

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0704.01 Jason Gelender x4330

**SENATE BILL 13-109**

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**SENATE SPONSORSHIP**

**Lambert, Hodge, Steadman**

**HOUSE SPONSORSHIP**

**Duran, Levy, Gerou**

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

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**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.**

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**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. BEFORE THE CLOSE  
16 OF THE STATE'S ACCOUNTING SYSTEM EACH FISCAL YEAR, THE STATE  
17 TREASURER SHALL CREDIT ALL MONEYS COLLECTED BY A STATE AGENCY  
18 FOR INDIRECT COSTS FOR THE FISCAL YEAR IN EXCESS OF THE ACTUAL  
19 AMOUNT 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 AS OF JUNE 30  
7 OF THE PRIOR FISCAL YEAR.

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