

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 13-0711.01 Ed DeCecco x4216

HOUSE BILL 13-1179

HOUSE SPONSORSHIP

Levy, Duran, Gerou

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

House Committees

Finance
Appropriations

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING DEADLINES FOR STATE AGENCIES TO SUBMIT DOCUMENTS**
102 **RELATED TO APPROPRIATIONS TO THE JOINT BUDGET**
103 **COMMITTEE.**

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>.)

Joint Budget Committee. Section 1 of the bill establishes the following deadlines for a state agency to submit a budget request or a budget request amendment to the joint budget committee (JBC):

! November 1 for a budget request;

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.*

SENATE
3rd Reading Unamended
April 8, 2013

SENATE
2nd Reading Unamended
April 5, 2013

HOUSE
3rd Reading Unamended
March 11, 2013

HOUSE
2nd Reading Unamended
March 8, 2013

- ! January 2 for a budget request amendment related to most supplemental appropriation requests; and
- ! January 15 for stand-alone budget request amendments and budget request amendments by the department of education (DOE) related to a supplemental appropriation request for current-year enrollment changes and by the department of corrections (DOC) and the division of youth corrections in the department of human services (DYC) related to a supplemental appropriation request for current-year caseload growth.

Section 1 also establishes the following deadlines for a state agency to request the JBC for a supplemental appropriation:

- ! January 2 for most supplemental appropriation requests; and
- ! January 15 for DOE to request a supplemental appropriation related to current-year enrollment changes and for DOC and DYC to each request a supplemental appropriation related to current-year caseload growth.

A state agency may submit a budget request amendment or request a supplemental appropriation after these deadlines if it is based upon circumstances unknown to, and not reasonably foreseeable by, the state agency prior to the applicable deadline. These deadlines apply to the office of state planning and budgeting (OSPB) if it submits a request on behalf of a state agency.

Section 2 makes conforming amendments related to OSPB's role in the submission of these appropriation-related documents.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-208 as
 3 follows:

4 **2-3-208. Budget requests - amendments - supplemental**
 5 **appropriation requests - deadlines.** (1) AS USED IN THIS SECTION,
 6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "BUDGET REQUEST AMENDMENT" MEANS ANY CHANGE TO A
 8 BUDGET REQUEST FOR THE UPCOMING STATE FISCAL YEAR THAT A STATE
 9 AGENCY SUBMITS TO THE JOINT BUDGET COMMITTEE.

10 (b) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,

1 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER
2 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,
3 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT THAT
4 RECEIVES AN APPROPRIATION OR IS OTHERWISE INCLUDED IN THE ANNUAL
5 GENERAL APPROPRIATION ACT.

6 (2) (a) A STATE AGENCY SHALL SUBMIT ITS BUDGET REQUEST FOR
7 THE UPCOMING STATE FISCAL YEAR TO THE JOINT BUDGET COMMITTEE BY
8 NOVEMBER 1. EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS
9 SUBSECTION (2), THE STATE AGENCY SHALL SUBMIT ANY BUDGET REQUEST
10 AMENDMENTS TO THE JOINT BUDGET COMMITTEE BY JANUARY 15.

11 (b) (I) A STATE AGENCY SHALL SUBMIT A BUDGET REQUEST
12 AMENDMENT THAT IS RELATED TO A REQUEST FOR A SUPPLEMENTAL
13 APPROPRIATION TO THE JOINT BUDGET COMMITTEE BY JANUARY 2; EXCEPT
14 THAT THE JANUARY 2 DEADLINE DOES NOT APPLY TO A BUDGET REQUEST
15 AMENDMENT THAT IS RELATED TO A REQUEST FOR A SUPPLEMENTAL
16 APPROPRIATION IDENTIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF
17 SUBSECTION (3) OF THIS SECTION.

18 (II) A STATE AGENCY MAY SUBMIT A BUDGET REQUEST
19 AMENDMENT TO THE JOINT BUDGET COMMITTEE AFTER ITS APPLICABLE
20 DEADLINE IF THE BUDGET REQUEST AMENDMENT IS BASED UPON
21 CIRCUMSTANCES UNKNOWN TO, AND NOT REASONABLY FORESEEABLE BY,
22 THE STATE AGENCY PRIOR TO THE DEADLINE.

23 (c) ANY DEADLINE IN THIS SUBSECTION (2) IS THE DATE
24 IMMEDIATELY PRECEDING THE STATE FISCAL YEAR THAT IS THE SUBJECT
25 OF THE BUDGET REQUEST OR BUDGET REQUEST AMENDMENT.

26 (3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS
27 SUBSECTION (3), A STATE AGENCY SHALL SUBMIT A REQUEST FOR A

1 SUPPLEMENTAL APPROPRIATION FOR THE CURRENT STATE FISCAL YEAR TO
2 THE JOINT BUDGET COMMITTEE BY JANUARY 2.

3 (b) (I) THE DEPARTMENT OF EDUCATION SHALL SUBMIT A REQUEST
4 FOR A SUPPLEMENTAL APPROPRIATION PURSUANT TO SECTION 22-54-106
5 (4) (b), C.R.S., TO THE JOINT BUDGET COMMITTEE BY JANUARY 15. THE
6 DEPARTMENT OF CORRECTIONS AND THE DIVISION OF YOUTH CORRECTIONS
7 IN THE DEPARTMENT OF HUMAN SERVICES SHALL EACH SUBMIT A REQUEST
8 FOR A SUPPLEMENTAL APPROPRIATION RELATED TO CHANGES IN CASELOAD
9 TO THE JOINT BUDGET COMMITTEE BY JANUARY 15.

10 (II) A STATE AGENCY MAY SUBMIT A REQUEST FOR A
11 SUPPLEMENTAL APPROPRIATION TO THE JOINT BUDGET COMMITTEE AFTER
12 ITS APPLICABLE DEADLINE IF THE SUPPLEMENTAL APPROPRIATION IS BASED
13 UPON CIRCUMSTANCES UNKNOWN TO, AND NOT REASONABLY
14 FORESEEABLE BY, THE STATE AGENCY PRIOR TO THE DEADLINE.

15 (c) ANY DEADLINE IN THIS SUBSECTION (3) IS THE DATE DURING
16 THE STATE FISCAL YEAR THAT THE REQUEST FOR A SUPPLEMENTAL
17 APPROPRIATION IS MADE.

18 (4) THE OFFICE OF STATE PLANNING AND BUDGETING MAY SUBMIT
19 A REQUEST IDENTIFIED IN THIS SECTION TO THE JOINT BUDGET COMMITTEE
20 ON BEHALF OF A STATE AGENCY, AND IN SUCH CASE, THE CORRESPONDING
21 DEADLINE FOR THE REQUEST APPLIES TO THE OFFICE.

22 **SECTION 2.** In Colorado Revised Statutes, 24-37-304, **amend**
23 (1) (b) and (1) (b.5); and **repeal** (1) (c) as follows:

24 **24-37-304. Additional budgeting responsibilities.** (1) In
25 addition to the responsibilities enumerated in section 24-37-302, the
26 office of state planning and budgeting shall:

27 (b) Ensure submission to the joint budget committee of the

1 general assembly by ~~November 1 of each year~~ THE DEADLINES SET FORTH
2 IN SECTION 2-3-208, C.R.S., of all agency requests for the upcoming year;
3 ~~except that the office of state planning and budgeting shall ensure~~
4 ~~submission of all agency requests for the 2006-07 fiscal year by~~
5 ~~November 15, 2005;~~

6 (b.5) Ensure submission to the joint budget committee of the
7 general assembly by ~~January 1 of each year~~ THE DEADLINES SET FORTH IN
8 SECTION 2-3-208, C.R.S., of all agency requests for supplemental
9 appropriations for the current fiscal year; ~~however, nothing contained in~~
10 ~~this paragraph (b.5) shall be construed to prohibit an agency from later~~
11 ~~submitting a request for a supplemental appropriation based upon~~
12 ~~circumstances unknown to, and not reasonably foreseeable by, the~~
13 ~~requesting agency at the time of submission of the agency's original~~
14 ~~request for supplemental appropriations;~~

15 (c) ~~Submit preliminary or final executive budget recommendations~~
16 ~~on all agency requests to the joint budget committee by January 1 of each~~
17 ~~year;~~

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.