ entity AWARDING THE GRANT include the bill number
10 of the bill that created the program, service, study, interim committee, or
11 other governmental function for which the grant is intended to provide
12 funding.

13 **SECTION 3.** In Colorado Revised Statutes, 24-75-1303, **amend**
14 (1), (2), (3) introductory portion, (3) (a), and (4) as follows:

15 **24-75-1303. Report to general assembly.** (1) On or before
16 November 1, 2011, and on or before November 1 of each year thereafter,
17 each state agency shall submit to the joint budget committee of the
18 general assembly a report, in accordance with generally accepted
19 accounting principles, of all grants made to the state agency during the
20 immediately preceding state fiscal year, which grants provided funding
21 for a bill enacted by the general assembly that relies entirely ~~or in any part~~
22 on grant moneys for the funding source of the program, service, study,
23 interim committee, or other governmental function required by the bill.
24 The state agency shall be prepared to review the report at the state
25 agency's briefing with the joint budget committee in connection with its
26 annual budget request.

27 (2) In compiling the report required pursuant to subsection (1) of

1 this section, the state agency may use the documentation provided by
2 ~~nongovernmental entities~~ THE ENTITY AWARDING THE GRANT pursuant to
3 section 24-75-1302. ~~for a grant made by a nongovernmental entity and~~
4 ~~may use the same method of tracking federal grants as is used for tracking~~
5 ~~such grants for the purpose of the report to the controller required~~
6 ~~pursuant to section 24-75-212.~~

7 (3) The report required pursuant to subsection (1) of this section
8 shall MUST include the following information for every grant received:

9 (a) The source of the grant; ~~regardless of whether the grant is from~~
10 ~~the federal government or from a nongovernmental entity;~~

11 (4) In addition to the information specified in subsection (3) of
12 this section, a state agency shall include in the report a statement of the
13 state agency's intent regarding the sustainability of each program or
14 service that is funded entirely ~~or in any part~~ by grant moneys in the event
15 that grant moneys are no longer available to support the program or
16 service in the future. If the state agency intends to continue the program
17 or service after grant moneys are no longer available, the state agency
18 shall include a statement regarding how the program or service will be
19 funded.

20 **SECTION 4.** In Colorado Revised Statutes, **repeal** 24-75-1304.

21

22 **SECTION 5. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.