

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0036.01 Bob Lackner x4350

SENATE BILL 13-129

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Williams,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

HOUSE
3rd Reading Unamended
April 22, 2013

A BILL FOR AN ACT

101 **CONCERNING THE MODIFICATION OF CERTAIN STATUTORY**
102 **REQUIREMENTS DIRECTING THE OFFICE OF THE STATE AUDITOR**
103 **TO REVIEW COMPLIANCE WITH STATUTORY OBLIGATIONS, AND,**
104 **IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.**

HOUSE
2nd Reading Unamended
April 22, 2013

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>.)

SENATE
3rd Reading Unamended
February 27, 2013

Legislative Audit Committee. The bill modifies certain statutory requirements directing the office of the state auditor (OSA) to review

SENATE
Amended 2nd Reading
February 26, 2013

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.*

compliance with statutory obligations as follows:

- ! Under current law, at least every 4 years the general assembly is required to provide for a performance review by the state auditor of the administrative law judges in the office of administrative courts who hear cases relating to workers' compensation matters. The bill eliminates this required schedule and permits such audits to be undertaken by the state auditor at his or her discretion.
- ! The bill changes the cycle for regular audits by the OSA of the Colorado travel and tourism promotion fund and related activities of the Colorado tourism office from every 2 years to every 5 years.
- ! In connection with the existing program allowing a state employee to submit an innovative idea for cost savings improvements for which the employee may receive a monetary award, the bill modifies existing requirements to require the OSA to review and verify the application only where the executive director of the applicable state agency has made a determination that the savings realized for the first 12 months of full implementation of the innovative idea equal \$10,000 or more.
- ! Beginning in 2007, under the "Secure and Verifiable Identity Document Act" (act), the state auditor is required to submit to the governor, members of the legislative audit committee of the general assembly, and members of the state, veterans, and military affairs committees of the senate and the house of representatives an annual executive summary of state agency and institution compliance with the requirements of the act based upon audits conducted during the year. The bill eliminates the requirement that this annual summary be prepared.
- ! The bill changes the cycle for regular audits by the OSA of the Colorado auto theft prevention cash fund from every 2 years to every 5 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-47-101, **amend** (3)

3 (d) (II) as follows:

4 **8-47-101. Division of workers' compensation - creation -**
5 **powers, duties, and functions - transfer of functions - change of**

1 **statutory references.** (3) (d) (II) ~~Commencing in the 1992 legislative~~
2 ~~session and at least every four years thereafter, the general assembly shall~~
3 ~~provide for the conduct of~~ AT THE DISCRETION OF THE STATE AUDITOR,
4 THE STATE AUDITOR MAY CONDUCT OR CAUSE TO BE CONDUCTED a
5 performance review ~~by the state auditor~~ of the administrative law judges
6 in the office of administrative courts who hear cases under articles 40 to
7 47 of this title. The review ~~shall~~ MUST include, but IS not ~~be~~ limited to, the
8 following topics: The time elapsed from the date of hearing until
9 decisions are rendered by the administrative law judges; the time elapsed
10 from the point at which the file is complete and the case is ready for order
11 until the decision is rendered by the administrative law judges; the
12 number of decisions that are reversed upon appeal to the industrial claim
13 appeals panel and to the court of appeals respectively; the workload or
14 number of cases assigned to each administrative law judge; and the public
15 perception of the quality of the performance of the office of
16 administrative courts with respect to matters arising under the "Workers'
17 Compensation Act of Colorado".

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-49.7-108
19 as follows:

20 **24-49.7-108. Audit requirements.** On or before August 1, 2002,
21 and not less than every ~~two~~ FIVE years thereafter, the state auditor shall
22 review or cause to be reviewed the manner in which moneys from the
23 fund and the additional source fund are expended, any contracts entered
24 into pursuant to this article, and the activities of the board and the office
25 to ensure compliance with the provisions of this article. Upon completing
26 such audit, the state auditor shall provide a report to the governor and the
27 general assembly reviewing the findings of the audit and making

1 recommendations for statutory changes, if any.

2 **SECTION 3.** In Colorado Revised Statutes, 24-50-903, **amend**
3 (4) (b) introductory portion; and **add** (4) (f) as follows:

4 **24-50-903. State employee idea application.** (4) (b) Thirteen
5 months after the innovative idea described in the idea application is fully
6 implemented, the executive director shall calculate the savings realized
7 for the first twelve months of full implementation. All documentation of
8 the savings realized calculation SATISFYING THE REQUIREMENTS OF
9 PARAGRAPH (f) OF THIS SUBSECTION (4) shall be forwarded to the state
10 auditor for review and verification no later than two months after the
11 twelve months of full implementation of the innovative idea described in
12 the idea application. The state auditor shall have one hundred twenty days
13 from receipt of the savings realized calculation to:

14 (f) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 THE STATE AUDITOR SHALL ONLY BE REQUIRED TO UNDERTAKE THE
16 REVIEW AND VERIFICATION REQUIRED BY PARAGRAPH (b) OF THIS
17 SUBSECTION (4) WHERE THE EXECUTIVE DIRECTOR HAS MADE A
18 DETERMINATION THAT THE SAVINGS REALIZED FOR THE FIRST TWELVE
19 MONTHS OF FULL IMPLEMENTATION OF THE INNOVATIVE IDEA DESCRIBED
20 IN THE IDEA APPLICATION EQUALS TEN THOUSAND OR MORE DOLLARS.

21 **SECTION 4.** In Colorado Revised Statutes, 24-72.1-107, **repeal**
22 (2) as follows:

23 **24-72.1-107. State auditor - report.** (2) ~~Beginning in 2007, the~~
24 ~~state auditor shall submit to the governor, members of the legislative audit~~
25 ~~committee of the general assembly, and members of the state, veterans,~~
26 ~~and military affairs committees of the senate and the house of~~
27 ~~representatives, or any successor committees, an annual executive~~

1 summary of state agency and institution compliance with the requirements
2 of this article based upon audits conducted during the year.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 42-5-113 as
4 follows:

5 **42-5-113. Colorado auto theft prevention cash fund - audit.**
6 Beginning in the 2008-09 fiscal year, and every ~~two~~ FIVE years thereafter,
7 the state auditor shall cause an audit to be made of the Colorado auto theft
8 prevention cash fund created in section 42-5-112 (4) to include
9 procedures to test distributions from the fund for compliance with
10 program requirements and guidelines. The auditor shall review a sample
11 of distributions and expenditures from the Colorado auto theft prevention
12 cash fund for the purposes described in section 42-5-112. The state
13 auditor shall prepare a report of each audit conducted and file the report
14 with the audit committee of the general assembly. Following the release
15 of the audit report, the state auditor shall file the audit report with the
16 judiciary committees of the house of representatives and the senate, or
17 any successor committees.

18 **SECTION 6. Appropriation to the legislative department for**
19 **the fiscal year beginning July 1, 2012.** In Session Laws of Colorado
20 **2012, chapter 283 (HB 12-1301), amend section 1 as follows:**

21 **Section 1. Appropriation.** In addition to any other appropriation,
22 **there is hereby appropriated, to the legislative department of the state of**
23 **Colorado, the sum of \$34,326,736, \$34,320,236, or so much thereof as**
24 **may be necessary, of which amount \$33,237,355 shall be out of any**
25 **moneys in the general fund not otherwise appropriated, \$179,065 shall be**
26 **from cash funds, and \$910,316 \$903,816 shall be from reappropriated**
27 **funds, for payment of the expenses of the legislative department for the**

1 fiscal year beginning July 1, 2012, to be allocated as follows:

2	<u>General assembly</u>	<u>\$ 11,783,625</u> ^{1/}
3		<u>(66.0 FTE)</u>
4	<u>State auditor</u>	<u>7,963,562</u> ^{2/}
5		<u>7,957,062</u> ^{2/}
6		<u>(68.0 FTE)</u>
7	<u>Joint budget committee</u>	<u>1,480,365</u>
8		<u>(16.0 FTE)</u>
9	<u>Legislative council</u>	<u>6,606,338</u>
10		<u>(68.0 FTE)</u>
11	<u>Committee on legal services</u>	<u>5,235,260</u> ^{3/}
12		<u>(53.0 FTE)</u>
13	<u>PERA Amortization Equalization Disbursement</u>	<u>677,848</u>
14	<u>PERA Supplemental Amortization Equalization</u>	
15	<u>Disbursement</u>	<u>579,738</u>
16	<u>Total legislative department</u>	<u>\$ 34,326,736</u>
17	^{1/} <u>Of this amount, \$90,000 is appropriated out of cash funds</u>	
18	<u>generated by the sale of bill boxes, legislative directories, and</u>	
19	<u>publications and other services provided by the print shop, \$3,816</u>	
20	<u>is appropriated out of reappropriated funds from the</u>	
21	<u>methamphetamine abuse prevention, intervention, and treatment</u>	
22	<u>cash fund created in section 18-18.5-105 (1)(a), Colorado Revised</u>	
23	<u>Statutes, and \$11,689,809 is appropriated out of the general fund.</u>	
24	^{2/} <u>Of this amount, \$6,967,997 is appropriated out of the general</u>	
25	<u>fund, \$906,500 \$900,000 is appropriated out of reappropriated</u>	
26	<u>funds received from various departments for audits, and \$89,065</u>	
27	<u>is appropriated out of cash funds received pursuant to section</u>	

1 2-3-113 (7), Colorado Revised Statutes.
2 ^{3/} In addition, it is anticipated that, during the 2012-13 fiscal year,
3 the tax levy on civil actions provided for in section 2-5-119,
4 Colorado Revised Statutes, will return approximately \$326,000 to
5 the general fund to offset expenses of the revision of statutes by
6 the office of legislative legal services.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 7. Appropriation to the department of public safety for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305,

(HB 12-1335), amend Part XVII (2) and the affected totals, as the said Part XVII (2) and the affected totals are amended by section 1 of Senate Bill 13-101, as follows:

Section 2. Appropriations.

PART XVII

DEPARTMENT OF PUBLIC SAFETY

(2) COLORADO STATE PATROL

Colonel, Lt. Colonels,

<u>Majors, and Captains</u>	<u>3,974,328</u>		<u>79,007</u>	<u>3,895,321^a</u>	
			<u>(1.0 FTE)</u>	<u>(33.0 FTE)</u>	=

Sergeants, Technicians, and

<u>Troopers</u>	<u>49,087,606</u>		<u>1,333,464</u>	<u>46,134,077^b</u>	<u>1,620,065^c</u>
			<u>(18.0 FTE)</u>	<u>(576.0 FTE)</u>	<u>(21.6 FTE)</u>

<u>Civilians</u>	<u>4,384,890</u>		<u>42,864</u>	<u>4,275,817^d</u>	<u>66,209^e</u>
			<u>(1.0 FTE)</u>	<u>(76.5 FTE)</u>	<u>(1.0 FTE)</u>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Retirements</u>	<u>400,000</u>			<u>400,000^a</u>		
2	<u>Overtime</u>	<u>1,403,815</u>			<u>1,378,553^d</u>	<u>25,262^c</u>	
3	<u>Operating Expenses</u>	<u>12,874,642</u>	<u>462,528</u>		<u>12,158,213^d</u>	<u>253,901^e</u>	
4	<u>Information Technology</u>						
5	<u>Asset Maintenance</u>	<u>2,843,020</u>			<u>2,843,020^a</u>		
6	<u>Vehicle Lease Payments</u>	<u>7,018,665</u>	<u>180,862</u>		<u>6,536,593^e</u>	<u>187,452^f</u>	<u>113,758(I)</u>
7	<u>Communications Program</u>	<u>7,462,168</u>			<u>6,624,254^e</u>	<u>818,173^g</u>	<u>19,741(I)</u>
8					<u>(127.1 FTE)</u>	<u>(9.0 FTE)</u>	
9	<u>State Patrol Training</u>						
10	<u>Academy</u>	<u>2,370,021</u>			<u>1,882,550^h</u>	<u>487,471ⁱ</u>	
11					<u>(17.0 FTE)</u>		
12	<u>Safety and Law</u>						
13	<u>Enforcement Support</u>	<u>3,473,679</u>			<u>1,012,512^j</u>	<u>2,461,167^k</u>	
14						<u>(4.0 FTE)</u>	
15	<u>Aircraft Program</u>	<u>727,859</u>			<u>536,509^l</u>	<u>191,350^m</u>	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1					<u>(4.5 FTE)</u>	<u>(1.5 FTE)</u>	
2	<u>Executive and Capitol</u>						
3	<u>Complex Security Program</u>	<u>3,944,613</u>	<u>2,697,904</u>			<u>1,246,709^a</u>	
4			<u>(41.0 FTE)</u>			<u>(20.0 FTE)</u>	
5	<u>Hazardous Materials Safety</u>						
6	<u>Program</u>	<u>1,135,380</u>			<u>1,135,380^e</u>		
7					<u>(12.0 FTE)</u>		
8	<u>Automobile Theft</u>						
9	<u>Prevention Authority</u>	<u>5,333,420</u>			<u>5,333,420^e</u>		
10		<u>5,326,920</u>			<u>5,326,920^e</u>		
11					<u>(3.0 FTE)</u>		
12	<u>Victim Assistance</u>	<u>651,246</u>			<u>197,000^d</u>	<u>280,320^e</u>	<u>173,926^(l)</u>
13						<u>(5.0 FTE)</u>	<u>(1.8 FTE)</u>
14	<u>Counter-drug Program</u>	<u>4,000,000</u>			<u>4,000,000^e</u>		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Motor Carrier Safety and</u>						
2	<u>Assistance Program Grants</u>	<u>3,724,074</u>			<u>326,607^a</u>		<u>3,397,467(I)</u>
3							<u>(32.0 FTE)</u>
4	<u>Federal Safety Grants</u>	<u>1,073,045</u>					<u>1,073,045(I)</u>
5							<u>(2.0 FTE)</u>
6	<u>Indirect Cost Assessment</u>	<u>8,213,058</u>			<u>7,431,058^b</u>	<u>473,359^c</u>	<u>308,641(I)</u>
7		<u>124,095,529</u>					
8		<u>124,089,029</u>					

10 ^a These amounts shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S.

11 ^b Of this amount, \$45,174,276 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$870,944 shall be from the E-470 Toll Road Authority, \$35,644

12 shall be from the Vehicle Identification Number Inspection Fund created in Section 42-5-204 (2) (a), C.R.S., and \$53,213 shall be from various sources of cash funds.

13 ^c Of these amounts \$1,916,280 shall be from Limited Gaming funds appropriated to the Department of Revenue and \$49,157 shall be from other state agencies.

14 ^d Of these amounts, \$17,134,932 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$218,874 shall be from the E-470 Toll Road Authority, \$119,813

15 shall be from the Vehicle Identification Number Inspection Fund created in Section 42-5-204 (2) (a), C.R.S., and \$338,964 shall be from various sources of cash funds.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 § Of these amounts, \$12,163,895 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$698,213 shall be from user fees from non-state agencies, and
 2 \$298,739 shall be from various sources of cash funds.

3 ¶ This amount shall be from various sources of reappropriated funds.

4 § Of this amount, \$317,768 shall be from the Department of Transportation, \$174,119 shall be from Limited Gaming funds appropriated to the Department of Revenue, \$155,308 shall
 5 be from the Department of Corrections, \$152,500 shall be from the Department of Natural Resources, \$16,858 shall be from the Department of Higher Education (Adams State College),
 6 \$1,280 shall be from the Department of Revenue, and \$340 shall be from the Colorado Bureau of Investigation.

7 § Of this amount, \$1,802,925 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., and \$79,625 shall be from user fees from non-state agencies.
 8 ¶ This amount shall be from user fees collected from other state agencies.

9 ¶ Of this amount, \$456,377 shall be from user fees collected from non-state agencies and \$556,135 shall be from various sources of cash funds.

10 ¶ Of this amount, \$1,817,282 shall be from the Department of Transportation and \$643,885 shall be from user fees collected from other state agencies.

11 ¶ Of this amount, \$346,865 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$180,000 shall be from the Aircraft Engine Fund, and \$9,644 shall
 12 be from various sources of cash funds.

13 ¶ This amount shall be from user fees collected from other state agencies.

14 ¶ Of this amount, \$531,551 shall be from the Judicial Department, \$300,703 shall be from the Department of Personnel Capitol Complex leased space rent proceeds, \$290,096 shall be
 15 from the Legislative Department, and \$124,359 shall be from the Department of Law.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<p><u>¶ Of this amount, \$794,966 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$218,586 shall be from the Nuclear Materials Transportation Fund created in Section 42-20-511, C.R.S., and \$121,828 shall be from the Hazardous Materials Safety Fund created in Section 42-20-107 (1), C.R.S.</u></p>						
<p><u>¶ This amount shall be from the Colorado Auto Theft Prevention Cash Fund created in Section 42-5-112 (4) (a), C.R.S.</u></p>						
<p><u>¶ This amount shall be from compulsory insurance fine revenue collected and allocated pursuant to Section 42-4-1409 (9), C.R.S.</u></p>						
<p><u>¶ This amount shall be from the Division of Criminal Justice, Victims Assistance Sub-program.</u></p>						
<p><u>¶ This amount shall be from local governments for the purchase of counter-drug equipment from the federal government pursuant to Title 10, Chapter 18, Section 381 U.S.C.</u></p>						
<p><u>¶ Of this amount, \$7,209,081 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., \$104,166 shall be from the E-470 Toll Road Authority, \$12,730 shall be from the Vehicle Identification Number Inspection Fund created in Section 42-5-204 (2) (a), C.R.S., and \$105,081 shall be from various sources of cash funds.</u></p>						
<p><u>¶ Of this amount, \$65,632 shall be from other state agencies for dispatch services, \$14,136 shall be from the Department of Natural Resources, and \$393,591 shall be from various sources of reappropriated funds.</u></p>						
<u>TOTALS PART XVII</u>						
<u>(PUBLIC SAFETY)</u>	<u>\$273,982,783</u>	<u>\$84,338,122</u>		<u>\$136,496,137±</u>	<u>\$25,083,490</u>	<u>\$28,065,034±</u>
	<u>\$273,976,283</u>			<u>\$136,489,637±</u>		

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^a Of this amount, \$105,755,507 is from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S.

2 ^b This amount contains an (I) notation."

3

4

1 **SECTION 8. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.