# Second Regular Session Sixty-seventh General Assembly STATE OF COLORADO

## REREVISED

This Version Includes All Amendments Adopted in the Second House HOUSE BILL 10-1020

LLS NO. 10-0476.01 Bart Miller

### HOUSE SPONSORSHIP

#### Weissmann,

Morse,

## SENATE SPONSORSHIP

**House Committees** State, Veterans, & Military Affairs Appropriations Senate Committees State, Veterans & Military Affairs

# A BILL FOR AN ACT

#### 101 CONCERNING CONTRACTS OF THE LEGISLATIVE DEPARTMENT, AND

102 MAKING AN APPROPRIATION THEREFOR.

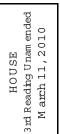
#### **Bill Summary**

(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

# SENATE 3rd Reading Unam ended April5, 2010

SENATE 2nd Reading Unam ended April1, 2010



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leasing of real and personal property for purposes of oversight of executive branch spending by the state controller.

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.

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

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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.

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<sup>1</sup> Be it enacted by the General Assembly of the State of Colorado:

1 (b) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES 2 OR THE DIRECTOR'S DESIGNEE SHALL APPROVE ALL LEGISLATIVE 3 DEPARTMENT CONTRACTS NOT SUBJECT TO SECTION 29 OF ARTICLE V OF 4 THE STATE CONSTITUTION. NO APPROVAL BY THE CONTROLLER OR ANY 5 ASSISTANT DESIGNATED BY THE CONTROLLER SHALL BE REQUIRED FOR THE VALIDITY OF ANY CONTRACT ENTERED INTO AND APPROVED UNDER 6 7 THIS PARAGRAPH (b). THE CONTROLLER SHALL ISSUE PAYMENT FOR 8 EXPENDITURES FOR LEGISLATIVE DEPARTMENT CONTRACTS APPROVED IN 9 ACCORDANCE WITH THIS PARAGRAPH (b) AS SET FORTH IN SECTION 10 24-30-202, C.R.S. NOTWITHSTANDING THE LEGISLATIVE DEPARTMENT'S 11 EXEMPTION FROM THE FISCAL RULES PURSUANT TO SECTION 24-2-101, 12 C.R.S., the office of legislative legal services shall consider the 13 FISCAL RULES AS GUIDELINES FOR LEGISLATIVE DEPARTMENT CONTRACTS 14 APPROVED UNDER THIS PARAGRAPH (b) AND MAY CONSULT WITH THE 15 CONTROLLER OR ATTORNEY GENERAL, OR BOTH, WHEN DRAFTING 16 LEGISLATIVE DEPARTMENT CONTRACTS.

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

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

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

26 **SECTION 3.** 24-82-801 (6), Colorado Revised Statutes, is 27 amended to read:

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1 24-82-801. Lease-purchase agreements for acquisition of real 2 or personal property. (6) (a) Notwithstanding any provision of this 3 section to the contrary, the department of transportation, institutions of 4 higher education, and the state treasurer may enter into lease-purchase 5 agreements if the state controller as authorized by section 24-30-202 6 approves each lease-purchase agreement that requires total payments in 7 excess of five hundred thousand dollars over the term of the agreement 8 or as otherwise provided by law. 9 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE 10 CONTRARY, THE LEGISLATIVE DEPARTMENT MAY ENTER INTO 11 LEASE-PURCHASE AGREEMENTS PURSUANT TO SECTION 2-2-320, C.R.S. 12 SECTION 4. 24-82-1201 (3), Colorado Revised Statutes, is 13 amended to read: 14 24-82-1201. Definitions. As used in this part 12, unless the 15 context otherwise requires: 16 (3) "State department" means a department or agency of the state, 17 BUT DOES NOT INCLUDE THE LEGISLATIVE DEPARTMENT WHEN ACTING 18 PURSUANT TO SECTION 2-2-320 (2) (b), C.R.S. 19 **SECTION 5.** Adjustments to the 2010 long bill. (1) For the 20 implementation of this act, the general fund appropriation made in the 21 annual general appropriation act for the fiscal year beginning July 1, 22 2010, to the legislative department, general assembly, for legal services, 23 is decreased by one thousand one hundred thirty-one dollars (\$1,131) and 24 15 hours. 25 **SECTION 6. Effective date - applicability.** This act shall take 26 effect upon passage and shall apply to contracts of the legislative

27 department entered into on or after said date.

SECTION 7. Safety clause. The general assembly hereby finds,
 determines, and declares that this act is necessary for the immediate
 preservation of the public peace, health, and safety.