

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0704.01 Jason Gelender x4330

SENATE BILL 13-109

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

HOUSE SPONSORSHIP

Duran, Levy, Gerou

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING INDIRECT COST RECOVERY FROM PROGRAMS, AND, IN**
102 **CONNECTION THEREWITH, ESTABLISHING AN INDIRECT COSTS**
103 **EXCESS RECOVERY FUND AND DEPARTMENTAL ACCOUNTS**
104 **WITHIN THE FUND FOR THE PURPOSE OF ALLOWING**
105 **DEPARTMENTS OF STATE GOVERNMENT TO USE MONEYS**
106 **COLLECTED AS PAYMENT FOR INDIRECT COSTS OVER MULTIPLE**
107 **FISCAL YEARS.**

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

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
February 4, 2013

SENATE
2nd Reading Unamended
February 1, 2013

1 (a) "INDIRECT COSTS" MEANS THE INDIRECT COST ASSESSMENT
2 LINE ITEMS IN THE ANNUAL GENERAL APPROPRIATION ACT THAT
3 REPRESENT EXPECTED COLLECTIONS OF STATEWIDE AND DEPARTMENTAL
4 INDIRECT COSTS FROM CASH FUNDED, REAPPROPRIATED FUNDED, OR
5 FEDERAL FUNDED PROGRAMS FOR THE PURPOSE OF PAYING
6 DEPARTMENTAL OR STATEWIDE OVERHEAD COSTS AS ALLOCATED TO
7 THOSE PROGRAMS IN THE ANNUAL GENERAL APPROPRIATION ACT.

8 (b) "STATE AGENCY" OR "AGENCY" MEANS ANY BOARD, BUREAU,
9 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER
10 OF THE STATE EXCEPT THOSE WITHIN THE DEPARTMENT OF HIGHER
11 EDUCATION DESIGNATION IN THE ANNUAL GENERAL APPROPRIATION ACT.

12 (2) THE INDIRECT COSTS EXCESS RECOVERY FUND IS CREATED IN
13 THE STATE TREASURY. A SEPARATE ACCOUNT FOR EACH PRINCIPAL
14 DEPARTMENT OF STATE GOVERNMENT OTHER THAN THE DEPARTMENT OF
15 HIGHER EDUCATION IS CREATED WITHIN THE FUND. AS SOON AS FEASIBLE
16 AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE STATE TREASURER
17 SHALL CREDIT ALL MONEYS COLLECTED BY A STATE AGENCY FOR INDIRECT
18 COSTS FOR THE FISCAL YEAR IN EXCESS OF THE ACTUAL AMOUNT
19 EXPENDED DURING THE FISCAL YEAR TO THE ACCOUNT FOR THE
20 DEPARTMENT THAT INCLUDES THE AGENCY. THE STATE TREASURER SHALL
21 CREDIT ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND
22 INVESTMENT OF MONEYS IN ANY ACCOUNT OF THE FUND TO THE ACCOUNT.

23 (3) EACH ACCOUNT OF THE INDIRECT COSTS EXCESS RECOVERY
24 FUND IS SUBJECT TO ANNUAL APPROPRIATION FOR INDIRECT COSTS BY ITS
25 CORRESPONDING DEPARTMENT FOR THE SOLE PURPOSE OF PAYING ANY
26 INDIRECT COSTS INCURRED BY AGENCIES WITHIN THE DEPARTMENT
27 DURING A FISCAL YEAR THAT EXCEED THEIR ACTUAL INDIRECT COST

1 COLLECTIONS FOR THE FISCAL YEAR.

2 (4) NO LATER THAN NOVEMBER 1, 2013, AND NO LATER THAN
3 EACH NOVEMBER 1 THEREAFTER, THE STATE CONTROLLER SHALL REPORT
4 TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
5 REGARDING THE REVENUES, EXPENDITURES, AND BALANCE OF EACH
6 ACCOUNT OF THE INDIRECT COSTS EXCESS RECOVERY FUND.

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