

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 30, 2013  
Date

Committee on Finance.

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

HB13-1292 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 5, line 16, strike "PROJECT." and substitute
- 2 "PROJECT AND IF COMPLIANCE WITH THIS ARTICLE WOULD CREATE AN
- 3 UNDUE BURDEN THAT WOULD SUBSTANTIALLY PREVENT A PROJECT FROM
- 4 PROCEEDING TO COMPLETION."
  
- 5 Page 10, line 6, after "ARTICLE" insert "APPLIES TO ANY PROJECT THAT
- 6 RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS ARTICLE".
  
- 7 Page 10, line 13, strike "STATES." and substitute "STATES, OR WOULD
- 8 CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS
- 9 FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE."
  
- 10 Page 13, line 7, after "ARTICLE" insert "APPLIES TO ANY PROJECT THAT
- 11 RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS ARTICLE".
  
- 12 Page 13, line 14, strike "STATES." and substitute "STATES, OR WOULD
- 13 CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS
- 14 FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE."
  
- 15 Page 13, line 18, after "~~shall~~" insert "THAT DO NOT RECEIVE FEDERAL
- 16 MONEYS".
  
- 17 Page 13, line 25, after "PROJECTS" insert "THAT DO NOT RECEIVE FEDERAL
- 18 MONEYS".

- 1 Page 16, line 8, strike "FOR PUBLIC".
- 2 Page 16, strike line 9 and substitute "TO THE PUBLIC; AND".
- 3 Page 16, line 11, strike "ON THE DEPARTMENT'S WEB SITE".
- 4 Page 16, line 18, after "ARTICLE" insert "THAT IS NOT FUNDED IN ANY
- 5 PART WITH FEDERAL MONEYS".
- 6 Page 17, line 26, strike "**subcontractors -**".
- 7 Page 18, line 3, strike "DUTIES" and substitute "SERVICES".
- 8 Page 18, line 4, strike "~~including~~" and substitute "including".
- 9 Page 18, strike line 5 and substitute "any subcontracts, and whether any
- 10 SUBCONTRACTED services under the".
- 11 Page 18, line 6, strike "~~contract or any subcontracts~~" and substitute
- 12 "contract or any subcontracts".
- 13 Page 18, line 8, strike "~~the contract or~~" and substitute "the contract or".
- 14 Page 18, line 11, strike "~~the~~" and substitute "the".
- 15 Page 18, line 12, strike "~~contract or~~" and substitute "contract or".
- 16 Page 18, strike lines 17 and 18 and substitute "AWARDED, TO PERFORM
- 17 SERVICES UNDER THE CONTRACT OUTSIDE THE UNITED STATES OR THE
- 18 STATE OR TO SUBCONTRACT SERVICES UNDER THE CONTRACT TO A
- 19 SUBCONTRACTOR THAT WILL PERFORM SUCH SERVICES".
- 20 Page 18, line 21, after "VENDOR" insert "DECIDES TO PERFORM SERVICES
- 21 UNDER THE CONTRACT OUTSIDE THE UNITED STATES OR THE STATE OR".
- 22 Page 18, line 22, strike "DUTIES" and substitute "SERVICES".
- 23 Page 18, line 23, strike "DUTIES" and substitute "SERVICES".
- 24 Page 18, line 27, strike "SPECIFIC DUTIES" and substitute "TYPE OF
- 25 SERVICES".

- 1 Page 19, line 3, strike "DUTIES." and substitute "SERVICES."
- 2 Page 19, line 7, after "VENDOR" insert "OR THE VENDOR'S  
3 SUBCONTRACTOR".
- 4 Page 19, strike lines 8 through 10 and substitute "PERFORM SERVICES  
5 UNDER THE CONTRACT OUTSIDE THE UNITED STATES OR THE STATE."
- 6 Page 19, line 12, strike "DUTIES" and substitute "SERVICES".
- 7 Page 19, line 24, after "SECTION" insert "APPLIES TO ANY PROJECT THAT  
8 RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS SECTION".
- 9 Page 20, line 4, strike "STATES." and substitute "STATES, OR WOULD  
10 CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS  
11 FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE."
- 12 Page 20, strike line 7 through 27.
- 13 Strike page 21.
- 14 Page 22, strike lines 1 through 4 and substitute:
- 15 **"24-102-206.5. Contract performance outside the United**  
16 **States or Colorado - annual report.** (1) ON JANUARY 1, 2014, AND ON  
17 EACH JANUARY 1 THEREAFTER, A GOVERNMENTAL BODY SHALL SUBMIT  
18 AN ANNUAL REPORT TO THE GENERAL ASSEMBLY IF THE GOVERNMENTAL  
19 BODY ENTERED INTO ONE OR MORE CONTRACTS WITH A VENDOR DURING  
20 THE PREVIOUS STATE FISCAL YEAR AND RECEIVED WRITTEN NOTICE FROM  
21 ONE OR MORE VENDORS PURSUANT TO SECTION 24-102-206 (1) (b), THAT  
22 THE VENDOR OR THE VENDOR'S SUBCONTRACTOR WOULD PERFORM  
23 SERVICES UNDER THE CONTRACT OUTSIDE THE UNITED STATES OR THE  
24 STATE.
- 25 (2) (a) THE PURPOSE OF THE REPORT REQUIRED IN SUBSECTION (1)  
26 OF THIS SECTION IS TO NOTIFY TAXPAYERS AND THE GENERAL ASSEMBLY  
27 REGARDING THE USE OF UNITED STATES AND STATE TAX DOLLARS ON  
28 STATE CONTRACTS IN WHICH SERVICES UNDER THE CONTRACT ARE  
29 PERFORMED OUTSIDE THE UNITED STATES OR THE STATE. THE  
30 GOVERNMENTAL BODY SHALL PROVIDE INFORMATION REQUIRED IN THE  
31 REPORT BASED ON THE INFORMATION THAT VENDORS SUBMITTED TO THE  
32 GOVERNMENTAL BODY PURSUANT TO SECTION 24-102-206 DURING THE  
33 PREVIOUS STATE FISCAL YEAR.

1 (b) THE REPORT MUST SEPARATE DATA BY STATE CONTRACT TYPE  
2 AND PROVIDE INFORMATION REGARDING THE TYPE AND THE PERCENTAGE  
3 OF THE TOTAL SERVICES THAT WERE PERFORMED OUTSIDE THE UNITED  
4 STATES OR THE STATE BY EACH VENDOR OR A VENDOR'S SUBCONTRACTOR  
5 UNDER EACH STATE CONTRACT.

6 (c) THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION  
7 MUST ALSO INCLUDE A DESCRIPTION OF ANY INITIATIVES THAT THE  
8 GOVERNMENTAL BODY HAS TAKEN TO ACTIVELY REDUCE THE NUMBER OF  
9 CONTRACTS IN WHICH A VENDOR OR VENDOR'S SUBCONTRACTOR PERFORM  
10 SERVICES UNDER THE CONTRACT OUTSIDE THE UNITED STATES OR THE  
11 STATE.

12 (d) A GOVERNMENTAL BODY THAT IS REQUIRED TO SUBMIT A  
13 REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY INCLUDE THE  
14 REPORT IN ITS ANNUAL REPORT TO THE GENERAL ASSEMBLY REQUIRED BY  
15 THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
16 TRANSPARENT (SMART) GOVERNMENT ACT".

17 Page 22, line 10, after "C.R.S.," insert "THAT DOES NOT RECEIVE ANY  
18 FEDERAL MONEYS,".

19 Page 22, line 15, strike "GOODS." and substitute "GOODS; EXCEPT THAT,  
20 FOR PUBLIC PROJECTS UNDER THE SUPERVISION OF THE DEPARTMENT OF  
21 TRANSPORTATION, THE CONTRACTOR SHALL DISCLOSE SUCH INFORMATION  
22 TO THE DEPARTMENT OF TRANSPORTATION.".

23 Page 23, line 19, after "DEPARTMENT" insert "AND TO THE DEPARTMENT  
24 OF TRANSPORTATION".

25 Page 24, line 11, after "SECTION" insert "APPLIES TO ANY PROJECT THAT  
26 RECEIVES FEDERAL MONEYS. IN ADDITION, NOTHING IN THIS SECTION".

27 Page 24, line 18, strike "STATES." and substitute "STATES, OR WOULD  
28 CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS  
29 FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE.".

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