

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0476.01 Bart Miller

HOUSE BILL 10-1020

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

Morse,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONTRACTS OF THE LEGISLATIVE DEPARTMENT.

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>.)

Executive Committee of the Legislative Council. Current law requires all legislative department contracts to be approved by the attorney general and the state controller. Current law also treats the legislative department as equivalent to agencies of the executive branch of state government for purposes of certain state statutes restricting the leasing of real and personal property for purposes of oversight of executive branch spending by the state controller.

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.*

Section 1 of the bill provides that, except for certain types of contracts required under the state constitution to be approved by the governor or his or her designee, legislative department contracts shall be approved by the director of the office of legislative legal services or the director's designee. **Sections 2 through 4** exempt the legislative department from the statutory provisions restricting the leasing of real and personal property for purposes of oversight of executive branch spending by the state controller.

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

2 **SECTION 1.** 2-2-320, Colorado Revised Statutes, is amended to
3 read:

4 **2-2-320. Legislative department contracts - approval.** (1) Any
5 contract to which the house of representatives or the senate is a party shall
6 be approved by the speaker of the house of representatives or the
7 president of the senate, as the case may be. Whenever the house of
8 representatives and the senate are parties to the same contract, both the
9 speaker of the house of representatives and the president of the senate
10 shall approve the contract. Any contract to which the legislative council,
11 the office of legislative legal services, the joint budget committee, the
12 office of the state auditor, or the commission on uniform state laws is a
13 party shall be approved by the ~~chairman~~ CHAIR or ~~vice-chairman~~
14 VICE-CHAIR of the governing committee of such agency, as the case may
15 be.

16 (2) (a) FOR LEGISLATIVE DEPARTMENT CONTRACTS SUBJECT TO
17 SECTION 29 OF ARTICLE V OF THE STATE CONSTITUTION, the attorney
18 general shall approve all SUCH legislative department contracts as to form,
19 AND the controller shall approve such contracts in accordance with
20 section 24-30-202, C.R.S.

21 (b) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES

1 OR THE DIRECTOR'S DESIGNEE SHALL APPROVE ALL LEGISLATIVE
2 DEPARTMENT CONTRACTS NOT SUBJECT TO SECTION 29 OF ARTICLE V OF
3 THE STATE CONSTITUTION. NO APPROVAL BY THE CONTROLLER OR ANY
4 ASSISTANT DESIGNATED BY THE CONTROLLER SHALL BE REQUIRED FOR
5 THE VALIDITY OF ANY CONTRACT ENTERED INTO AND APPROVED UNDER
6 THIS PARAGRAPH (b). THE CONTROLLER SHALL ISSUE PAYMENT FOR
7 EXPENDITURES FOR LEGISLATIVE DEPARTMENT CONTRACTS APPROVED IN
8 ACCORDANCE WITH THIS PARAGRAPH (b) AS SET FORTH IN SECTION
9 24-30-202, C.R.S. NOTWITHSTANDING THE LEGISLATIVE DEPARTMENT'S
10 EXEMPTION FROM THE FISCAL RULES PURSUANT TO SECTION 24-2-101,
11 C.R.S., THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL CONSIDER THE
12 FISCAL RULES AS GUIDELINES FOR LEGISLATIVE DEPARTMENT CONTRACTS
13 APPROVED UNDER THIS PARAGRAPH (b) AND MAY CONSULT WITH THE
14 CONTROLLER OR ATTORNEY GENERAL, OR BOTH, WHEN DRAFTING
15 LEGISLATIVE DEPARTMENT CONTRACTS.

16 **SECTION 2.** 24-82-701 (5), Colorado Revised Statutes, is
17 amended to read:

18 **24-82-701. Definitions.** As used in this part 7, unless the context
19 otherwise requires:

20 (5) "State" means the state of Colorado or any department, agency,
21 or commission thereof, including any state institution of higher education
22 and the board of directors of the Auraria higher education center, BUT
23 DOES NOT INCLUDE THE LEGISLATIVE DEPARTMENT WHEN ACTING
24 PURSUANT TO SECTION 2-2-320 (2) (b), C.R.S.

25 **SECTION 3.** 24-82-801 (6), Colorado Revised Statutes, is
26 amended to read:

27 **24-82-801. Lease-purchase agreements for acquisition of real**

1 **or personal property.** (6) (a) Notwithstanding any provision of this
2 section to the contrary, the department of transportation, institutions of
3 higher education, and the state treasurer may enter into lease-purchase
4 agreements if the state controller as authorized by section 24-30-202
5 approves each lease-purchase agreement that requires total payments in
6 excess of five hundred thousand dollars over the term of the agreement
7 or as otherwise provided by law.

8 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
9 CONTRARY, THE LEGISLATIVE DEPARTMENT MAY ENTER INTO
10 LEASE-PURCHASE AGREEMENTS PURSUANT TO SECTION 2-2-320, C.R.S.

11 **SECTION 4.** 24-82-1201 (3), Colorado Revised Statutes, is
12 amended to read:

13 **24-82-1201. Definitions.** As used in this part 12, unless the
14 context otherwise requires:

15 (3) "State department" means a department or agency of the state,
16 BUT DOES NOT INCLUDE THE LEGISLATIVE DEPARTMENT WHEN ACTING
17 PURSUANT TO SECTION 2-2-320 (2) (b), C.R.S.

18 **SECTION 5. Effective date - applicability.** This act shall take
19 effect upon passage and shall apply to contracts of the legislative
20 department entered into on or after said date.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.