

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

March 1, 2011  
Date

Committee on Economic and Business Development.

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

HB11-1249 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 6, line 22, after "(4) (b)," insert "(5),".
- 2 Page 7, line 18, strike "OF EACH" and substitute "EVERY THIRD".
- 3 Page 7, line 20, strike "FISCAL YEAR".
- 4 Page 7, line 21, strike "ENDING" and substitute "PERIOD OF THREE FISCAL
- 5 YEARS THAT ENDS".
- 6 Page 8, after line 12 insert:
  - 7 "(5) The state controller may retain a portion of the net amount
  - 8 recovered due to a recovery audit in order to ~~defray the reasonable and~~
  - 9 ~~necessary~~ REIMBURSE THE ACTUAL administrative costs, including
  - 10 reimbursement paid to other state agencies required by this subsection (5),
  - 11 incurred by the state controller and the division of accounts and control
  - 12 in contracting for and providing oversight of the recovery audit or ~~any~~
  - 13 ~~additional costs incurred by~~ TO REIMBURSE any other state agency FOR
  - 14 ANY ADDITIONAL ACTUAL COSTS THAT IT INCURRED in relation to the
  - 15 performance of the recovery audits required by this section. The state
  - 16 controller shall reimburse any state agency that incurs additional ACTUAL
  - 17 costs in relation to the recovery audits for such costs from the portion of
  - 18 any amounts recovered from recovery audits that the state controller
  - 19 retains."

- 1 Page 8, line 25, strike "THE DIRECT AND INDIRECT".
- 2 Page 8, strike line 26.
- 3 Page 8, line 27, strike "APPROPRIATED." and substitute "THE GENERAL  
4 ASSEMBLY SHALL ANNUALLY APPROPRIATE THE ACTUAL COSTS INCURRED  
5 BY THE STATE CONTROLLER IN CONDUCTING THE RECOVERY AUDITS AS  
6 SPECIFIED IN SUBSECTION (5) OF THIS SECTION."
- 7 Page 9, line 1, strike "CONTINUOUSLY APPROPRIATED" and substitute  
8 "ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY".
- 9 Page 9, line 7, strike "THE STATE".
- 10 Page 9, line 8, strike "CONTROLLER SHALL TRANSFER".
- 11 Page 9, line 9, after "CASH FUND" insert "SHALL BE TRANSFERRED TO THE  
12 GENERAL FUND OR".
- 13 Page 9, strike line 10 and substitute "OVERPAYMENT WAS ORIGINALLY  
14 MADE IF THE STATE CONSTITUTION SPECIFIES THE PURPOSES FOR WHICH  
15 THE MONEYS IN SUCH FUND SHALL BE USED, AFTER ALL ACTUAL".
- 16 Page 11, line 13, strike "CONTINUOUSLY" and substitute "ANNUALLY".
- 17 Page 11, line 14, after "APPROPRIATED" insert "BY THE GENERAL  
18 ASSEMBLY".
- 19 Page 12, line 23, strike "(I)".
- 20 Page 13, strike lines 12 through 19 and substitute "compensation account  
21 shall be subject to annual appropriation by the general assembly for  
22 purposes of this section. ALL".
- 23 Page 13, strike lines 23 through 27.
- 24 Page 14, strike lines 1 and 2.
- 25 Page 15, strike line 27.
- 26 Page 16, strike lines 1 through 10.

- 1 Renumber succeeding sections accordingly.
- 2 Page 16, line 14, strike "(a)".
- 3 Page 16, strike lines 20 and 21 and substitute "The moneys in the fund
- 4 shall be subject to annual appropriation by the general assembly for the
- 5 PURPOSE OF".
- 6 Page 17, strike lines 2 through 7.
- 7 Page 20, strike lines 16 through 27.
- 8 Page 21, strike lines 1 and 2.
- 9 Renumber succeeding sections accordingly.
- 10 Page 21, strike lines 25 through 27.
- 11 Page 22, strike lines 1 through 14.
- 12 Renumber succeeding sections accordingly.
- 13 Page 24, after line 15 insert:
  - 14 **"SECTION 13.** 24-50.3-105 (8), Colorado Revised Statutes, is
  - 15 amended to read:
  - 16 **24-50.3-105. Transfer of functions - employees - property -**
  - 17 **records.** (8) The executive director, or a designee of the executive
  - 18 director, may accept AND EXPEND, on behalf of and in the name of the
  - 19 state, gifts, donations, and grants for any purpose connected with the
  - 20 work and programs of the department. Any property so given shall be
  - 21 held by the state treasurer, but the executive director, or the designee
  - 22 therefor, shall have the power to direct the disposition of any property so
  - 23 given for any purpose consistent with the terms and conditions under
  - 24 which such gift was created."
- 25 Renumber succeeding sections accordingly.
- 26 Page 25, line 2, strike "CONTINUOUSLY".
- 27 Page 25, strike line 3 and substitute "SUBJECT TO ANNUAL APPROPRIATION

1 BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF".

2 Page 25, strike lines 14 through 20 and substitute "shall credit the same  
3 to the FUND SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH  
4 (a) AS FOLLOWS:

5 (I) PRIOR TO JULY 1, 2011, THE STATE TREASURER SHALL CREDIT  
6 THE REVENUE FROM FEES COLLECTED TO COVER THE DIRECT AND INDIRECT  
7 COSTS IN IMPLEMENTING THIS SECTION TO THE supplier database cash  
8 fund, which fund is hereby created. The general assembly shall make  
9 appropriations from such fund as necessary to implement the provisions  
10 of this section. In accordance with section 24-36-114, all interest derived  
11 from the deposit and investment of this fund shall be credited to the  
12 general fund. ANY MONEYS REMAINING IN THE FUND ON JULY 1, 2011,  
13 SHALL BE CREDITED TO THE ELECTRONIC PROCUREMENT PROGRAM CASH  
14 FUND CREATED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).

15 (II) ON AND AFTER JULY 1, 2011, THE STATE TREASURER SHALL  
16 CREDIT THE REVENUE FROM FEES COLLECTED TO COVER THE DIRECT AND  
17 INDIRECT COSTS IN IMPLEMENTING THIS SECTION TO THE ELECTRONIC  
18 PROCUREMENT PROGRAM CASH FUND, WHICH FUND IS HEREBY CREATED.  
19 THE FUND SHALL ALSO CONSIST OF MONEYS CREDITED TO THE FUND  
20 PURSUANT TO SUBSECTION (2.5) OF THIS SECTION. THE MONEYS IN THE  
21 FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY  
22 FOR THE PURPOSES OF IMPLEMENTING AND MAINTAINING THE ELECTRONIC  
23 PROCUREMENT SYSTEM. ALL MONEYS NOT EXPENDED OR ENCUMBERED  
24 AT THE END OF ANY FISCAL YEAR AND ALL INTEREST EARNED ON THE  
25 INVESTMENT OR DEPOSIT OF THE MONEYS IN THE FUND SHALL REMAIN IN  
26 THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
27 FUND AT THE END OF ANY FISCAL YEAR."

28 Page 26, strike line 8 and substitute "~~supplier database~~ ELECTRONIC  
29 PROCUREMENT PROGRAM cash fund created in SUBPARAGRAPH (II) OF  
30 paragraph (a) of subsection (2) of".

31 Page 27, line 10, strike "18, 19, and 22" and substitute "16, 17, and 20".

\*\* \*\* \*\* \*\* \*\*