

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0100.01 Esther van Mourik x4215

HOUSE BILL 14-1387

HOUSE SPONSORSHIP

Szabo and Fischer, Vigil

SENATE SPONSORSHIP

Schwartz, Jahn

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING REVISIONS OF CAPITAL RELATED STATUTES IN THE**
102 **COLORADO REVISED STATUTES, AND, IN CONNECTION**
103 **THEREWITH, AMENDING OR REPEALING OBSOLETE,**
104 **INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW AND**
105 **CLARIFYING THE LANGUAGE TO REFLECT LEGISLATIVE INTENT**
106 **AND CURRENT APPLICATION OF THE LAW.**

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>.)

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.

HOUSE
3rd Reading Unamended
April 25, 2014

HOUSE
Amended 2nd Reading
April 24, 2014

Capital Development Committee. Section 1 makes a legislative declaration.

Section 2 makes changes to the definitions used in the department of personnel's state buildings statutes. These definitions are then used throughout the statutes, including in the capital development committee's statutes, the office of state planning and budgeting's statutes, and the Colorado commission on higher education's statutes. The definitions are updated to include items considered capital construction, capital renewal, and controlled maintenance in current practice. Current capital construction definitions rely on the term "facility" to describe activities that fall under the terms "capital construction", "capital renewal", and "controlled maintenance". The bill changes "facility" to the more accurate term "real property" and makes applicable conforming amendments. Current law combines state institutions of higher education and state agencies together as a "state agency", but some tasks specified for state agencies are not applicable to state institutions of higher education, and vice versa. The bill separates state institutions of higher education from state agencies.

Section 3 makes conforming amendments to the department of personnel's responsibilities related to the definition changes and updates those responsibilities to more clearly reflect current practice.

Section 4 makes conforming amendments to the requirement that the department of personnel prepare and maintain inventories of state property. Most particularly, section 4 removes the responsibility from the department of personnel to establish a separate inventory of computer equipment and all other capital assets valued in excess of \$100,000 as this responsibility was never fulfilled by the department.

Section 5 makes conforming amendments and changes to reflect current practice to provisions related to the eligibility for state-controlled maintenance funding. Items in the definition of "controlled maintenance" and in other provisions of law are relocated for ease of access and clarity.

Section 6 makes conforming amendments to the legislative declaration for the life-cycle cost analysis prepared by the department of personnel.

Sections 7 and 8 make conforming amendments to the life-cycle cost analysis requirements for the department of personnel. Other changes in section 7 reorganize current law, including relocation of some provisions to reflect that life-cycle analysis is a different concept from high performance standards certification.

Section 9 makes conforming amendments to the legislative declaration in the state buildings statute.

Sections 10 and 11 repeal provisions that are relocated within the bill.

Sections 12 through 18 make conforming amendments to the capital development committee's enacting statutes. Most specifically,

these sections:

- ! Add cross references to the new definitions;
- ! Make conforming amendments necessary to reflect the new definitions;
- ! Clarify the capital development committee's duty to forecast the states's need for capital construction, capital renewal, and controlled maintenance, as well as to forecast the projected available revenue to meet such needs for the state. The bill changes the time to be analyzed in the forecast for projected available revenue.
- ! Clarify that it is the capital development committee's responsibility to review all acquisitions of real property by a state agency or state institution of higher education;
- ! Repeal obsolete provisions; and
- ! Eliminate the automatic repeal of the capital development committee.

Sections 19 through 28 make the necessary changes to statute to allow qualified state institutions of higher education with a building department that meets or exceeds minimum standards adopted by the state electrical board and the state plumbing board to continue performing their own permitting and inspections for electrical and plumbing work related to their own construction or remodeling projects.

Section 29 makes conforming amendments to the capital construction definition used in the "Building Excellent Schools Today Act".

Section 30 amends the "Building Excellent Schools Today Act" to allow an applicant school district that is approved for an award of financial assistance as an alternate award recipient and that successfully raises required matching moneys through voter-approval of a ballot question for contracting bonded indebtedness but that does not actually receive financial assistance because all primary award recipients or higher priority alternate award recipients also successfully raised required matching moneys to resubmit its application for financial assistance as previously approved during the next application cycle.

Section 31 makes conforming changes to the section that describes the duties and powers of the Colorado commission on higher education with respect to capital construction and long-range planning.

Section 32 clarifies that the governor's approval of the expenditure of money from funds derived from the sale of lands donated by an 1862 act of congress is not reliant on requirements specified in the capital construction fund statutes.

Section 33 makes conforming amendments to provisions describing the need for long-range planning for capital construction, controlled maintenance, and capital renewal by the heads of principal departments.

Section 34 makes conforming amendments to definitions related to the negotiation of professional services' contracts.

Section 35 makes conforming amendments and specifies that the requirement to conduct discussions with no less than 3 persons regarding the professional services such persons would provide applies only where the fee for such professional services is estimated to equal or exceed \$25,000.

Section 36 makes conforming amendments to provisions addressing the requirements for contracts for professional services.

Section 37 changes requirements that notice be given in a newspaper of general circulation when a state agency is seeking to contract for the professional services to allow the notice to be given either electronically or by newspaper.

Sections 38 and 39 make conforming amendments to the criminal liability provisions addressing contracts for professional services.

Section 40 changes the definitions applicable to provisions delineating the office of state planning and budgeting's responsibilities.

Section 41 changes the deadlines for the capital budget submissions by the office of state planning and budgeting to the capital development committee.

Section 42 requires the office of information technology to establish, maintain, and keep a separate inventory of information technology equipment valued in excess of \$100,000 owned by or held in trust for every state agency.

Section 43 makes conforming amendments and changes to the provisions governing art in public places to clarify that the 1% requirement is calculated based on total construction costs, rather than the total project costs, appropriated in each year. Section 32 also explicitly allows an appropriation for professional services to include planning for the acquisition of public art.

Section 44 makes a conforming amendment to the definition of "capital outlay" related to the new capital construction, capital renewal, and controlled maintenance definitions in section 2 of the bill.

Section 45 makes a conforming amendment to provisions restricting state appropriations related to the new capital construction definition in section 2 of the bill.

Sections 46 through 51 make conforming amendments, make technical changes, and remove obsolete provisions related to the capital construction fund.

Section 52 modifies provisions related to the capitol complex master plan to clarify that statutory references to any other buildings, facilities, and surface parking lots acquired after May 28, 2013, refers to such buildings, facilities, and surface parking lots belonging to the capitol complex.

Section 53 makes conforming amendments and technical changes

to provisions authorizing the executive director of the department of personnel, with the approval of the governor, to rent or lease real property not presently needed for state use.

Sections 54 through 59 make conforming amendments to requirements related to construction contracts with public entities, construction bidding for public projects, and construction contracts related to the new capital construction, capital renewal, and controlled maintenance definitions in section 2 of the bill.

Section 60 makes conforming amendments to the source selection and contract formations portion of the "Procurement Code" related to the new state agency and state institution of higher education definitions in section 2 of the bill.

Section 61 changes the threshold for when bonds and security must be delivered to the state when a construction contract is awarded from \$100,000 to \$150,000.

Section 62 changes the threshold for when a contractor bond is necessary for public works projects from \$100,000 to \$150,000.

Section 63 changes the threshold for when notice of final settlement must be published for public works contracts from contracts exceeding \$50,000 to contracts exceeding \$150,000.

Section 64 makes conforming and technical amendments to the department of transportation's requirements to request funding for state highway reconstruction, repair, or maintenance projects to the capital development committee.

Section 65 repeals statutory sections that were relocated and repeals the code appeals board statute, which board was never established due to lack of funding. Code compliance for state buildings is coordinated by the office of the state architect in the department of personnel.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The capital-related statutes have not been amended as a whole
5 since they were established in 1979;

6 (b) Piecemeal amendments of the capital-related statutes have
7 created inconsistencies in practice;

8 (c) There are overlapping responsibilities in the capital statutes
9 among the department of personnel, the capital development committee,

1 the joint budget committee, the office of state planning and budgeting,
2 and the Colorado commission on higher education so that the statutes
3 need to be harmonized to make them more accessible, organized, and
4 clear;

5 (d) The capital development committee's review of capital-related
6 projects need to be updated to conform to current practice;

7 (e) The department of personnel's capital-related statutes,
8 including statutes related to overseeing approved projects, need to be
9 updated to conform to current practice;

10 (f) The definitions of critical words in the capital-related statutes
11 need to be modernized to reflect the current practice;

12 (g) Specific laws need to be rearranged in order for the capital
13 process to be more accessible, organized, and clear;

14 (h) The deadlines for the submission of capital budget requests
15 from the office of state planning and budgeting to the capital development
16 committee need to be modified; and

17 (i) Current practice shows that the thresholds governing the
18 procurement of various services associated with capital projects are too
19 low and need to be modified.

20 (2) The general assembly further finds and declares that the
21 capital development committee approved, by letter dated March 6, 2014,
22 that the department of public safety purchase an existing lab facility in
23 lieu of renovating capitol complex leased space for use as additional
24 testing labs to comply with House Bill 13-1020 for the Colorado bureau
25 of investigation in Denver. The capital development committee found that
26 this option would ensure there is sufficient space to meet the need for
27 additional DNA lab setups to comply with House Bill 13-1020 and to

1 accommodate the future forensic needs of the department. The capital
2 development committee also found that this will allow the department of
3 public safety to relocate other work units within the department from
4 commercial leased space in Denver to the capitol complex buildings,
5 resulting in lease savings. The joint budget committee and the general
6 assembly supported the capital development committee's findings by
7 appropriating \$7.2 million to the department of public safety for the
8 purchase of the building, some minor renovations, and the purchase of
9 needed equipment in House Bill 14-1336. It is thus appropriate to grant
10 the department of public safety the authority to purchase the building as
11 approved by the general assembly.

12 **SECTION 2. Department of public safety authority to acquire**
13 **real property.** (1) The state of Colorado, acting by and through the
14 department of public safety, is authorized to purchase real property
15 located in Jefferson county in the Marshall Office Park 2 in the city of
16 Arvada, the legal description of which is Lot 1 B Sigman Industrial Park
17 Minor Subdivision 2nd amendment, Jefferson county, for the Colorado
18 bureau of investigation's regional Denver forensic laboratory.

19 (2) The department of public safety must seek approval prior to
20 closing from the office of state planning and budgeting and the capital
21 development committee for any material changes to the plan that may
22 become necessary during the negotiation.

23 (3) Any renovation of the real property must be completed by
24 following the requirements set forth in articles 91 to 93 of title 24,
25 Colorado Revised Statutes.

26 (4) The real property may not be subject to any restrictive
27 covenants, contracts, or zoning requirements that restrict public access to

1 the property or restrict any alternative state use of the property.

2 (5) The state controller may not enter into any agreement for a
3 payment in lieu of property taxes from which the state is statutorily
4 exempt under section 39-3-124 (1), Colorado Revised Statutes.

5 (6) The state controller must approve all agreements relating to
6 the purchase of the real property prior to closing.

7 (7) Any title to real property received by the department of public
8 safety will be held by the state for the benefit and use of the Colorado
9 bureau of investigation.

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-30-1301
11 as follows:

12 **24-30-1301. Definitions.** As used in this part 13, unless the
13 context otherwise requires:

14 (1) "CAPITAL ASSET" MEANS:

15 (a) REAL PROPERTY;

16 (b) INFORMATION TECHNOLOGY;

17 (c) FIXED EQUIPMENT;

18 (d) MOVABLE EQUIPMENT; OR

19 (e) INSTRUCTIONAL OR SCIENTIFIC EQUIPMENT WITH A COST THAT

20 EXCEEDS FIFTY THOUSAND DOLLARS; EXCEPT THAT "CAPITAL ASSET" DOES

21 NOT INCLUDE INSTRUCTIONAL OR SCIENTIFIC EQUIPMENT PURCHASED BY

22 A STATE INSTITUTION OF HIGHER EDUCATION IF THE INSTITUTION USES

23 MONEYS OTHER THAN THOSE APPROPRIATED PURSUANT TO SECTION

24 24-75-303.

25 ~~(1)~~ (2) "Capital construction" means:

26 (a) ~~Purchase of land, regardless of the value thereof~~ ACQUISITION

27 OF A CAPITAL ASSET OR DISPOSITION OF REAL PROPERTY;

1 (b) ~~Purchase, construction, or demolition of buildings or other~~
2 ~~physical facilities, including utilities, or remodeling or renovation of~~
3 ~~existing buildings or other physical facilities, including utilities, to make~~
4 ~~physical changes~~ CONSTRUCTION, DEMOLITION, REMODELING, OR
5 RENOVATION OF REAL PROPERTY necessitated by changes in the program,
6 to meet standards required by applicable codes, to correct other conditions
7 hazardous to the health and safety of persons which are not covered by
8 codes, to effect conservation of energy resources, to effect cost savings
9 for staffing, operations, or maintenance of the facility, or to improve
10 appearance;

11 (c) Site improvement or development OF REAL PROPERTY;

12 (d) ~~Purchase and~~ Installation of the fixed ~~and~~ OR movable
13 equipment necessary for the operation of new, remodeled, or renovated
14 ~~buildings and other physical facilities and for the conduct of programs~~
15 REAL PROPERTY, IF THE FIXED OR MOVABLE EQUIPMENT IS initially housed
16 ~~therein~~ IN OR ON THE REAL PROPERTY upon completion of the new
17 construction, remodeling, or renovation;

18 (e) INSTALLATION OF THE FIXED OR MOVABLE EQUIPMENT
19 NECESSARY FOR THE CONDUCT OF PROGRAMS IN OR ON REAL PROPERTY
20 UPON COMPLETION OF THE NEW CONSTRUCTION, REMODELING, OR
21 RENOVATION;

22 ~~(e)~~ (f) ~~Purchase of~~ CONTRACTING FOR the services of architects,
23 engineers, and other consultants to prepare plans, program documents,
24 life-cycle cost studies, energy analyses, and other studies associated with
25 ~~any~~ capital construction ~~project~~ and to supervise the construction or
26 execution of such capital construction; ~~projects~~ OR

27 ~~(f)~~ Any item of instructional or scientific equipment if the cost

1 ~~will exceed fifty thousand dollars; except that "capital construction"~~
2 ~~includes the purchase of instructional or scientific equipment by a state~~
3 ~~institution of higher education or by the Auraria higher education center~~
4 ~~created in article 70 of title 23, C.R.S., only if the institution or the center~~
5 ~~uses moneys appropriated pursuant to section 24-75-303 to purchase the~~
6 ~~instructional or scientific equipment.~~

7 (g) INSTALLATION, DEVELOPMENT, OR UPGRADE OF INFORMATION
8 TECHNOLOGY, INCLUDING THE PURCHASE OF SERVICES FROM THE OFFICE
9 OF INFORMATION TECHNOLOGY ON THE CONDITION THAT THE USE OF SUCH
10 SERVICES IS THE MOST COST BENEFICIAL OPTION OR FALLS WITHIN THE
11 DUTIES AND RESPONSIBILITIES OF THE OFFICE OF INFORMATION
12 TECHNOLOGY OR THE OFFICE'S CHIEF INFORMATION OFFICER AS DESCRIBED
13 IN SECTIONS 24-37.5-105 AND 24-37.5-106.

14 (3) "CAPITAL RENEWAL" MEANS A CONTROLLED MAINTENANCE
15 PROJECT OF REAL PROPERTY OR MORE THAN ONE INTEGRATED
16 CONTROLLED MAINTENANCE PROJECTS OF REAL PROPERTY WITH COSTS
17 EXCEEDING TWO MILLION DOLLARS IN A FISCAL YEAR AND THAT IS MORE
18 COST EFFECTIVE OR BETTER ADDRESSED BY CORRECTIVE REPAIRS OR
19 REPLACEMENT TO THE REAL PROPERTY RATHER THAN BY LIMITED FIXED
20 EQUIPMENT REPAIR, REPLACEMENT, OR SMALLER INDIVIDUAL CONTROLLED
21 MAINTENANCE PROJECTS.

22 ~~(2)(a)~~ (4) "Controlled maintenance" means:

23 ~~(†)~~ (a) Corrective repairs or replacement, INCLUDING
24 IMPROVEMENTS FOR HEALTH, LIFE SAFETY, AND CODE REQUIREMENTS,
25 used for existing ~~state-owned, general-funded buildings and other~~
26 ~~physical facilities, including, but not limited to, utilities and site~~
27 ~~improvements, which are suitable for retention and use for at least five~~

1 years REAL PROPERTY; and

2 (b) ~~Replacement and repair~~ CORRECTIVE REPAIRS OR
3 REPLACEMENT, INCLUDING IMPROVEMENTS FOR HEALTH, LIFE SAFETY,
4 AND CODE REQUIREMENTS, of the fixed equipment necessary for the
5 operation of ~~such facilities~~ REAL PROPERTY, when such work is not
6 funded in ~~an~~ A STATE agency's OR STATE INSTITUTION OF HIGHER
7 EDUCATION'S operating budget. ~~to be accomplished by the agency's~~
8 ~~physical plant staff;~~

9 (H) ~~That controlled maintenance funds may not be used for:~~

10 (A) ~~Corrective repairs or replacement for buildings and other~~
11 ~~physical facilities and replacement or repair of the fixed and movable~~
12 ~~equipment necessary for the operation of physical facilities, when such~~
13 ~~work is funded in an agency's operating budget to be accomplished by the~~
14 ~~agency's physical plant staff; for the repair and replacement of fixed and~~
15 ~~movable equipment necessary for the conduct of programs (such repair~~
16 ~~and replacement is funded as capital outlay); or for rented or leased~~
17 ~~facilities or facilities constructed and maintained by self-liquidating~~
18 ~~property funds. Minor maintenance items shall not be accumulated to~~
19 ~~create a controlled maintenance project, nor shall minor maintenance~~
20 ~~work be accomplished as a part of a controlled maintenance project~~
21 ~~unless the work is directly related.~~

22 (B) ~~Any work properly categorized as capital construction or~~
23 ~~capital outlay.~~

24 (b) (c) "Controlled maintenance" may include ~~the purchase of~~
25 CONTRACTING FOR the services of architects, engineers, and other
26 consultants to investigate conditions and prepare recommendations for the
27 correction thereof, to prepare plans and specifications, and to supervise

1 the execution of such controlled maintenance projects as provided by
2 THROUGH AN appropriation by the general assembly.

3 ~~(3)~~ (5) "Department" means the department of personnel.

4 ~~(4)~~ (6) "Economic life" means the projected or anticipated useful
5 life of a facility REAL PROPERTY.

6 ~~(5)~~ "Energy consumption analysis" means the evaluation of all
7 energy-consuming systems and components by demand and type of
8 energy, including the internal energy load imposed on a facility by its
9 occupants, equipment, and components and the external energy load
10 imposed on the facility by climatic conditions.

11 ~~(6)~~ (7) "Executive director" means the executive director of the
12 department of personnel.

13 ~~(7)~~ (8) "Facility" means any public building or facility of the state
14 but does not include highways. "Facility" also includes an academic or
15 auxiliary facility that qualifies for controlled maintenance as specified in
16 section 23-1-106 (10.2), C.R.S. A STATE-OWNED BUILDING OR UTILITY.
17 "FACILITY" DOES NOT INCLUDE HIGHWAYS OR PUBLICLY ASSISTED
18 HOUSING PROJECTS AS DEFINED IN SECTION 24-32-718.

19 (9) "FIXED EQUIPMENT" INCLUDES, BUT IS NOT LIMITED TO,
20 MECHANICAL, ELECTRICAL, OR PLUMBING COMPONENTS BUILT INTO REAL
21 PROPERTY THAT ARE NECESSARY FOR THE OPERATION OF THE REAL
22 PROPERTY.

23 ~~(7.5)~~ "High performance standard certification program" means
24 a building renovation, design, and construction standard that:

25 (a) Is quantifiable, measurable, and verifiable as certified by an
26 independent third party;

27 (b) Reduces the operating costs of state-assisted facilities by

1 ~~reducing the consumption of energy, water, and other resources;~~
2 ~~(c) Results in the recovery of the increased initial capital costs~~
3 ~~attributable to compliance with the program over a time period by~~
4 ~~reducing long-term energy, maintenance, and operating costs;~~
5 ~~(d) Improves the indoor environmental quality of state-assisted~~
6 ~~facilities for a healthier work environment;~~
7 ~~(e) Encourages the use of products harvested, created, or mined~~
8 ~~within Colorado, regardless of product certification status;~~
9 ~~(f) Protects Colorado's environment; and~~
10 ~~(g) Complies with the federal secretary of the interior's standards~~
11 ~~for the treatment of historic properties when such work will affect~~
12 ~~properties fifty years of age or older, unless the state historical society,~~
13 ~~designated in section 24-80-201, determines that such property is not of~~
14 ~~historical significance, as that term is defined in section 24-80.1-102 (6).~~
15 (10) "INFORMATION TECHNOLOGY" MEANS INFORMATION
16 TECHNOLOGY AS DEFINED IN SECTION 24-37.5-102 (2), THE MAJORITY OF
17 THE COMPONENTS OF WHICH HAVE A USEFUL LIFE OF AT LEAST FIVE YEARS
18 AND A TOTAL PROJECT COST THAT EQUALS OR EXCEEDS FIVE HUNDRED
19 THOUSAND DOLLARS; EXCEPT THAT "INFORMATION TECHNOLOGY" DOES
20 NOT INCLUDE PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE,
21 UNLESS SUCH PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE IS A
22 COMPONENT OF A LARGER COMPUTER SYSTEM UPGRADE, AND EXCEPT
23 THAT "INFORMATION TECHNOLOGY" DOES NOT INCLUDE INFORMATION
24 TECHNOLOGY PURCHASED BY A STATE INSTITUTION OF HIGHER EDUCATION
25 IF THE INSTITUTION USES MONEYS OTHER THAN THOSE APPROPRIATED
26 PURSUANT TO SECTION 24-75-303.
27 ~~(8)~~ (11) "Initial cost" means the required cost necessary to

1 construct OR RENOVATE a facility. ~~or construct or renovate a major~~
2 ~~facility.~~

3 (9) (12) "Life-cycle cost" means the cost alternatives, over the
4 economic life of a facility, including its initial cost, ~~the cost of the energy~~
5 ~~consumed~~, replacement costs, and the cost of operation and maintenance
6 of the facility, SUCH AS ENERGY AND WATER.

7 (10) ~~"Major facility" means any building or facility of twenty~~
8 ~~thousand or more gross square feet and wherein significant energy~~
9 ~~demands will exist.~~

10 (13) "MOVABLE EQUIPMENT" MEANS:

11 (a) ALL EQUIPMENT THAT IS NOT DEFINED AS FIXED EQUIPMENT
12 THAT IS NECESSARY FOR THE CONDUCT OF A PROGRAM IN OR ON REAL
13 PROPERTY;

14 (b) THE ROLLING STOCK AND FIXED STOCK NECESSARY FOR
15 RUNNING A STATE-OWNED RAILWAY; AND

16 (c) AIRCRAFT AS DEFINED IN SECTION 43-10-102 (1), C.R.S., THAT
17 IS USED FOR STATE PURPOSES.

18 (11) (14) "Principal representative" means the governing board of
19 a state ~~department, institution, or agency~~ OR STATE INSTITUTION OF
20 HIGHER EDUCATION, OR THE GOVERNING BOARD'S DESIGNEE, or, if there
21 is no governing board, the executive head of a state ~~department,~~
22 ~~institution, or agency~~ OR STATE INSTITUTION OF HIGHER EDUCATION, as
23 designated by the governor or the general assembly, OR SUCH EXECUTIVE
24 HEAD'S DESIGNEE.

25 (15) (a) "REAL PROPERTY" MEANS A FACILITY, STATE-OWNED
26 GROUNDS AROUND A FACILITY, A CAMPUS OF MORE THAN ONE FACILITY
27 AND THE GROUNDS AROUND SUCH FACILITIES, STATE-OWNED FIXTURES

1 AND IMPROVEMENTS ON LAND, AND EVERY STATE-OWNED ESTATE,
2 INTEREST, PRIVILEGE, TENEMENT, EASEMENT, RIGHT-OF-WAY, AND OTHER
3 RIGHT IN LAND, LEGAL OR EQUITABLE, BUT NOT INCLUDING LEASEHOLD
4 INTERESTS.

5 (b) "REAL PROPERTY" DOES NOT INCLUDE:

6 (I) LAND OR ANY INTEREST THEREIN ACQUIRED BY THE
7 DEPARTMENT OF TRANSPORTATION AND USED, OR INTENDED TO BE USED,
8 FOR RIGHT-OF-WAY PURPOSES;

9 (II) LAND OR ANY INTEREST THEREIN HELD BY THE DIVISION OF
10 PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION IN THE
11 DEPARTMENT OF NATURAL RESOURCES; AND

12 (III) PUBLIC LANDS OF THE STATE OR ANY INTEREST THEREIN THAT
13 ARE SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF LAND
14 COMMISSIONERS.

15 (16) "STATE" MEANS THE GOVERNMENT OF THIS STATE, EVERY
16 STATE AGENCY, AND EVERY STATE INSTITUTION OF HIGHER EDUCATION.
17 "STATE" DOES NOT INCLUDE A COUNTY, MUNICIPALITY, CITY AND COUNTY,
18 SCHOOL DISTRICT, SPECIAL DISTRICT, OR ANY OTHER KIND OF LOCAL
19 GOVERNMENT ORGANIZED PURSUANT TO LAW.

20 ~~(12)~~ (17) "State agency" means ~~this state or any department,~~
21 ~~institution, or other agency of the state, including institutions of higher~~
22 ~~education~~ ANY DEPARTMENT, COMMISSION, COUNCIL, BOARD, BUREAU,
23 COMMITTEE, OFFICE, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE
24 STATE.

25 (18) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
26 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
27 (10), C.R.S., AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN

1 ARTICLE 70 OF TITLE 23, C.R.S.

2 ~~(13) "State-assisted facility" means a facility constructed, or a~~
3 ~~major facility constructed or renovated, in whole or in part, with state~~
4 ~~funds or with funds guaranteed or insured by a state agency; except that,~~
5 ~~for purposes of section 24-30-1305 (9):~~

6 (a) ~~"State-assisted facility" means a facility that:~~

7 ~~(I) Is substantially renovated, designed, or constructed with state~~
8 ~~funds or with funds guaranteed or insured by a state agency and such~~
9 ~~funds constitute at least twenty-five percent of the project cost;~~

10 ~~(II) Contains five thousand or more gross square feet;~~

11 ~~(III) Includes a heating, ventilation, or air conditioning system;~~

12 and

13 ~~(IV) Has not entered the design phase prior to January 1, 2008.~~

14 (b) ~~"State-assisted facility" does not include:~~

15 ~~(I) A facility specified in section 23-1-106 (9), C.R.S.; or~~

16 ~~(II) A publicly-assisted housing project, as that term is defined in~~
17 ~~section 24-32-718.~~

18 ~~(III) (Deleted by amendment, L. 2008, p. 1307, § 1, effective~~
19 ~~August 5, 2008.)~~

20 ~~(14) "State facility" means a facility constructed, or a major~~
21 ~~facility constructed or renovated, by a state agency.~~

22 ~~(15) "Substantial renovation" means any renovation the cost of~~
23 ~~which exceeds twenty-five percent of the value of the property.~~

24 **SECTION 4.** In Colorado Revised Statutes, 24-30-1303, **amend**
25 (1) (a), (1) (b), (1) (d), (1) (i), (1) (k), (1) (l), (1) (n) (II), (1) (p), (1) (q),
26 (1) (s) (II), (1) (s) (IV), (1) (t) (I), (1) (w), (1) (z), (3) (a), and (5); and add
27 (3) (c) and (6) as follows:

1 **24-30-1303. Department of personnel - responsibilities.**

2 (1) The department shall:

3 (a) With the approval of the governor, negotiate and execute
4 leases on behalf of the state ~~government for land, buildings, and office or~~
5 ~~other space~~ REAL PROPERTY NEEDED FOR STATE USE and, as provided in
6 section 24-82-102 (2), negotiate and execute leases of ~~state-owned~~ REAL
7 property not presently needed for state use;

8 (b) With the approval of the governor, negotiate and approve
9 easements and rights-of-way across nonstate land on behalf of ~~the state~~
10 ~~government~~ and, as provided in section 24-82-202, negotiate and approve
11 easements and rights-of-way across land owned by or under the control
12 of the state; ~~or its institutions, departments, or agencies;~~

13 (d) Supervise and be responsible for the expenditure of funds
14 appropriated by the general assembly for capital construction, ~~projects~~
15 ~~and~~ CAPITAL RENEWAL, AND controlled maintenance projects ~~at the~~
16 ~~institutions and agencies of the~~ FOR state AGENCIES AND STATE
17 INSTITUTIONS OF HIGHER EDUCATION;

18 (i) Develop a construction procedures manual for ~~state facilities~~
19 ~~and state-assisted facilities~~ REAL PROPERTY, with the approval of the
20 governor;

21 (k) Coordinate initiation of budget requests for those capital
22 construction OR CAPITAL RENEWAL projects for which the executive
23 director shall be designated as principal representative by the governor;

24 (l) Develop, or cause to be developed, after consultation with the
25 office of state planning and budgeting pursuant to section 24-37-201,
26 standards for the preparation of current facilities master plans coordinated
27 with operational master plans, and facility program plans coordinated

1 with operational program plans for each state ~~institution and~~ agency,
2 except state ~~schools, colleges, and universities~~ INSTITUTIONS OF HIGHER
3 EDUCATION as provided in section 23-1-106, C.R.S., for review and
4 recommendation by the capital development committee;

5 (n) (II) Develop, or cause to be developed, methods of control on
6 a standardized basis for all state agencies AND STATE INSTITUTIONS OF
7 HIGHER EDUCATION to ensure conformity of physical planning with
8 approved building codes and of construction with approved physical
9 planning.

10 (p) Develop and maintain, or cause to be developed and
11 maintained, at state agencies AND STATE INSTITUTIONS OF HIGHER
12 EDUCATION approved lists of qualified architects, industrial hygienists,
13 engineers, landscape architects, land surveyors, and consultants from
14 which the principal representative shall make a selection, including
15 therein such information as may be required by part 14 of this article;

16 (q) Develop and maintain, or cause to be developed and
17 maintained, at state agencies AND STATE INSTITUTIONS OF HIGHER
18 EDUCATION approved lists of qualified contractors to bid on construction
19 projects and promulgate rules and regulations as may be necessary for
20 contractor prequalification processes for bidding on construction projects;

21 (s) (II) In cooperation with the project architect, engineer, or
22 consultant, be responsible for the administration of the bid procedure for
23 state agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION without
24 staff capability and perform such additional functions as the department
25 may determine;

26 (IV) Promulgate, with the assistance of the attorney general and
27 the state controller, standardized contract language for agreements

1 between architects, engineers, or consultants and state agencies OR STATE
2 INSTITUTIONS OF HIGHER EDUCATION and language for construction
3 contracts between contractors or construction managers and state agencies
4 OR STATE INSTITUTIONS OF HIGHER EDUCATION;

5 (t) (I) Review and make recommendations on capital construction
6 OR CAPITAL RENEWAL project requests, if requested by the office of state
7 planning and budgeting or the capital development committee;

8 (w) Develop and maintain, or cause to be developed and
9 maintained, life-cycle cost analysis methods for ~~state facilities and~~
10 ~~state-assisted facilities~~ REAL PROPERTY and, prior to beginning
11 construction, assure that such methods are reviewed by an independent
12 third party to ensure compliance with sections 24-30-1304 and
13 24-30-1305. The department shall review and approve specific exceptions
14 to systems selected for construction, which systems are not found to be
15 the best choice on a life-cycle basis.

16 (z) Establish minimum building codes, with the approval of the
17 governor and the general assembly after the recommendations and review
18 of the capital development committee, for all construction by state
19 agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION on ~~state-owned~~
20 REAL PROPERTY or state lease-purchased ~~properties or facilities~~
21 BUILDINGS. At the discretion of the department, said codes may apply to
22 state-leased ~~facilities~~ BUILDINGS where local building codes may not
23 exist.

24 (3) (a) All ~~buildings and facilities~~ REAL PROPERTY, except public
25 roads and highways, and projects under the supervision of the division of
26 parks and wildlife, AND REAL PROPERTY UNDER THE SUPERVISION OF THE
27 JUDICIAL DEPARTMENT, erected for state purposes shall be constructed in

1 conformity with a construction procedures manual for ~~state facilities and~~
2 ~~state-assisted facilities~~ REAL PROPERTY prepared by the department and
3 approved by the governor. Such construction shall be made only upon
4 plans, designs, and construction documents that comply with approved
5 state standards and rules promulgated pursuant to this section.

6 (c) (I) ALL REAL PROPERTY UNDER THE SUPERVISION OF THE
7 JUDICIAL DEPARTMENT ERECTED FOR STATE PURPOSES SHALL BE
8 CONSTRUCTED IN CONFORMITY WITH A CONSTRUCTION PROCEDURES
9 MANUAL FOR REAL PROPERTY BASED ON ACCEPTABLE INDUSTRY
10 STANDARDS. SUCH CONSTRUCTION SHALL BE MADE ONLY UPON PLANS,
11 DESIGNS, AND CONSTRUCTION DOCUMENTS THAT COMPLY WITH APPROVED
12 STATE STANDARDS.

13 (II) THE JUDICIAL DEPARTMENT IS AUTHORIZED TO HIRE PRIVATE
14 CONSTRUCTION MANAGERS TO SUPERVISE THEIR CAPITAL CONSTRUCTION,
15 CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL PROJECTS. THE COST
16 OF SUCH CONSTRUCTION MANAGERS SHALL BE PAID FOR FROM MONEYS
17 APPROPRIATED FOR THE SPECIFIC CAPITAL CONSTRUCTION, CONTROLLED
18 MAINTENANCE, OR CAPITAL RENEWAL PROJECT.

19 (III) THE JUDICIAL DEPARTMENT IS AUTHORIZED TO PERFORM THE
20 RESPONSIBILITIES AND FUNCTIONS DESCRIBED IN PARAGRAPH (a) OF
21 SUBSECTION (1) OF THIS SECTION FOR ANY REAL PROPERTY UNDER THE
22 SUPERVISION OF THE JUDICIAL DEPARTMENT.

23 (5) (a) The department may delegate to state agencies OR STATE
24 INSTITUTIONS OF HIGHER EDUCATION any or all of the responsibilities and
25 functions outlined in this part 13 and the department's responsibilities and
26 functions under part 14 of this article, pursuant to rules and regulations
27 promulgated by the department, when the state agency OR STATE

1 INSTITUTION OF HIGHER EDUCATION has the professional or technical
2 capability on staff to perform such functions competently.

3 (b) The department may authorize state agencies OR STATE
4 INSTITUTIONS OF HIGHER EDUCATION to hire private construction
5 managers to supervise the capital construction, CONTROLLED
6 MAINTENANCE, OR CAPITAL RENEWAL projects. The cost of such
7 construction manager shall be paid from moneys appropriated for the
8 specific capital construction, CONTROLLED MAINTENANCE, OR CAPITAL
9 RENEWAL projects. This ~~subsection (5)(b) shall~~ PARAGRAPH (b) DOES not
10 apply to projects under the supervision of the department of
11 transportation.

12 (c) If the executive director determines that the governing board
13 of a state institution of higher education has adopted procedures that
14 adequately meet the safeguards set forth in the requirements of part 14 of
15 this article and article 92 of this title, the executive director may exempt
16 the institution from any of the procedural requirements of part 14 of this
17 article and article 92 of this title in regard to a capital construction project
18 to be constructed pursuant to the provisions of section 23-1-106 (9) or
19 (10), C.R.S.; except that the selection of any contractor to perform
20 professional services as defined in section 24-30-1402 (6) ~~shall~~ MUST be
21 made in accordance with the criteria set forth in section 24-30-1403 (2).

22 (d) Upon application by any state agency OR STATE INSTITUTION
23 OF HIGHER EDUCATION that demonstrates internal expertise related to the
24 leasing and acquisition of commercial real property, the department may
25 delegate an individual employed by the state agency OR STATE
26 INSTITUTION OF HIGHER EDUCATION to act on behalf of the department in
27 the performance of the responsibilities and functions described in

1 paragraph (a) of subsection (1) of this section. The delegation authorized
2 pursuant to this paragraph (d) may include, with the consent of the
3 department, the authority to waive the use of the department-approved
4 real estate lease form or real estate lease amendment form.

5 (6) NOTHING IN THIS ARTICLE IS INTENDED TO DIMINISH THE
6 AUTHORITY GRANTED TO THE JUDICIAL DEPARTMENT OR THE STATE COURT
7 ADMINISTRATOR IN SENATE BILL 08-206.

8 **SECTION 5.** In Colorado Revised Statutes, **amend** 24-30-1303.5
9 as follows:

10 **24-30-1303.5. Department to prepare and maintain inventory**
11 **of state property - vacant facilities.** (1) The department shall obtain and
12 maintain a correct and current inventory of all real property ~~with~~
13 ~~improvements thereon,~~ owned by or held in trust for the state of Colorado
14 or any state ~~department,~~ agency or ~~institution,~~ including state institutions
15 INSTITUTION of higher education, and, in cooperation with the attorney
16 general, correct any defects in title to said real property necessary to vest
17 marketable title in the state. ~~For purposes of this section, "real property"~~
18 ~~does not include land or any interest therein acquired by the department~~
19 ~~of transportation and used, or intended to be used, for right-of-way~~
20 ~~purposes, nor does "real property" include the public lands of the state~~
21 ~~which are subject to the jurisdiction of the state board of land~~
22 ~~commissioners.~~

23 (2) Such inventory ~~shall be comprised of~~ MUST INCLUDE sufficient
24 information to identify such REAL property with respect to which unit of
25 THE state ~~government~~ has control thereof, where such REAL property is
26 located, and when and from what source the REAL property was acquired,
27 including subsequent improvements. The department shall establish and

1 maintain an accurate index system which will assure that inquiries as to
2 the location and control of all such REAL property will be promptly
3 answered.

4 (3) The department shall establish procedures whereby each state
5 ~~department, agency, or institution, including each~~ AGENCY AND state
6 institution of higher education is required to report all acquisitions of real
7 property, including improvements, and all dispositions thereof to the
8 department to enable the inventory to be promptly and accurately
9 maintained with respect to such changes. The report ~~shall consist of~~ MUST
10 INCLUDE a copy of each purchase or sale agreement pertaining to the
11 acquisition or disposition of real property, including improvements, or,
12 if such agreements are not available, such other documents describing the
13 terms and conditions of the transaction as the department finds to be
14 appropriate in order to maintain the information required by subsection
15 (2) of this section. For each transaction involving the acquisition or
16 disposition of real property, the state ~~department, agency, or institution~~
17 AGENCY OR THE STATE INSTITUTION OF HIGHER EDUCATION shall also
18 provide to the department a copy of the deed pertaining to the real
19 property after the deed has been recorded.

20 (3.5) (a) With respect to all real property owned by or held in trust
21 for the state of Colorado or any state ~~department, agency or institution,~~
22 ~~including state institutions~~ INSTITUTION of higher education, each state
23 ~~department, agency or STATE~~ institution OF HIGHER EDUCATION shall
24 identify any vacant facility under its control. As used in this section,
25 "vacant" means:

- 26 (I) Unoccupied;
- 27 (II) Unused in whole or in part for the purposes for which the

1 improvement was designed, intended, or remodeled; or

2 (III) Without current defined plans by the state ~~department,~~
3 agency or ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION for the
4 next fiscal year.

5 (b) ~~For any facility that becomes vacant after July 1, 2003, the A~~
6 ~~state department, agency or institution shall be required to~~ STATE
7 INSTITUTION OF HIGHER EDUCATION MUST submit for the approval of the
8 department a facility management plan FOR ANY VACANT FACILITY
9 consistent with the procedures established by the department. The state
10 ~~department, agency or institution shall~~ STATE INSTITUTION OF HIGHER
11 EDUCATION MUST submit the facility management plan to the department
12 within thirty days after the facility becomes vacant. In addition to any
13 other information required by the department, the facility management
14 plan ~~shall~~ MUST include the following:

15 (I) A financial analysis of the possible uses of the facility;

16 (II) Any plans for the disposal of the facility through sale, lease,
17 demolition, or otherwise;

18 (III) If the state ~~department, agency or institution~~ STATE
19 INSTITUTION OF HIGHER EDUCATION does not intend to dispose of the
20 facility during the next fiscal year, a plan for the proposed controlled
21 maintenance, if any, necessary to avoid the deterioration of the vacant
22 facility; and

23 (IV) Whether the facility has or is eligible to receive a national,
24 state, or local historic designation or listing.

25 (c) (I) For each year after the department approves a facility
26 management plan, the state ~~department, agency or institution~~ STATE
27 INSTITUTION OF HIGHER EDUCATION shall submit an annual facility

1 management plan update consistent with the procedures established by
2 the department. The update ~~shall~~ MUST be submitted on or before
3 November 1 of the year following the approval of a facility management
4 plan and each November 1 thereafter until such time that the facility is no
5 longer vacant. In addition to any other information required by the
6 department, the update ~~shall~~ MUST identify all actions taken by the state
7 ~~department, agency or institution~~ STATE INSTITUTION OF HIGHER
8 EDUCATION within the last year consistent with the facility management
9 plan. If based on the update or on any other information known by the
10 department, the department determines that the state ~~department, agency~~
11 ~~or institution~~ STATE INSTITUTION OF HIGHER EDUCATION has failed to
12 comply with the provisions of an approved facility management plan, the
13 department may revoke the approval of the facility management plan. If
14 the department revokes approval of the facility management plan, a state
15 ~~department, agency or institution shall be~~ STATE INSTITUTION OF HIGHER
16 EDUCATION IS required to submit a new facility management plan for the
17 vacant facility subject to the provisions of this subsection (3.5).

18 (II) In addition to any other requirements of subparagraph (I) of
19 this paragraph (c), the facility management plan update ~~shall~~ MUST
20 describe any changes proposed by the state ~~department, agency or~~
21 ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION to the facility
22 management plan. Any proposed changes to the facility management plan
23 ~~shall be~~ ARE subject to the approval of the department, and any approved
24 changes ~~shall~~ become part of the facility management plan for purposes
25 of future updates.

26 (d) Any facility management plan or update required to be
27 submitted by a state institution of higher education pursuant to this

1 subsection (3.5) ~~shall~~ MUST be submitted to the Colorado commission on
2 higher education instead of the department. The commission shall submit
3 a copy of the facility management plan or update and the commission's
4 recommendations regarding it to the department.

5 (e) Repealed.

6 (f) No state ~~department~~, agency or ~~institution shall be~~ STATE
7 INSTITUTION OF HIGHER EDUCATION IS eligible for any capital construction
8 appropriations until the department approves a facility management plan
9 for all vacant facilities controlled by the state ~~department~~, agency or
10 ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION; except that the
11 capital development committee may exempt a state ~~department~~, agency
12 or ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION from the
13 provisions of this paragraph (f).

14 (4) For purposes of maintaining a current inventory, no acquisition
15 or disposition of real property may be made and no funds or other
16 valuable consideration may be given by a state ~~department~~, agency or
17 ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION for such acquisition,
18 nor may any final document of conveyance of ~~state~~ REAL property be
19 transmitted to a purchaser, until a complete report on such transaction as
20 required pursuant to subsection (3) of this section has been filed with the
21 department and the department has issued a written acknowledgment of
22 the receipt of such report to the STATE agency OR STATE INSTITUTION OF
23 HIGHER EDUCATION. Such written acknowledgment ~~shall~~ MUST be issued
24 without delay, and nothing in this section ~~shall~~ SHOULD be construed to
25 give the department any power to approve or disapprove any acquisition
26 or disposition of real property, improvements thereon, or other capital
27 assets.

1 (5) ~~In addition to obtaining and maintaining a correct and current~~
2 ~~inventory of all real property, with improvements thereon, the department~~
3 ~~shall also establish a separate inventory of computer equipment and all~~
4 ~~other capital assets valued in excess of one hundred thousand dollars,~~
5 ~~owned by or held in trust for the state of Colorado or any state~~
6 ~~department, agency, or institution, including state institutions of higher~~
7 ~~education. Such capital assets inventory shall be maintained and kept~~
8 ~~current in the same manner as specified by subsections (3) and (4) of this~~
9 ~~section for real property and improvements thereon.~~

10 (5.5) The department shall cause to be developed performance
11 criteria for state real property. An analysis shall MUST be made upon
12 selected real property against such THE performance criteria to assess
13 whether such THE SELECTED real property should be considered for sale
14 or other disposition if such real property is not performing and is
15 determined not to be of sound investment value, or should be held for an
16 identified future state need. The department may contract to maintain
17 such inventories, develop such performance criteria, and perform such
18 analysis and may enter exclusive brokerage agreements on behalf of state
19 executive agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION to the
20 extent necessary to accomplish the maintenance of such inventory and
21 such analysis. The department shall make recommendations to the capital
22 development committee regarding various real property management
23 strategies resulting from such analysis. This subsection (5.5) shall DOES
24 not apply to property which THAT is subject to the provisions of section
25 43-1-106 (8) (n), C.R.S.

26 (6) The department shall prepare an annual report of the
27 acquisitions and dispositions of REAL property subject to this section and

1 make the report available to the members of the capital development
2 committee. Such report ~~shall~~ MUST include a description of ~~such~~ THE
3 REAL property and its present use and value.

4 **SECTION 6.** In Colorado Revised Statutes, 24-30-1303.9,
5 **amend** (1); and **add** (6), (7), (8), (9), and (10) as follows:

6 **24-30-1303.9. Eligibility for state controlled maintenance**
7 **funding - legislative declaration.** (1) The office of the state architect
8 shall develop guidelines in order to establish when a ~~state-owned,~~
9 ~~general-funded building or other physical facility~~ REAL PROPERTY is
10 eligible for controlled maintenance funding, SUBJECT TO THE LIMITATIONS
11 SET FORTH IN THIS SECTION. The guidelines ~~shall~~ MUST address the timing
12 of such eligibility with respect to the dates on which acquisition,
13 construction, additions, renovations, or corrective repairs of a
14 ~~state-owned, general-funded building or other physical facility~~ REAL
15 PROPERTY occurred.

16 (6) ANY CORRECTIVE REPAIRS OR REPLACEMENT AS PART OF A
17 CONTROLLED MAINTENANCE PROJECT MUST BE SUITABLE FOR RETENTION
18 OR USE FOR AT LEAST FIVE YEARS.

19 (7) (a) CONTROLLED MAINTENANCE FUNDS MAY NOT BE USED FOR:

20 (I) CORRECTIVE REPAIRS OR REPLACEMENT OF REAL PROPERTY
21 AND REPLACEMENT OR REPAIR OF THE FIXED OR MOVABLE EQUIPMENT
22 NECESSARY FOR THE OPERATION OF REAL PROPERTY, WHEN SUCH WORK IS
23 FUNDED IN A STATE AGENCY'S OR STATE INSTITUTION OF HIGHER
24 EDUCATION'S OPERATING BUDGET;

25 (II) AUXILIARY FACILITIES AS DEFINED IN SECTION 23-1-106
26 (10.3), C.R.S.;

27 (III) LEASEHOLD INTERESTS IN REAL PROPERTY; OR

1 (IV) ANY WORK PROPERLY CATEGORIZED AS CAPITAL
2 CONSTRUCTION.

3 (b) MINOR MAINTENANCE ITEMS SHALL NOT BE ACCUMULATED TO
4 CREATE A CONTROLLED MAINTENANCE PROJECT, NOR SHALL MINOR
5 MAINTENANCE WORK BE ACCOMPLISHED AS A PART OF A CONTROLLED
6 MAINTENANCE PROJECT UNLESS THE WORK IS DIRECTLY RELATED TO THE
7 PROJECT.

8 (8) NOTWITHSTANDING THIS SECTION, CONTROLLED MAINTENANCE
9 FUNDS MAY BE USED FOR REAL PROPERTY LEASED AND OPERATED BY THE
10 DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF CORRECTIONS.

11 (9) NOTWITHSTANDING THIS SECTION, CONTROLLED MAINTENANCE
12 FUNDS MAY BE USED FOR REAL PROPERTY THAT IS TRANSFERRED FROM
13 THE SAN JUAN BASIN AREA VOCATIONAL SCHOOL TO PUEBLO COMMUNITY
14 COLLEGE AS PART OF A MERGER TRANSACTION BETWEEN THE SAN JUAN
15 BASIN AREA VOCATIONAL SCHOOL AND PUEBLO COMMUNITY COLLEGE.

16 (10) NOTWITHSTANDING THIS SECTION, CONTROLLED
17 MAINTENANCE FUNDS MAY BE USED FOR ACADEMIC FACILITY AS DEFINED
18 IN SECTION 23-1-106 (10.3), C.R.S.

19 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-30-1304
20 as follows:

21 **24-30-1304. Life-cycle cost - legislative findings and**
22 **declaration.** (1) The general assembly hereby finds:

23 (a) That state-owned ~~and state-assisted facilities have~~ REAL
24 PROPERTY HAS a significant impact on the state's consumption of energy;

25 (b) That energy conservation practices adopted for the design,
26 construction, and utilization of ~~these facilities~~ THIS REAL PROPERTY will
27 have a beneficial effect on the state's overall supply of energy;

1 (c) That the cost of the energy consumed by ~~these facilities~~ THIS
2 REAL PROPERTY over the life of the ~~facilities~~ REAL PROPERTY must be
3 considered, in addition to the initial cost of constructing such ~~facilities~~
4 REAL PROPERTY; and

5 (d) That the cost of energy is significant, and facility designs must
6 take into consideration the total life-cycle cost, including the initial
7 construction cost, the cost, over the economic life of the ~~facility~~ REAL
8 PROPERTY, of the energy consumed, replacement costs, and the cost of
9 operation and maintenance of the ~~facility~~ REAL PROPERTY, including
10 energy consumption.

11 (2) The general assembly declares that it is the policy of this state
12 to insure that energy conservation practices are employed in the design of
13 state-owned ~~and state-assisted facilities~~ REAL PROPERTY. To this end the
14 general assembly requires all state agencies AND STATE INSTITUTIONS OF
15 HIGHER EDUCATION to analyze the life-cycle cost of ~~each facility~~ ALL
16 REAL PROPERTY constructed ~~or each major facility constructed~~ or
17 renovated, over its economic life, in addition to the initial construction or
18 renovation cost.

19 **SECTION 8.** In Colorado Revised Statutes, 24-30-1305, **amend**
20 (1), (2), (3), (5), (6), and (7); and **add** (10) as follows:

21 **24-30-1305. Life-cycle cost - application - definitions.** (1) The
22 general assembly authorizes and directs that state agencies AND STATE
23 INSTITUTIONS OF HIGHER EDUCATION shall employ design and
24 construction methods for ~~state facilities and design and construction~~
25 ~~methods for state-assisted facilities~~ REAL PROPERTY under their
26 jurisdiction, in such a manner as to further the policy declared in section
27 24-30-1304, insuring that life-cycle cost analyses and energy conservation

1 practices are employed in new ~~state-owned and state-assisted facilities~~
2 ~~and in new or renovated major state-owned and state-assisted facilities~~
3 REAL PROPERTY.

4 (2) The life-cycle cost analysis ~~shall~~ MUST include but not be
5 limited to such elements as:

6 (a) The coordination, orientation, and positioning of the facility
7 on its physical site;

8 (b) The amount and type of fenestration employed in the facility;

9 (c) Thermal performance and efficiency characteristics of
10 materials incorporated into the facility design;

11 (d) The variable occupancy and operating conditions of the
12 facility, including illumination levels; AND

13 (e) Architectural features which affect energy consumption. ~~and~~

14 (f) ~~An energy consumption analysis of a major facility's heating,~~
15 ~~ventilating, and air conditioning system, lighting system, and all other~~
16 ~~energy-consuming systems. The energy consumption analysis of the~~
17 ~~operation of energy-consuming systems in the major facility should~~
18 ~~include but not be limited to:~~

19 ~~(I) The comparison of two or more system alternatives;~~

20 ~~(II) The simulation or engineering evaluation of each system over~~
21 ~~the entire range of operation of the major facility for a year's operating~~
22 ~~period; and~~

23 ~~(III) The engineering evaluation of the energy consumption of~~
24 ~~component equipment in each system considering the operation of such~~
25 ~~components at other than full or rated outputs.~~

26 (3) The life-cycle cost analysis performed for each major facility
27 ~~shall~~ REAL PROPERTY WITH A FACILITY OF TWENTY THOUSAND OR MORE

1 GROSS SQUARE FEET WITH SIGNIFICANT ENERGY DEMANDS MUST provide
2 but not be limited to the following information:

3 (a) The initial estimated cost of each energy-consuming system
4 being compared and evaluated;

5 (b) The estimated annual operating cost of all utility requirements,
6 including consideration of possible escalating costs of energy. The
7 department may rely on any national or locally appropriate fuel escalating
8 methodology approved by the department in performing life-cycle cost
9 analyses.

10 (c) The estimated annual cost of maintaining each
11 energy-consuming system;

12 (d) The average estimated replacement cost for each system
13 expressed in annual terms for the economic life of the ~~major~~ facility; ~~and~~

14 (e) ~~(f)~~ The use of biofuel to provide supplemental or exclusive
15 heating, power, or both for the ~~major~~ facility. For a renovation of a ~~major~~
16 SUCH A facility, the cost analysis regarding the use of biofuel ~~shall~~ MUST
17 consider any stranded utility costs; AND

18 ~~(H) As used in this paragraph (e), "biofuel" means nontoxic plant~~
19 ~~matter consisting of agricultural or silvicultural crops or their byproducts,~~
20 ~~urban wood waste, mill residue, slash, or brush.~~

21 (f) AN ENERGY CONSUMPTION ANALYSIS OF SUCH REAL
22 PROPERTY'S HEATING, VENTILATING, AND AIR CONDITIONING SYSTEM,
23 LIGHTING SYSTEM, AND ALL OTHER ENERGY-CONSUMING SYSTEMS. THE
24 ENERGY CONSUMPTION ANALYSIS OF THE OPERATION OF
25 ENERGY-CONSUMING SYSTEMS IN THE REAL PROPERTY SHOULD INCLUDE
26 BUT NOT BE LIMITED TO:

27 (I) THE COMPARISON OF TWO OR MORE SYSTEM ALTERNATIVES;

1 (II) THE SIMULATION OR ENGINEERING EVALUATION OF EACH
2 SYSTEM OVER THE ENTIRE RANGE OF OPERATION OF THE REAL PROPERTY
3 FOR A YEAR'S OPERATING PERIOD; AND

4 (III) THE ENGINEERING EVALUATION OF THE ENERGY
5 CONSUMPTION OF COMPONENT EQUIPMENT IN EACH SYSTEM CONSIDERING
6 THE OPERATION OF SUCH COMPONENTS AT OTHER THAN FULL OR RATED
7 OUTPUTS.

8 (5) In order to protect the integrity of historic buildings, no
9 provision of section 24-30-1304 or this section ~~shall~~ SHOULD be
10 interpreted to require such analysis with respect to any REAL property
11 eligible for, nominated to, or entered in the national register of historic
12 places, designated by statute, or included in an established list of places
13 compiled by the state historical society.

14 (6) Selection of the optimum system or combination of systems to
15 be incorporated into the design of ~~state facilities and state-assisted~~
16 ~~facilities shall~~ REAL PROPERTY MUST be based on the life-cycle cost
17 analysis over the economic life of the ~~facility~~ REAL PROPERTY, unless a
18 request for an alternative system is made and approved by the department
19 prior to beginning construction.

20 (7) The principal representatives of all state agencies ~~shall be~~ AND
21 STATE INSTITUTIONS OF HIGHER EDUCATION ARE responsible for
22 implementing the provisions of this section and the policy established in
23 section 24-30-1304.

24 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "BIOFUEL" MEANS NONTOXIC PLANT MATTER CONSISTING OF
27 AGRICULTURAL OR SILVICULTURAL CROPS OR THEIR BYPRODUCTS, URBAN

1 WOOD WASTE, MILL RESIDUE, SLASH, OR BRUSH.

2 (b) "ENERGY CONSUMPTION ANALYSIS" MEANS THE EVALUATION
3 OF ALL ENERGY-CONSUMING SYSTEMS AND COMPONENTS BY DEMAND AND
4 TYPE OF ENERGY, INCLUDING THE INTERNAL ENERGY LOAD IMPOSED ON
5 REAL PROPERTY BY ITS OCCUPANTS, EQUIPMENT, AND COMPONENTS AND
6 THE EXTERNAL ENERGY LOAD IMPOSED ON THE REAL PROPERTY BY
7 CLIMATIC CONDITIONS.

8 **SECTION 9.** In Colorado Revised Statutes, **add** 24-30-1305.5 as
9 follows:

10 **24-30-1305.5. High performance standards - report -**
11 **legislative declaration - definition.** (1) THE OFFICE OF THE STATE
12 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT,
13 SHALL, IN CONSULTATION WITH THE COLORADO COMMISSION ON HIGHER
14 EDUCATION, ADOPT AND UPDATE FROM TIME TO TIME A HIGH
15 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

16 (2) A STATE AGENCY OR STATE INSTITUTION OF HIGHER
17 EDUCATION CONTROLLING THE SUBSTANTIAL RENOVATION, DESIGN, OR
18 NEW CONSTRUCTION OF A BUILDING SHALL, PURSUANT TO THE PROGRAM
19 ADOPTED IN SUBSECTION (1) OF THIS SECTION, PERFORM THE SUBSTANTIAL
20 RENOVATION, DESIGN, OR NEW CONSTRUCTION TO ACHIEVE THE HIGHEST
21 PERFORMANCE CERTIFICATION ATTAINABLE AS CERTIFIED BY AN
22 INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH PERFORMANCE
23 STANDARD CERTIFICATION PROGRAM. A CERTIFICATION IS ATTAINABLE IF
24 THE INCREASED INITIAL COSTS OF THE SUBSTANTIAL RENOVATION, DESIGN,
25 OR NEW CONSTRUCTION, INCLUDING THE TIME VALUE OF MONEY, TO
26 ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE CAN BE
27 RECOUPED FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS.

1 (3) (a) FOR ALL BUILDINGS THAT STARTED THE DESIGN PROCESS ON
2 OR AFTER JANUARY 1, 2010, EACH STATE AGENCY OR STATE INSTITUTION
3 OF HIGHER EDUCATION SHALL MONITOR, TRACK, AND VERIFY UTILITY
4 VENDOR BILL DATA PERTAINING TO THE BUILDING AND MUST ANNUALLY
5 REPORT TO THE OFFICE OF THE STATE ARCHITECT, OR AN ANALOGOUS
6 SUCCESSOR OFFICE IN THE DEPARTMENT. THE ANNUAL REPORT MUST ALSO
7 INCLUDE INFORMATION RELATED TO BUILDING PERFORMANCE BASED ON
8 THE BUILDING'S UTILITY CONSUMPTION.

9 (b) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
10 DECLARES THAT BUILDINGS THAT HAVE ACHIEVED THE HIGHEST
11 PERFORMANCE CERTIFICATION ATTAINABLE AND STARTED THE DESIGN
12 PROCESS PRIOR TO JANUARY 1, 2010, ARE STRONGLY ENCOURAGED TO
13 MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING TO
14 SUCH BUILDING IN ORDER TO ENSURE THAT THE INCREASED INITIAL COSTS
15 TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE ARE
16 IN FACT RECOUPED. IF SUCH DATA IS MONITORED, TRACKED, AND
17 VERIFIED, THEN THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
18 EDUCATION MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE
19 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT.
20 IF SUCH DATA IS NOT MONITORED, TRACKED, AND VERIFIED, THEN THE
21 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION MUST
22 PROVIDE THE STATE ARCHITECT, IN WRITING, A REASONABLE
23 EXPLANATION AND ALSO MUST WORK WITH THE STATE ARCHITECT TO FIND
24 A WAY TO START MONITORING, TRACKING, VERIFYING, AND REPORTING
25 SUCH DATA.

26 (c) THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
27 EDUCATION, NOT A UTILITY COMPANY, SHALL COMPILE THE UTILITY

1 VENDOR BILL DATA.

2 (4) IF THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
3 EDUCATION ESTIMATES THAT THE INCREASED INITIAL COSTS OF THE
4 SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION, INCLUDING
5 THE TIME VALUE OF MONEY, TO ACHIEVE THE HIGHEST PERFORMANCE
6 CERTIFICATION ATTAINABLE WILL EXCEED FIVE PERCENT OF THE TOTAL
7 COST OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION,
8 THE CAPITAL DEVELOPMENT COMMITTEE SHALL SPECIFICALLY EXAMINE
9 SUCH ESTIMATE BEFORE APPROVING ANY APPROPRIATION FOR THE
10 SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION.

11 (5) IF A BUILDING UNDERGOING SUBSTANTIAL RENOVATION
12 CANNOT ACHIEVE HIGH PERFORMANCE DUE TO EITHER THE HISTORICAL
13 NATURE OF THE BUILDING OR BECAUSE THE INCREASED COSTS OF
14 RENOVATING THE BUILDING CANNOT BE RECOUPED FROM DECREASED
15 OPERATIONAL COSTS WITHIN FIFTEEN YEARS, AN ACCREDITED
16 PROFESSIONAL SHALL ASSERT IN WRITING THAT, AS MUCH AS POSSIBLE,
17 THE SUBSTANTIAL RENOVATION HAS BEEN CONSISTENT WITH THE HIGH
18 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

19 (6) ANY DESIGN OR NEW CONSTRUCTION OF A BUILDING OF LESS
20 THAN FIVE THOUSAND SQUARE FEET THAT IS, BUT FOR ITS SIZE, OTHERWISE
21 SUBJECT TO THIS SECTION AND ANY MINOR RENOVATION AND CONTROLLED
22 MAINTENANCE OF A BUILDING THAT IS SUBJECT TO THIS SECTION MUST BE
23 EXECUTED TO THE HIGH PERFORMANCE STANDARDS ADOPTED IN THE HIGH
24 PERFORMANCE STANDARD CERTIFICATION PROGRAM EVEN IF HIGH
25 PERFORMANCE CERTIFICATION IS NOT SOUGHT AT THAT TIME.

26 (7) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE CAPITAL
27 DEVELOPMENT COMMITTEE REGARDING CONTRACTING DOCUMENTS,

1 PROJECT GUIDELINES, AND REPORTING AND TRACKING PROCEDURES
2 RELATED TO THE IMPLEMENTATION OF THIS SECTION.

3 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) (I) "BUILDING" MEANS A FACILITY THAT:

6 (A) IS SUBSTANTIALLY RENOVATED, DESIGNED, OR CONSTRUCTED
7 WITH STATE MONEYS OR WITH MONEYS GUARANTEED OR INSURED BY A
8 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION AND SUCH
9 MONEYS CONSTITUTE AT LEAST TWENTY-FIVE PERCENT OF THE PROJECT
10 COST;

11 (B) CONTAINS FIVE THOUSAND OR MORE GROSS SQUARE FEET;

12 (C) INCLUDES A HEATING, VENTILATION, OR AIR CONDITIONING
13 SYSTEM; AND

14 (D) DID NOT ENTER THE DESIGN PHASE PRIOR TO JANUARY 1, 2008.

15 (II) "BUILDING" INCLUDES AN ACADEMIC FACILITY AS DEFINED IN
16 SECTION 23-1-106 (10.3) (a), C.R.S., INCLUDING AN ACADEMIC FACILITY
17 AS DEFINED IN THE GUIDELINES DESCRIBED IN SECTION 23-1-106 (10.2) (b)
18 (I), C.R.S.

19 (III) "BUILDING" DOES NOT INCLUDE:

20 (A) AN AUXILIARY FACILITY AS DEFINED IN SECTION 23-1-106
21 (10.3) (b), C.R.S., INCLUDING AN AUXILIARY FACILITY AS DEFINED IN THE
22 GUIDELINES DESCRIBED IN SECTION 23-1-106 (10.2) (b) (I), C.R.S.; OR

23 (B) A PUBLICLY ASSISTED HOUSING PROJECT AS DEFINED IN
24 SECTION 24-32-718.

25 (b) "HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM"
26 MEANS A REAL PROPERTY RENOVATION, DESIGN, AND CONSTRUCTION
27 STANDARD THAT:

1 (I) IS QUANTIFIABLE, MEASURABLE, AND VERIFIABLE AS CERTIFIED
2 BY AN INDEPENDENT THIRD PARTY;

3 (II) REDUCES THE OPERATING COSTS OF REAL PROPERTY BY
4 REDUCING THE CONSUMPTION OF ENERGY, WATER, AND OTHER
5 RESOURCES;

6 (III) RESULTS IN THE RECOVERY OF THE INCREASED INITIAL
7 CAPITAL COSTS ATTRIBUTABLE TO COMPLIANCE WITH THE PROGRAM OVER
8 TIME BY REDUCING LONG-TERM ENERGY, MAINTENANCE, AND OPERATING
9 COSTS;

10 (IV) IMPROVES THE INDOOR ENVIRONMENTAL QUALITY OF REAL
11 PROPERTY FOR A HEALTHIER WORK ENVIRONMENT;

12 (V) ENCOURAGES THE USE OF PRODUCTS HARVESTED, CREATED,
13 OR MINED WITHIN COLORADO, REGARDLESS OF PRODUCT CERTIFICATION
14 STATUS;

15 (VI) PROTECTS COLORADO'S ENVIRONMENT; AND

16 (VII) COMPLIES WITH THE FEDERAL SECRETARY OF THE INTERIOR'S
17 STANDARDS FOR THE TREATMENT OF HISTORIC REAL PROPERTY WHEN
18 SUCH WORK WILL AFFECT REAL PROPERTY FIFTY YEARS OF AGE OR OLDER,
19 UNLESS THE STATE HISTORICAL SOCIETY, DESIGNATED IN SECTION
20 24-80-201, DETERMINES THAT SUCH REAL PROPERTY IS NOT OF
21 HISTORICAL SIGNIFICANCE AS DEFINED IN SECTION 24-80.1-102 (6).

22 (c) "SUBSTANTIAL RENOVATION" MEANS ANY RENOVATION WITH
23 A COST THAT EXCEEDS TWENTY-FIVE PERCENT OF THE VALUE OF THE
24 BUILDING.

25 (d) "UTILITY VENDOR BILL DATA" MEANS INFORMATION OR DATA
26 LIMITED TO THE USAGE DATA MEASURED BY THE STATE AGENCY, STATE
27 INSTITUTION OF HIGHER EDUCATION, OR DEPARTMENT OR THE

1 INFORMATION OR DATA REQUIRED TO MEET MINIMUM PROGRAM
2 STANDARDS BY AN INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH
3 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

4 **SECTION 10.** In Colorado Revised Statutes, **amend** 24-30-1307
5 as follows:

6 **24-30-1307. Legislative declaration.** The purpose of this part 13
7 is to allow the department of personnel to develop the policies and
8 standards for state agencies AND STATE INSTITUTIONS OF HIGHER
9 EDUCATION to follow for the major renovation or new construction of
10 ~~state facilities~~ REAL PROPERTY and to allow the department of personnel
11 to delegate the authority to implement such policies and standards to the
12 individual state agencies OR STATE INSTITUTIONS OF HIGHER EDUCATION.
13 It is not the purpose of this part 13 to require state agencies OR STATE
14 INSTITUTIONS OF HIGHER EDUCATION to add FTEs or incur additional
15 expenditures to implement the provisions of this part 13.

16 **SECTION 11.** In Colorado Revised Statutes, **repeal** 24-30-1308
17 as follows:

18 **24-30-1308. Controlled maintenance funds - leased or rented**
19 **facilities - secure facilities.** Notwithstanding section 24-30-1301 (2) (a)
20 ~~(H) (A), controlled maintenance funds may be used for secure facilities~~
21 ~~and related auxiliary facilities leased and operated by the department of~~
22 ~~human services or the department of corrections.~~

23 **SECTION 12.** In Colorado Revised Statutes, **repeal** 24-30-1309
24 as follows:

25 **24-30-1309. Eligibility of certain buildings for controlled**
26 **maintenance.** Notwithstanding the provisions of section 24-30-1301 (2)
27 ~~(a) (H) (A), on and after July 1, 2009, controlled maintenance funds may~~

1 ~~be used for facilities that are transferred from the San Juan basin area~~
2 ~~vocational school to Pueblo community college as part of a merger~~
3 ~~transaction between the San Juan basin area vocational school and Pueblo~~
4 ~~community college.~~

5 **SECTION 13.** In Colorado Revised Statutes, **amend** 2-3-1301 as
6 follows:

7 **2-3-1301. Definitions.** As used in this part 13, unless the context
8 otherwise requires:

9 (1) "Capital asset" ~~means any building, structure, facility, or~~
10 ~~physical betterment or improvement or any land or rights in land~~ HAS THE
11 SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (1), C.R.S.

12 (2) ~~"Institution" includes institutions of higher education~~
13 "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET FORTH IN
14 SECTION 24-30-1301 (2), C.R.S.

15 (3) "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN
16 SECTION 24-30-1301 (3), C.R.S.

17 (4) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 24-30-1301 (4), C.R.S., INCLUDING THE LIMITATIONS
19 SPECIFIED IN SECTION 24-30-1303.9, C.R.S.

20 (5) "REAL PROPERTY" HAS THE SAME MEANING AS SET FORTH IN
21 SECTION 24-30-1301 (15), C.R.S.

22 (6) "STATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 24-30-1301 (16), C.R.S.

24 (7) "STATE AGENCY" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 24-30-1301 (17), C.R.S.

26 (8) "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME
27 MEANING AS SET FORTH IN SECTION 24-30-1301 (18), C.R.S.

1 **SECTION 14.** In Colorado Revised Statutes, 2-3-1304, **amend**
2 (1) as follows:

3 **2-3-1304. Powers and duties of capital development**
4 **committee.** (1) The capital development committee has the following
5 powers and duties:

6 (a) To study ~~the~~ capital construction, ~~and~~ controlled maintenance,
7 AND CAPITAL RENEWAL requests and proposals ~~for the acquisition, sale,~~
8 ~~demolition, or disposal of capital assets~~ of each state ~~department,~~
9 ~~institution, and~~ agency AND STATE INSTITUTION OF HIGHER EDUCATION;

10 (a.3) To review and make required recommendations on reports
11 from state agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION,
12 including reports from:

13 (I) The department of personnel on the approved and unapproved
14 facility management plans and facility management plan updates pursuant
15 to section 24-30-1303.5 (3.5), C.R.S., and acquisitions and dispositions
16 pursuant to ~~section~~ SECTIONS 24-30-1303.5 (6) AND 24-82-102, C.R.S.;

17 (II) The adjutant general in the department of military and
18 veterans affairs on the ACQUISITION OR disposition of property pursuant
19 to section 28-3-106 (1) (s) (I), C.R.S.;

20 (III) The parks and wildlife commission in the department of
21 natural resources on the acquisition OR DISPOSITION of certain real
22 property interests pursuant to section ~~33-1-105 (3) (a)~~ 33-1-105 (3),
23 C.R.S., and the acquisition of certain interest in real property or water
24 pursuant to section 33-1-105.5 (9), C.R.S.; and

25 (IV) The parks and wildlife commission in the department of
26 natural resources on the acquisition OR DISPOSITION of certain interests in
27 real property pursuant to section 33-10-107 (2), C.R.S.;

1 (a.5) To study the ~~capital construction~~ request from the
2 transportation commission for state highway reconstruction, repair, and
3 maintenance projects to be funded from money transferred to the capital
4 construction fund pursuant to section 24-75-302 (2), C.R.S., specifically
5 for such purpose. On or before October 1 of each year, the transportation
6 commission shall submit its ~~capital construction~~ request, based on the
7 statewide transportation improvement programs, with a prioritized list of
8 recommended state highway reconstruction, repair, and maintenance
9 projects with the priority of projects on the list determined on the basis of
10 greatest need without regard to location in the state. ~~except that, for the~~
11 ~~1998-99 fiscal year, the prioritized list of projects to be funded by the~~
12 ~~revenues appropriated for such year by House Bill 98-1202, as enacted at~~
13 ~~the second regular session of the sixty-first general assembly, shall consist~~
14 ~~only of state highway reconstruction, repair, maintenance, and capacity~~
15 ~~expansion projects.~~ The capital development committee shall determine
16 the number of projects on the list that may be funded from money
17 available in the capital construction fund for state highway reconstruction,
18 repair, or maintenance projects. Only projects on the list may be funded
19 from money available in the capital construction fund for state highway
20 reconstruction, repair, or maintenance projects, and the projects must be
21 funded in the priority determined by the transportation commission;
22 except that, if a project on the list cannot be funded because an alternative
23 source of funding for the project has become available, a court order has
24 enjoined the project, or an act of God has made the project construction
25 unfeasible, the transportation commission shall submit the next phase of
26 that project or the next project on that regional priority list to the capital
27 development committee for approval as an addition to the list in lieu of

1 the project that cannot be funded. No substitute project submitted by the
2 transportation commission from the regional priority list shall be
3 approved by the capital development committee if funding said project
4 would result in the delay of any other project on the list. Upon approval
5 of an amended list, the department of transportation shall provide a copy
6 of the amended list to the members of the joint budget committee, the
7 transportation and energy committee in the house of representatives, and
8 the transportation committee in the senate. Projects on the list submitted
9 by the transportation commission by October 1 or on an amended list
10 submitted as provided in this paragraph (a.5) may be funded from money
11 transferred to the capital construction fund and available in the current
12 fiscal year or money to be transferred to the capital construction fund for
13 the fiscal year beginning the following July 1.

14 (a.6) (Deleted by amendment, L. 2008, p. 1064, § 8, effective July
15 1, 2008.)

16 (b) To hold such hearings as may be necessary to consider reports
17 from each STATE ~~department, institution, or agency~~ OR STATE INSTITUTION
18 OF HIGHER EDUCATION ~~itself~~ with respect to ~~any such~~ capital construction,
19 controlled maintenance, ~~or acquisition of capital assets~~ OR CAPITAL
20 RENEWAL;

21 (c) To make determinations of the priority to be accorded to the
22 proposals made by the various ~~departments, institutions, and~~ STATE
23 agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION with respect to
24 capital construction, ~~and~~ controlled maintenance, AND CAPITAL RENEWAL
25 proposals, ~~and capital asset acquisitions, including any proposals or~~
26 ~~recommendations submitted as priorities for institutions of higher~~
27 ~~education,~~ based upon information made available to the capital

1 development committee from any sources with respect to estimates of
2 revenues available for such purposes;

3 (d) To forecast the state's requirements for capital construction,
4 controlled maintenance, and ~~acquisition of capital assets~~ CAPITAL
5 RENEWAL as may be necessary or desirable for adequate presentation of
6 the planning and implementation or construction of such projects ~~for the~~
7 ~~next fiscal year and for the following four fiscal years~~ AND TO FORECAST
8 THE PROJECTED AVAILABLE REVENUE TO MEET THE STATE'S
9 REQUIREMENTS FOR CAPITAL CONSTRUCTION, CONTROLLED
10 MAINTENANCE, AND CAPITAL RENEWAL. SUCH REVENUE FORECAST MUST
11 CONFORM WITH THE ECONOMIC FORECAST PERIOD USED IN THE
12 QUARTERLY REVENUE ESTIMATES PREPARED BY THE STAFF OF THE
13 LEGISLATIVE COUNCIL.

14 (e) To review facilities program plans of the department of
15 corrections for correctional facilities pursuant to section 17-1-104.8,
16 C.R.S., and facilities program plans of the department of human services
17 for juvenile facilities pursuant to section 27-90-106, C.R.S., and make
18 recommendations regarding those plans to the joint budget committee;

19 (f) To review the annual capital construction and maintenance
20 requests from the chief information officer of the office of information
21 technology regarding the public safety communications trust fund created
22 pursuant to section 24-37.5-506, C.R.S.;

23 ~~(g) Prior to January 1, 2016, to develop and make~~
24 ~~recommendations concerning new methods of financing the state's~~
25 ~~ongoing capital construction needs and controlled maintenance. No later~~
26 ~~than February 1, 2016, the committee shall recommend legislation to~~
27 ~~implement the recommendations.~~

1 (h) TO REVIEW ALL ACQUISITIONS OF REAL PROPERTY BY A STATE
2 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT, FOR
3 ANY STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION THAT
4 HAS STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF THIS
5 SUBSECTION (1), AS AMENDED, TO ACQUIRE REAL PROPERTY AND SUCH
6 STATUTORY AUTHORITY SPECIFIES A PROCESS WHEREBY THE CAPITAL
7 DEVELOPMENT COMMITTEE EITHER REVIEWS, REVIEWS AND APPROVES, OR
8 APPROVES SUCH AN ACQUISITION, THEN SUCH STATUTORY AUTHORITY
9 CONTROLS. IF A STATE AGENCY OR STATE INSTITUTION OF HIGHER
10 EDUCATION HAS STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF
11 THIS SUBSECTION (1), AS AMENDED, TO ACQUIRE REAL PROPERTY AND
12 SUCH STATUTORY AUTHORITY DOES NOT INCLUDE A PROCESS WHEREBY
13 THE CAPITAL DEVELOPMENT COMMITTEE EITHER REVIEWS, REVIEWS AND
14 APPROVES, OR APPROVES SUCH ACQUISITION, THEN THIS PARAGRAPH (h)
15 CONTROLS. SECTION 23-1-106, C.R.S., AND ANY BUDGET INSTRUCTIONS
16 OF THE OFFICE OF STATE PLANNING AND BUDGETING THAT SPECIFY
17 THRESHOLDS REGARDING THE SUBMISSION OF ACQUISITIONS OF REAL
18 PROPERTY AS CAPITAL BUDGET REQUESTS OPERATE TO LIMIT THE REVIEW
19 SPECIFIED IN THIS PARAGRAPH (h).

20 **SECTION 15.** In Colorado Revised Statutes, 2-3-1304.5, **amend**
21 (2) as follows:

22 **2-3-1304.5. Reports from departments, institutions, and**
23 **agencies in connection with capital construction requests - repeal.**

24 (2) This section is repealed, effective ~~July 1, 2016~~ JULY 1, 2015.

25 **SECTION 16.** In Colorado Revised Statutes, **amend** 2-3-1304.6
26 as follows:

27 **2-3-1304.6. Capital construction and long-range planning by**

1 **state agencies and state institutions of higher education - policy.** It is
2 declared to be the policy of the general assembly not to acquire sites A
3 CAPITAL ASSET or authorize or initiate any program or activity requiring
4 capital construction, ~~or acquisition of a capital asset,~~ except programs or
5 activities for controlled maintenance OR CAPITAL RENEWAL, for any state
6 ~~department or subdivision thereof~~ AGENCY OR STATE INSTITUTION OF
7 HIGHER EDUCATION unless the program or activity is an element of the
8 facilities program plan for the ~~department~~ AGENCY OR INSTITUTION.

9 **SECTION 17.** In Colorado Revised Statutes, **amend 2-3-1305** as
10 follows:

11 **2-3-1305. Recommendations and findings.** The capital
12 development committee shall make written reports setting forth its
13 recommendations, PRIORITIZATION, findings, and comments as to each
14 recommendation concerning capital assets which THAT it submits to the
15 joint budget committee. THE CAPITAL DEVELOPMENT COMMITTEE SHALL
16 SUBMIT ITS PRIORITIZATION FOR SUPPLEMENTAL CAPITAL CONSTRUCTION,
17 CAPITAL RENEWAL, OR CONTROLLED MAINTENANCE BUDGET REQUESTS TO
18 THE JOINT BUDGET COMMITTEE NO LATER THAN JANUARY 15 OF EACH
19 YEAR, AND SHALL SUBMIT ITS PRIORITIZATION FOR NEW OR AMENDED
20 CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED
21 MAINTENANCE BUDGET REQUESTS FOR THE UPCOMING FISCAL YEAR TO
22 THE JOINT BUDGET COMMITTEE NO LATER THAN FEBRUARY 15 OF EACH
23 YEAR. Other reports may be issued from time to time by the committee
24 whenever it deems such action to be appropriate or whenever requested
25 by the general assembly.

26 **SECTION 18.** In Colorado Revised Statutes, **repeal 2-3-1305.5**
27 as follows:

1 **2-3-1305.5. Continuation projects - future appropriations.**

2 ~~(1) For the purpose of making funding recommendations, capital~~
3 ~~construction projects which are related to the projects for which an~~
4 ~~appropriation was made by section 2 (4) of Senate Bill 94-207, enacted~~
5 ~~at the Second Regular Session of the Fifty-ninth General Assembly, shall~~
6 ~~be considered continuation projects in the same manner as other capital~~
7 ~~construction projects in Senate Bill 94-207 with out-year expenses.~~

8 ~~(2) Nothing in this section shall be construed to require that such~~
9 ~~continuation projects be accorded a higher funding priority than health~~
10 ~~and life safety projects and controlled maintenance projects.~~

11 **SECTION 19.** In Colorado Revised Statutes, **amend** 2-3-1306 as
12 follows:

13 **2-3-1306. Staff assistance.** In carrying out its duties under this
14 part 13, the capital development committee may request staff assistance
15 from the offices providing other legislative services or from the
16 department of personnel and the office of state planning and budgeting in
17 the governor's office. The legislative council shall provide any necessary
18 secretarial and clerical assistance.

19 **SECTION 20.** In Colorado Revised Statutes, **repeal** 2-3-1308 as
20 follows:

21 **2-3-1308. Repeal of part.** ~~(1) This part 13 is repealed, effective~~
22 ~~July 1, 2014.~~

23 ~~(2) If this part 13 is repealed pursuant to the provisions of~~
24 ~~subsection (1) of this section, pursuant to section 2-3-203 (1) (b.1) (I) (A)~~
25 ~~the joint budget committee shall have the authority to make~~
26 ~~determinations of priority.~~

27 **SECTION 21.** In Colorado Revised Statutes, 2-3-203, **amend** (1)

1 (b.1) (I) as follows:

2 **2-3-203. Powers and duties of the joint budget committee -**
3 **repeal.** (1) The committee has the following power and duties:

4 (b.1) (I) (A) Effective July 1, 2004, to hold hearings as required
5 and to review the executive budget and the budget requests of each state
6 agency and institution, including ~~proposals for construction of capital~~
7 ~~improvements~~ CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR
8 CONTROLLED MAINTENANCE BUDGET REQUESTS AS PRIORITIZED BY THE
9 CAPITAL DEVELOPMENT COMMITTEE, and to make appropriation
10 recommendations to the appropriations committees, or any successor
11 committees, of each house.

12 (B) If the joint budget committee's recommendations to the
13 appropriations committees in the general appropriations bill alter the
14 determinations of priority established by the capital development
15 committee, prior to making the recommendations, the joint budget
16 committee shall notify the capital development committee and allow for
17 a joint meeting of the two committees. ~~If part 13 of this article is repealed,~~
18 ~~this sub-subparagraph (B) is repealed, effective July 1, 2014.~~

19 **SECTION 22.** In Colorado Revised Statutes, 12-23-101, **add**
20 (3.7) as follows:

21 **12-23-101. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (3.7) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
24 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
25 ESTABLISHED UNDER, SPECIFIED IN, AND LOCATED UPON THE CAMPUSES
26 DESCRIBED IN SECTIONS 23-20-101 (1)(a) AND 23-31-101, C.R.S., LIMITED
27 TO THE BUILDINGS OWNED OR LEASED BY THOSE INSTITUTIONS ON SAID

1 CAMPUSES. _____

2 **SECTION 23.** In Colorado Revised Statutes, 12-23-104, **amend**
3 (2) (a), (2) (k), (2) (l), and (2) (m) as follows:

4 **12-23-104. Board powers and duties - rules.** (2) In addition to
5 all other powers and duties conferred or imposed upon the board by this
6 article, the board is authorized to:

7 (a) Adopt, and from time to time revise, such rules and regulations
8 not inconsistent with the law as may be necessary to enable it to carry into
9 effect the provisions of this article. In adopting such rules and regulations,
10 the board shall be governed when appropriate by the standards in the most
11 current edition of the national electrical code or by any modifications to
12 such standards made by the board after a hearing is held pursuant to the
13 provisions of article 4 of title 24, C.R.S. These standards are adopted as
14 the minimum standards governing the planning, laying out, and installing
15 or the making of additions, alterations, and repairs in the installation of
16 wiring apparatus and equipment for electric light, heat, and power in this
17 state. A copy of such code shall be kept in the office of the board and
18 open to public inspection. Nothing contained in this section ~~shall prohibit~~
19 PROHIBITS any city, town, county, ~~or~~ city and county, OR QUALIFIED STATE
20 INSTITUTION OF HIGHER EDUCATION from making and enforcing any such
21 standards that are more stringent than the minimum standards adopted by
22 the board, and any city, town, county, ~~or~~ city and county, ~~which~~ OR
23 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION THAT adopts such
24 more stringent standards shall furnish a copy thereof to the board. The
25 standards adopted by the board shall be prima facie evidence of minimum
26 approved methods of construction for safety to life and property. The
27 affirmative vote of two-thirds of all appointed members of the board ~~shall~~

1 be IS required to set any standards that are different from those set forth
2 in the national electrical code. If requested in writing, the board shall send
3 a copy of newly adopted standards and rules and regulations to any
4 interested party at least thirty days before the implementation and
5 enforcement of such standards or rules and regulations. Such copies may
6 be furnished for a fee established pursuant to section 24-34-105, C.R.S.

7 (k) Find, upon holding a hearing, that an incorporated town or
8 city, county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF
9 HIGHER EDUCATION fails to meet the minimum requirements of this article
10 if the local inspection authority, INCLUDING A QUALIFIED STATE
11 INSTITUTION OF HIGHER EDUCATION, has failed to adopt or adhere to the
12 minimum standards required by this article within twelve months after the
13 board has adopted the standards by rule pursuant to this subsection (2);

14 (l) Issue an order to cease and desist from issuing permits or
15 performing inspections under this article to an incorporated town or city,
16 county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
17 EDUCATION upon finding that the public entity OR QUALIFIED STATE
18 INSTITUTION OF HIGHER EDUCATION fails to meet the minimum
19 requirements of this article pursuant to paragraph (k) of this subsection
20 (2);

21 (m) Apply to a court to enjoin an incorporated town or city,
22 county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
23 EDUCATION from violating an order issued pursuant to paragraph (l) of
24 this subsection (2).

25 **SECTION 24.** In Colorado Revised Statutes, 12-23-111, **amend**
26 (15) as follows:

27 **12-23-111. Exemptions.** (15) Inasmuch as electrical licensing

1 and the examination of persons performing electrical work is a matter of
2 statewide concern, no examination, certification, licensing, or registration
3 of electrical contractors, master electricians, journeymen electricians,
4 residential wiremen, or apprentices who are licensed, registered, or
5 certified under this article shall be required by any city, town, county, ~~or~~
6 city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION;
7 however, any such local governmental authority OR QUALIFIED STATE
8 INSTITUTION OF HIGHER EDUCATION may impose reasonable registration
9 requirements on any electrical contractor as a condition of performing
10 services within the jurisdiction of such authority OR WITHIN THE
11 BUILDINGS OF SUCH QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION.
12 No fee shall be charged for such registration.

13 **SECTION 25.** In Colorado Revised Statutes, 12-23-115, **amend**
14 (1) (b) as follows:

15 **12-23-115. Inspectors - qualifications.** (1) (b) Any employee of
16 a private, municipal, or cooperative electric utility rendering service to the
17 ultimate public shall be prohibited from employment as an electrical
18 inspector only when in the performance of any electrical work as defined
19 in this article. Electrical inspectors performing electrical inspections who
20 are employed by any city, town, county, ~~or~~ city and county, OR QUALIFIED
21 STATE INSTITUTION OF HIGHER EDUCATION shall possess the same
22 qualifications required of state electrical inspectors under this section,
23 shall be registered with the board prior to the assumption of their duties,
24 shall not inspect any electrical work in which such inspector has any
25 financial or other personal interest, and shall not be engaged, within the
26 jurisdiction employing such inspector, in the electrical business by
27 contracting, supplying material, or performing electrical work as defined

1 in this article. A SUPERVISOR OVERSEEING THE WORK OF AN ELECTRICAL
2 INSPECTOR WHO IS EMPLOYED BY A QUALIFIED STATE INSTITUTION OF
3 HIGHER EDUCATION SHALL NOT DIRECT SUCH ELECTRICAL INSPECTOR TO
4 VIOLATE ANY PROVISION OF THIS ARTICLE. AN ELECTRICAL INSPECTOR
5 EMPLOYED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION
6 SHALL NOT BE COERCED BY A SUPERVISOR WHEN FILING A COMPLAINT
7 WITH THE BOARD, OR WHEN SUCH ELECTRICAL INSPECTOR DISAPPROVES
8 AN ELECTRICAL INSTALLATION THAT VIOLATES THE PROVISIONS OF THIS
9 ARTICLE.

10 **SECTION 26.** In Colorado Revised Statutes, 12-23-116, **amend**
11 (1) (a), (2) (a), (8), and (10) as follows:

12 **12-23-116. Inspection - application - standards.** (1) (a) An
13 individual required to have electrical inspection under this article shall
14 apply to the board for an electrical permit, except where an incorporated
15 town or city, county, ~~or city and county, of this state~~ OR QUALIFIED STATE
16 INSTITUTION OF HIGHER EDUCATION has a building department that meets
17 the minimum standards of this article and that processes applications for
18 building permits and inspections, in which case the individual shall apply
19 to such building department. A QUALIFIED STATE INSTITUTION OF HIGHER
20 EDUCATION WITH A BUILDING DEPARTMENT THAT MEETS OR EXCEEDS THE
21 MINIMUM STANDARDS ADOPTED BY THE BOARD UNDER THIS ARTICLE
22 SHALL PROCESS APPLICATIONS FOR PERMITS AND INSPECTIONS ONLY FROM
23 THE INSTITUTION AND FROM CONTRACTORS WORKING FOR THE
24 INSTITUTION, AND SHALL CONDUCT INSPECTIONS ONLY OF WORK
25 PERFORMED FOR THE BENEFIT OF THE INSTITUTION. EACH INSPECTION
26 MUST INCLUDE A CONTEMPORANEOUS REVIEW TO ENSURE THAT THE
27 REQUIREMENTS OF THIS ARTICLE, AND SPECIFICALLY SECTION 12-23-110.5,

1 HAVE BEEN MET.

2 (2) (a) The owner of an electrical installation in any new
3 construction, other than manufactured units certified by the division of
4 housing pursuant to section 24-32-3311, C.R.S., or remodeling or repair
5 of an existing construction, except in any incorporated town or city,
6 county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
7 EDUCATION having its own electrical code and inspection program equal
8 to the minimum standards as are provided in this article, shall have the
9 electrical portion of the installation, remodeling, or repair inspected by a
10 state electrical inspector. A QUALIFIED STATE INSTITUTION OF HIGHER
11 EDUCATION WITH A BUILDING DEPARTMENT THAT MEETS OR EXCEEDS THE
12 MINIMUM STANDARDS ADOPTED BY THE BOARD UNDER THIS ARTICLE
13 SHALL PROCESS APPLICATIONS FOR PERMITS AND INSPECTIONS ONLY FROM
14 THE INSTITUTION AND FROM CONTRACTORS WORKING FOR THE
15 INSTITUTION, AND SHALL CONDUCT INSPECTIONS ONLY OF WORK
16 PERFORMED FOR THE BENEFIT OF THE INSTITUTION.

17 (8) In the event that any incorporated town or city, ~~any~~ county, ~~or~~
18 ~~any~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
19 EDUCATION intends to commence or cease performing electrical
20 inspections in its respective jurisdiction ~~it~~ OR, IN THE CASE OF A QUALIFIED
21 STATE INSTITUTION OF HIGHER EDUCATION, FOR ITS BUILDINGS, SUCH
22 PUBLIC ENTITY OR INSTITUTION shall commence or cease the same only as
23 of July 1 of any year, and written notice of such intent shall be given to
24 the board on or before October 1 of the preceding calendar year. If such
25 notice is not given and the use of state electrical inspectors is required
26 within such notice requirement, the respective local government OR
27 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION of the RESPECTIVE

1 jurisdiction OR BUILDING requiring such inspections shall reimburse the
2 state electrical board for any expenses incurred in performing such
3 inspections, in addition to transmitting the required permit fees.

4 (10) An inspector performing an inspection for the state, an
5 incorporated town or city, a county, ~~or~~ a city and county, OR A QUALIFIED
6 STATE INSTITUTION OF HIGHER EDUCATION may verify compliance with
7 any provision of this article and may file a complaint with the board for
8 a violation of this article.

9 **SECTION 27.** In Colorado Revised Statutes, 12-23-117, **amend**
10 (2) as follows:

11 **12-23-117. Permit fees.** (2) Because electrical inspections are
12 matters of statewide concern, the maximum fees, established annually,
13 chargeable for electrical inspections by any city, town, county, ~~or~~ city and
14 county, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION shall not
15 be more than fifteen percent above those provided for in this section, and
16 no such local government OR QUALIFIED STATE INSTITUTION OF HIGHER
17 EDUCATION shall impose or collect any other fee or charge related to
18 electrical inspections or permits. A QUALIFIED STATE INSTITUTION OF
19 HIGHER EDUCATION MAY CHOOSE NOT TO REQUIRE FEES AS PART OF THE
20 PERMITTING PROCESS. A DOCUMENTED PERMITTING AND INSPECTION
21 SYSTEM MUST BE INSTITUTED BY EACH QUALIFIED STATE INSTITUTION OF
22 HIGHER EDUCATION AS A TRACKING SYSTEM THAT IS AVAILABLE TO THE
23 BOARD FOR THE PURPOSE OF INVESTIGATING ANY ALLEGED VIOLATION OF
24 THIS ARTICLE. THE PERMITTING AND INSPECTION SYSTEM MUST INCLUDE
25 INFORMATION SPECIFYING THE PROJECT, THE NAME OF THE INSPECTOR,
26 THE DATE OF THE INSPECTION, THE JOB SITE ADDRESS, THE SCOPE OF THE
27 PROJECT, THE TYPE OF THE INSPECTION, THE RESULT OF THE INSPECTION,

1 THE REASON AND APPLICABLE CODE SECTIONS FOR PARTIALLY PASSED OR
2 FAILED INSPECTIONS, AND THE NAMES OF THE CONTRACTORS ON THE
3 PROJECT WHO ARE SUBJECT TO INSPECTION.

4 SECTION 28. In Colorado Revised Statutes, 12-58-102, add
5 (8.5) as follows:

6 12-58-102. Definitions. As used in this article, unless the context
7 otherwise requires:

8 (8.5) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
9 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
10 ESTABLISHED UNDER, SPECIFIED IN, AND LOCATED UPON THE CAMPUSES
11 DESCRIBED IN SECTIONS 23-20-101 (1)(a) AND 23-31-101, C.R.S., LIMITED
12 TO THE BUILDINGS OWNED OR LEASED BY THOSE INSTITUTIONS ON SAID
13 CAMPUSES.

14 SECTION 29. In Colorado Revised Statutes, 12-58-104, amend
15 (1) (l), (1) (m), and (1) (n) as follows:

16 12-58-104. Powers of board - fees - rules. (1) In addition to all
17 other powers and duties conferred or imposed upon the board by this
18 article, the board is authorized and empowered to:

19 (l) Find, upon holding a hearing, that an incorporated town or city,
20 county, or city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
21 EDUCATION fails to meet the minimum requirements of this article if ~~the~~
22 A local inspection authority OR QUALIFIED STATE INSTITUTION OF HIGHER
23 EDUCATION has failed to adhere to the minimum standards required by
24 this article within twelve months after the board has adopted the standards
25 by rule pursuant to this subsection (1);

26 (m) Issue an order to cease and desist from issuing permits or
27 performing inspections under this article to an incorporated town or city,

1 county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
2 EDUCATION upon finding that the public entity OR QUALIFIED STATE
3 INSTITUTION OF HIGHER EDUCATION fails to meet the minimum
4 requirements of this article under this subsection (1);

5 (n) Apply to a court to enjoin an incorporated town or city, county,
6 ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
7 EDUCATION from violating an order issued pursuant to paragraph (m) of
8 this subsection (1).

9 **SECTION 30.** In Colorado Revised Statutes, 12-58-114.2, **add**
10 (4) as follows:

11 **12-58-114.2. Plumbing inspectors - qualifications.**

12 (4) (a) PLUMBING INSPECTORS PERFORMING INSPECTIONS WHO ARE
13 EMPLOYED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION
14 SHALL POSSESS A VALID JOURNEYMAN OR MASTER PLUMBER LICENSE
15 ISSUED BY THE STATE. IN ADDITION, SUCH PLUMBING INSPECTORS SHALL
16 POSSESS THE SAME QUALIFICATIONS REQUIRED OF STATE PLUMBING
17 INSPECTORS UNDER THIS ARTICLE, SHALL BE REGISTERED WITH THE BOARD
18 PRIOR TO THE ASSUMPTION OF THEIR DUTIES, SHALL NOT INSPECT ANY
19 PLUMBING WORK IN WHICH THE INSPECTOR HAS ANY FINANCIAL OR OTHER
20 PERSONAL INTEREST, AND SHALL NOT BE ENGAGED IN THE PLUMBING
21 BUSINESS BY CONTRACTING, SUPPLYING MATERIAL, OR PERFORMING
22 PLUMBING WORK AS DEFINED IN THIS ARTICLE.

23 (b) AS PART OF THEIR DUTIES, PLUMBING INSPECTORS PERFORMING
24 INSPECTIONS WHO ARE EMPLOYED BY A QUALIFIED STATE INSTITUTION OF
25 HIGHER EDUCATION HAVE THE AUTHORITY TO VERIFY THE PLUMBING
26 LICENSES OR APPRENTICESHIP REGISTRATION CARDS ISSUED BY THE STATE
27 FOR THOSE PEOPLE PERFORMING THE PLUMBING WORK ON A PROJECT.

1 **SECTION 31.** In Colorado Revised Statutes, 12-58-114.5,
2 **amend** (1), (6), and (8); and **add** (9) as follows:

3 **12-58-114.5. Inspection - application - standards.** (1) Any
4 plumbing or gas piping installation in any new construction or remodeling
5 or repair, other than manufactured units inspected in accordance with the
6 provisions of part 7 of article 32 of title 24, C.R.S., except FOR SUCH NEW
7 CONSTRUCTION OR REMODELING OR REPAIR in any incorporated town or
8 city, any county, or any city and county, that OR IN A BUILDING OWNED OR
9 LEASED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION WHERE
10 SUCH LOCAL ENTITY OR QUALIFIED STATE INSTITUTION OF HIGHER
11 EDUCATION conducts inspections and issues permits, must be inspected
12 by a state plumbing inspector. A state plumbing inspector shall inspect
13 any new construction, remodeling, or repair subject to the provisions of
14 this subsection (1) within three working days after the receipt of the
15 application for inspection. Prior to the commencement of any such
16 plumbing or gas piping installation, the person making such installation
17 shall apply for a permit and pay the required fee. Every mobile home or
18 movable structure owner shall have the plumbing and gas piping hookup
19 for such mobile home or movable structure inspected prior to obtaining
20 new or different plumbing or gas service. A QUALIFIED STATE
21 INSTITUTION OF HIGHER EDUCATION WITH A BUILDING DEPARTMENT THAT
22 MEETS OR EXCEEDS THE MINIMUM STANDARDS ADOPTED BY THE BOARD
23 UNDER THIS ARTICLE SHALL PROCESS APPLICATIONS FOR PERMITS AND
24 INSPECTIONS ONLY FROM THE INSTITUTION AND FROM CONTRACTORS
25 WORKING FOR THE INSTITUTION, AND SHALL CONDUCT INSPECTIONS ONLY
26 OF WORK PERFORMED FOR THE BENEFIT OF THE INSTITUTION. EACH
27 INSPECTION MUST INCLUDE A CONTEMPORANEOUS REVIEW TO ENSURE

1 THAT THE REQUIREMENTS OF SECTION 12-58-105 HAVE BEEN MET.

2 (6) ~~In the event that any~~ IF AN incorporated town or city, ~~any~~
3 county, ~~or any~~ city and county, OR QUALIFIED STATE INSTITUTION OF
4 HIGHER EDUCATION intends to commence or cease performing plumbing
5 or gas piping inspections in its respective jurisdiction OR FOR ITS
6 RESPECTIVE BUILDINGS, written notice of such intent shall be given to the
7 board.

8 (8) If an incorporated town or city, county, ~~or~~ city and county, OR
9 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION intends to
10 commence or cease performing plumbing inspections in its jurisdiction
11 OR FOR THE BUILDINGS OWNED OR LEASED BY A QUALIFIED STATE
12 INSTITUTION OF HIGHER EDUCATION, it shall commence or cease the same
13 only as of July 1 of any year, and written notice of such intent must be
14 given to the board on or before October 1 of the preceding calendar year.
15 If such notice is not given and the use of state plumbing inspectors is
16 required within the RESPECTIVE jurisdiction OR BUILDING affected by the
17 notice requirement, the respective local government OR QUALIFIED STATE
18 INSTITUTION OF HIGHER EDUCATION of the RESPECTIVE jurisdiction OR
19 BUILDING requiring such inspections shall reimburse the board for any
20 expenses incurred in performing such inspections, in addition to
21 transmitting the required permit fees.

22 (9) A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION MAY
23 CHOOSE NOT TO REQUIRE FEES AS PART OF THE PERMITTING PROCESS. A
24 DOCUMENTED PERMITTING AND INSPECTION SYSTEM MUST BE INSTITUTED
25 BY EACH QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION AS A
26 TRACKING SYSTEM THAT IS AVAILABLE TO THE BOARD FOR THE PURPOSE
27 OF INVESTIGATING ANY ALLEGED VIOLATION OF THIS ARTICLE. THE

1 PERMITTING AND INSPECTION SYSTEM MUST INCLUDE INFORMATION
2 SPECIFYING THE PROJECT, THE NAME OF THE INSPECTOR, THE DATE OF THE
3 INSPECTION, THE JOB SITE ADDRESS, THE SCOPE OF THE PROJECT, THE TYPE
4 OF THE INSPECTION, THE RESULT OF THE INSPECTION, THE REASON AND
5 APPLICABLE CODE SECTIONS FOR PARTIALLY PASSED OR FAILED
6 INSPECTIONS, AND THE NAMES OF THE CONTRACTORS ON THE PROJECT
7 WHO ARE SUBJECT TO INSPECTION.

8 **SECTION 32.** In Colorado Revised Statutes, 22-43.7-103,
9 **amend** (6) as follows:

10 **22-43.7-103. Definitions.** As used in this article, unless the
11 context otherwise requires:

12 (6) "Capital construction" ~~shall have~~ HAS the same meaning as set
13 forth in ~~section 24-75-301 (1)~~ SECTION 24-30-1301 (2), C.R.S.

14 **SECTION 33.** In Colorado Revised Statutes, 22-43.7-109,
15 **amend** (7) (a) as follows:

16 **22-43.7-109. Financial assistance for public school capital**
17 **construction - application requirements - evaluation criteria - local**
18 **match requirements.** (7) (a) Pursuant to the timelines established
19 pursuant to subsection (2) of this section for any fiscal year for which
20 financial assistance is to be awarded, and after prioritizing public school
21 facility capital construction projects as specified in subsection (5) of this
22 section, the board shall submit to the state board a prioritized list of
23 projects for which the board recommends the provision of financial
24 assistance. The prioritized list must include the board's recommendation
25 as to the amount and type of financial assistance to be provided and a
26 statement of the source and amount of applicant matching moneys for
27 each recommended project based upon information provided by the

1 applicant. The board may recommend that any specific project only
2 receive financial assistance if another higher priority project or group of
3 projects becomes ineligible for financial assistance due to the inability of
4 an applicant to raise required matching moneys by a deadline prescribed
5 by the board as a condition of a financial assistance award for the higher
6 priority project or group of projects. IF AN APPLICANT IS APPROVED FOR
7 AN AWARD OF FINANCIAL ASSISTANCE AS AN ALTERNATE AWARD
8 RECIPIENT AND THE APPLICANT SUCCESSFULLY RAISES REQUIRED
9 MATCHING MONEYS THROUGH VOTER-APPROVAL OF A BALLOT QUESTION
10 FOR CONTRACTING BONDED INDEBTEDNESS BUT DOES NOT ACTUALLY
11 RECEIVE FINANCIAL ASSISTANCE BECAUSE ALL PRIMARY AWARD
12 RECIPIENTS OR HIGHER PRIORITY ALTERNATE AWARD RECIPIENTS ALSO
13 SUCCESSFULLY RAISED REQUIRED MATCHING MONEYS, THE ALTERNATE
14 AWARD RECIPIENT MAY RESUBMIT ITS APPLICATION FOR FINANCIAL
15 ASSISTANCE AS PREVIOUSLY APPROVED DURING THE NEXT APPLICATION
16 CYCLE. IF THE BOARD, IN CONSULTATION WITH THE STATE TREASURER,
17 DETERMINES THAT THE COMBINATION OF MATCHING MONEYS RAISED BY
18 THE ALTERNATE AWARD RECIPIENT, PLUS EITHER UNSPENT PROCEEDS
19 FROM COMPLETED LEASE-PURCHASE AGREEMENTS OR MONEYS TO BE
20 RAISED THROUGH ENTRY INTO AN ADDITIONAL LEASE-PURCHASE
21 AGREEMENT THAT THE STATE HAS THE CAPACITY TO EXECUTE, OR BOTH,
22 ARE SUFFICIENT TO FUND THE APPLICANT'S PROJECT, THE BOARD MAY
23 AWARD FINANCIAL ASSISTANCE TO THE APPLICANT AND, IF NECESSARY,
24 ORDER THE STATE TREASURER TO ENTER INTO A LEASE-PURCHASE
25 AGREEMENT ON BEHALF OF THE STATE. The state board shall review and
26 make decisions regarding the prioritized list no later than June 20 of each
27 year and may approve, disapprove, or modify the provision of financial

1 assistance for any project recommended by the board if the state board
2 concludes that the board misinterpreted the results of the prioritization
3 assessment conducted pursuant to section 22-43.7-108 or misapplied the
4 prioritization criteria specified in subsection (5) of this section. The state
5 board shall specifically explain in writing its reasons for finding that the
6 board misinterpreted the results of the priority assessment or misapplied
7 the prioritization criteria when disapproving or modifying any financial
8 assistance award recommended by the board.

9 **SECTION 34.** In Colorado Revised Statutes, **amend** 23-1-106 as
10 follows:

11 **23-1-106. Duties and powers of the commission with respect**
12 **to capital construction and long-range planning - legislative**
13 **declaration - definitions.** (1) Except as permitted by subsections (9) and
14 (10) of this section, it is declared to be the policy of the general assembly
15 not to authorize ~~or to acquire sites or initiate any program or~~ ANY activity
16 requiring capital construction OR CAPITAL RENEWAL for ~~state-supported~~
17 STATE institutions of higher education ~~which, for the purposes of this~~
18 ~~section, shall include the Auraria higher education center established in~~
19 ~~article 70 of this title,~~ unless approved by the commission.

20 (2) The commission shall, after consultation with the appropriate
21 governing boards of the ~~state-supported~~ STATE institutions of higher
22 education and the appropriate state ~~administrative~~ agencies, have
23 authority to prescribe uniform policies, procedures, and standards of
24 space utilization for the development and approval of capital construction
25 OR CAPITAL RENEWAL programs by institutions.

26 (3) The commission shall review and approve facility master plans
27 for all state institutions of higher education on land owned or controlled

1 by the state or an institution and capital construction OR CAPITAL
2 RENEWAL program plans for projects other than those projects described
3 in subsection (9) or (10) of this section. Except for those projects
4 described in subsection (9) or (10) of this section, no capital construction
5 OR CAPITAL RENEWAL shall commence except in accordance with an
6 approved facility master plan and program plan.

7 (4) The commission shall ensure conformity of facilities master
8 planning with approved educational master plans and facility program
9 plans with approved facilities master plans.

10 (5) (a) The commission shall approve plans for any capital
11 construction OR CAPITAL RENEWAL project at any STATE institution
12 ~~including a community college~~, OF HIGHER EDUCATION regardless of the
13 source of funds; except that the commission need not approve plans for
14 any capital construction OR CAPITAL RENEWAL project at a local district
15 college or area vocational school or for any capital construction or
16 ~~acquisition~~ CAPITAL RENEWAL project described in subsection (9) or (10)
17 of this section.

18 (b) The commission may except from the requirements for
19 program and physical planning any project that ~~shall require~~ REQUIRES
20 less than two million dollars of state moneys.

21 (6) (a) The commission shall request annually from each
22 governing board of each state institution of higher education a five-year
23 projection of ~~capital development~~ CAPITAL CONSTRUCTION OR CAPITAL
24 RENEWAL projects to be constructed but not including those projects
25 described in subsection (9) or (10) of this section. The projection ~~shall~~
26 MUST include the estimated cost, the method of funding, a schedule for
27 project completion, and the governing board-approved priority for each

1 project. The commission shall determine whether a proposed project is
2 consistent with the role and mission and master planning of the institution
3 and conforms to standards recommended by the commission.

4 (b) The commission shall request annually from the governing
5 board of each state institution of higher education a two-year projection
6 of capital construction ~~or acquisition~~ projects to be undertaken pursuant
7 to subsection (9) or (10) of this section and estimated to require total
8 project expenditures exceeding two million dollars. The projection ~~shall~~
9 MUST include the estimated cost, the method of funding, and a schedule
10 for project completion for each project. ~~An A STATE institution OF HIGHER~~
11 ~~EDUCATION shall amend the projection prior to commencing a project that~~
12 is not included in the institution's most recent projection.

13 (7) (a) The commission annually shall prepare a unified, five-year
14 capital improvements report of projects to be constructed, but not
15 including those CAPITAL CONSTRUCTION OR CAPITAL RENEWAL projects
16 ~~constructed or acquired~~ TO BE UNDERTAKEN pursuant to subsection (9) or
17 (10) of this section, coordinated with education plans. The commission
18 shall transmit the report to the office of state planning and budgeting, the
19 governor, ~~and the general assembly~~ THE CAPITAL DEVELOPMENT
20 COMMITTEE, AND THE JOINT BUDGET COMMITTEE, consistent with the
21 executive budget timetable, together with a recommended priority of
22 funding of capital construction OR CAPITAL RENEWAL projects for the
23 system of public higher education. The commission shall annually
24 transmit the recommended priority of funding of capital construction OR
25 CAPITAL RENEWAL projects to the capital development committee no later
26 than November 1 of each year.

27 (b) Except as provided in subsection (5) of this section, it is the

1 policy of the general assembly to appropriate funds only for CAPITAL
2 CONSTRUCTION OR CAPITAL RENEWAL projects approved by the
3 commission.

4 (c) (I) The commission annually shall prepare a unified, two-year
5 ~~capital improvements~~ report for CAPITAL CONSTRUCTION OR CAPITAL
6 RENEWAL projects ~~to be constructed or acquired pursuant to~~ DESCRIBED
7 IN subsection (9) or (10) of this section and estimated to require total
8 project expenditures exceeding two million dollars, coordinated with
9 education plans. The commission shall transmit the report to the office of
10 state planning and budgeting, the governor, ~~and the general assembly~~ THE
11 CAPITAL DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE,
12 consistent with the executive budget timetable.

13 (II) (A) ~~Commencing in the 2010 regular legislative session, and~~
14 ~~in each regular legislative session thereafter,~~ The commission shall
15 submit the two-year projections prepared by each state institution of
16 higher education ~~for the 2010-11 and 2011-12 fiscal years, and for each~~
17 ~~two-year period thereafter as applicable,~~ to the office of state planning
18 and budgeting and the capital development committee. ~~Beginning in the~~
19 ~~2010 regular legislative session and in each regular legislative session~~
20 ~~thereafter,~~ The capital development committee shall conduct a hearing IN
21 EACH REGULAR LEGISLATIVE SESSION on the projections and either
22 approve the projections or return the projections to the STATE institution
23 OF HIGHER EDUCATION for modification. The commission and the office
24 of state planning and budgeting shall provide the capital development
25 committee with comments concerning each projection.

26 (B) A state institution of higher education may submit to the staff
27 of the capital development committee, the commission, and the office of

1 state planning and budgeting an amendment to its approved two-year
2 projection. The capital development committee shall conduct a hearing
3 on the amendment within thirty days after submission during a regular
4 legislative session of the general assembly or within forty-five days after
5 submission during any period that the general assembly is not in regular
6 legislative session. The capital development committee shall either
7 approve the projections or return the projections to the STATE institution
8 OF HIGHER EDUCATION for modification. The commission and the office
9 of state planning and budgeting shall provide the capital development
10 committee with comments concerning each amendment.

11 (8) Repealed.

12 (9) (a) Except as provided in paragraph (d) of this subsection (9),
13 a capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
14 auxiliary facility initiated by the governing board of a ~~state-supported~~
15 STATE institution of higher education that is contained in the most recent
16 ~~unified~~, two-year ~~capital improvements project~~ projection approved
17 pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this
18 section, as the projection may be amended from time to time, and that is
19 to be acquired or constructed and operated and maintained solely from
20 cash funds held by the institution ~~shall~~ IS not ~~be~~ subject to additional
21 review or approval by the commission, the office of state planning and
22 budgeting, the capital development committee, or the joint budget
23 committee.

24 (b) Except as provided in paragraph (d) of this subsection (9), a
25 capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
26 academic facility initiated by the governing board of a ~~state-supported~~
27 STATE institution of higher education that is contained in the most recent

1 ~~unified~~, two-year ~~capital improvements project~~ projection approved
2 pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this
3 section, as the projection may be amended from time to time, and that is
4 to be acquired or constructed solely from cash funds held by the
5 institution and operated and maintained from such funds or from state
6 moneys appropriated for such purpose, or both, ~~shall~~ IS NOT be subject to
7 additional review or approval by the commission, the office of state
8 planning and budgeting, the capital development committee, or the joint
9 budget committee. Any capital construction OR CAPITAL RENEWAL project
10 subject to this paragraph (b) ~~shall~~ MUST comply with the high
11 performance standard certification program established pursuant to
12 ~~section 24-30-1305~~ SECTION 24-30-1305.5, C.R.S.

13 (c) Each governing board shall ensure, consistent with its
14 responsibilities as set forth in section 5 (2) of article VIII of the state
15 constitution, that a capital construction or ~~acquisition~~ CAPITAL RENEWAL
16 project initiated pursuant to this subsection (9) ~~shall be~~ IS in accordance
17 with its institution's mission, be of a size and scope to provide for the
18 defined program needs, and be designed in accordance with all applicable
19 building codes and accessibility standards.

20 (d) (I) The provisions of this subsection (9) ~~shall~~ DO not apply to
21 a CAPITAL CONSTRUCTION OR CAPITAL RENEWAL project that is to be
22 acquired or constructed in whole or in part using moneys subject to the
23 higher education revenue bond intercept program established pursuant to
24 section 23-5-139.

25 (II) Any plan for any such capital construction or ~~acquisition~~
26 CAPITAL RENEWAL project that is estimated to require total expenditures
27 of two million dollars or less ~~shall~~ IS NOT be subject to review or approval

1 by the commission.

2 (e) A capital construction or acquisition project approved and
3 appropriated prior to January 1, 2010, may be contained in the most
4 recent unified two-year capital improvements project projection approved
5 pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this
6 section. The projection may be amended from time to time and ~~shall~~ IS
7 not ~~be~~ subject to additional review or approval by the commission, the
8 office of state planning and budgeting, the capital development
9 committee, or the joint budget committee.

10 (10) (a) (I) The commission shall review and approve any plan for
11 a capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
12 auxiliary facility that is estimated to require total expenditures exceeding
13 two million dollars and that is to be acquired or constructed and operated
14 and maintained solely from cash funds held by the STATE institution OF
15 HIGHER EDUCATION that, in whole or in part, are subject to the higher
16 education revenue bond intercept program established pursuant to section
17 23-5-139.

18 (II) The commission shall review and approve any plan for a
19 capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
20 academic facility that is estimated to require total expenditures exceeding
21 two million dollars, that is to be acquired or constructed solely from cash
22 funds held by the STATE institution OF HIGHER EDUCATION that, in whole
23 or in part, are subject to the higher education revenue bond intercept
24 program established pursuant to section 23-5-139, and that is operated
25 and maintained from such cash funds or from state moneys appropriated
26 for such purpose, or both. Any capital construction OR CAPITAL RENEWAL
27 project subject to this subparagraph (II) ~~shall~~ MUST comply with the high

1 performance standard certification program established pursuant to
2 ~~section 24-30-1305~~ SECTION 24-30-1305.5, C.R.S.

3 (III) Any plan for any such capital construction or ~~acquisition~~
4 CAPITAL RENEWAL project that is estimated to require total expenditures
5 of two million dollars or less ~~shall~~ IS NOT be subject to review or approval
6 by the commission.

7 (b) Upon approval of a plan for a capital construction or
8 ~~acquisition~~ CAPITAL RENEWAL project pursuant to paragraph (a) of this
9 subsection (10), the commission shall submit the plan to the capital
10 development committee. The capital development committee shall make
11 a recommendation regarding the project to the joint budget committee.
12 Following the receipt of the recommendation, the joint budget committee
13 shall refer its recommendations regarding the project, with written
14 comments, to the commission.

15 (c) A capital construction or ~~acquisition~~ project approved and
16 appropriated prior to January 1, 2010, may be contained in the most
17 recent ~~unified two-year capital improvements project~~ projection approved
18 pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this
19 section, and the projection may be amended from time to time.

20 (10.2) (a) (I) Notwithstanding any law to the contrary, all
21 academic facilities acquired or constructed, or an auxiliary facility
22 repurposed for use as an academic facility, solely from cash funds held by
23 the STATE institution OF HIGHER EDUCATION and operated and maintained
24 from such cash funds or from state moneys appropriated for such purpose,
25 or both, including, but not limited to, those facilities described in
26 paragraph (b) of subsection (9) of this section and subparagraph (II) of
27 paragraph (a) of subsection (10) of this section, that did not previously

1 qualify for state controlled maintenance funding will qualify for state
2 controlled maintenance funding, subject to funding approval by the
3 capital development committee and the eligibility guidelines described in
4 section 24-30-1303.9, C.R.S. as enacted by House Bill 12-1318, enacted
5 in 2012.

6 (II) For purposes of this paragraph (a), the eligibility for state
7 controlled maintenance funding commences on the date of the acceptance
8 of the construction or repurposing of the facility or the closing date of any
9 acquisition. The date of the acceptance of construction or repurposing
10 shall be determined by the office of the state architect.

11 (b) (I) The general assembly hereby finds, determines, and
12 declares that the classification of facilities as academic facilities or
13 auxiliary facilities can be difficult, and such classifications often change
14 as academic needs, student needs, and new construction and design
15 practices emerge. Therefore, the office of the state architect, in
16 collaboration with the department of higher education and the office of
17 state planning and budgeting, shall develop guidelines in order to assist
18 such classification. The guidelines shall be annually reviewed and
19 approved by the capital development committee. The guidelines shall
20 MUST address the following two factors that have historically been
21 considered when classifying academic facilities and auxiliary facilities:

22 (A) The funding source for the facility; and

23 (B) The nature and use of the facility.

24 (II) The guidelines established pursuant to this paragraph (b) shall
25 MUST use the definitions set forth in subsection (10.3) of this section.

26 (10.3) As used in this section, unless the context otherwise
27 requires:

1 (a) "Academic facility" means any ~~building or other physical~~
2 facility, including any supporting utility infrastructure AND SITE
3 IMPROVEMENTS, that is central to the role and mission of each STATE
4 institution OF HIGHER EDUCATION as set forth in this title. Examples
5 include, but are not limited to, classrooms, libraries, and administrative
6 buildings.

7 (b) "Auxiliary facility" means any ~~building or other physical~~
8 facility, including any supporting utility infrastructure AND SITE
9 IMPROVEMENTS, funded from an auxiliary source such as housing or
10 parking revenue or any ~~building or other physical~~ facility that has been
11 historically managed as an auxiliary facility and is accounted for in
12 ~~institutional~~ financial statements OF STATE INSTITUTIONS OF HIGHER
13 EDUCATION as a self-supporting facility. Examples include, but are not
14 limited to, housing facilities, dining facilities, recreational facilities, and
15 student activities facilities.

16 (c) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET
17 FORTH IN SECTION 24-30-1301 (2), C.R.S.; EXCEPT THAT IT DOES NOT
18 INCLUDE THE INSTALLATION, DEVELOPMENT, OR UPGRADE OF
19 INFORMATION TECHNOLOGY AS SPECIFIED IN SECTION 24-30-1301 (2) (g),
20 C.R.S.

21 (d) "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN
22 SECTION 24-30-1301 (3), C.R.S.

23 (e) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
24 24-30-1301 (8), C.R.S.

25 (f) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
26 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
27 (10), AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN ARTICLE

1 70 OF THIS TITLE.

2 (10.5) (a) For any project subject to subsection (9) or (10) of this
3 section, if, after commencement of ~~acquisition~~ or construction, the
4 governing board of the STATE institution OF HIGHER EDUCATION receives
5 an additional gift, grant, or donation for the project, the governing board
6 may amend the project without the approval of the commission, the office
7 of state planning and budgeting, the capital development committee, or
8 the joint budget committee so long as the governing board notifies the
9 commission, the office of state planning and budgeting, the capital
10 development committee, and the joint budget committee in writing,
11 explaining how the project has been amended and verifying the receipt of
12 the additional gift, grant, or donation.

13 (b) For any project subject to subsection (9) or (10) of this section,
14 the governing board may enhance the project in an amount not to exceed
15 fifteen percent of the original estimate of the cost of the project without
16 the approval of the commission, the office of state planning and
17 budgeting, the capital development committee, or the joint budget
18 committee so long as the governing board notifies the commission, the
19 office of state planning and budgeting, the capital development
20 committee, and the joint budget committee in writing, explaining how the
21 project has been enhanced and the source of the moneys for the
22 enhancement.

23 (c) For any project subject to subsection (9) or (10) of this section,
24 the governing board of the STATE institution OF HIGHER EDUCATION
25 implementing the project is not required to submit for the project
26 quarterly expenditure reports as described in section 24-30-204 (2),
27 C.R.S. The governing board shall submit for the project annual

1 expenditure reports as required in section 24-30-204 (1), C.R.S.

2 (11) (a) Each state institution of higher education shall submit to
3 the commission on or before September 1 of each year a list and
4 description of each project for which an expenditure was made during the
5 immediately preceding fiscal year that:

6 (I) Was not subject to review by the commission pursuant to
7 subsection (9) of this section;

8 (II) Was approved pursuant to subsection (10) of this section;

9 (III) Was estimated to require total expenditures of two million
10 dollars or less; or

11 (IV) Was amended or enhanced after commencement of
12 ~~acquisition or~~ construction pursuant to subsection (10.5) of this section.

13 (b) The commission shall submit a compilation of the projects to
14 the capital development committee on or before December 1 of each year.

15 (12) Each STATE institution OF HIGHER EDUCATION shall submit
16 to the commission a facility management plan or update required by
17 section 24-30-1303.5 (3.5), C.R.S. The commission shall review the
18 facility management plan or update and make recommendations regarding
19 it to the department of personnel.

20 ~~(13) The provisions of this section shall not apply to any local
21 junior college district that is not a part of the state system and not eligible
22 to receive any state funds for capital construction pursuant to section
23 23-71-202 (3).~~

24 **SECTION 35.** In Colorado Revised Statutes, 23-31-504, **amend**
25 (3) as follows:

26 **23-31-504. Control, investment, and expending of funds.**

27 (3) The general assembly of the state of Colorado engages that the

1 principal of such fund ~~shall forever remain~~ REMAINS unimpaired and the
2 income thereof ~~shall be~~ IS applied without diminution to the uses and
3 purposes prescribed in said act of congress; except that, as prescribed in
4 said act of congress, a sum not exceeding ten percent of the principal of
5 such fund may be expended by the board of governors of the Colorado
6 state university system for the purchase or exchange of lands for sites or
7 experimental stations, subject to the PROVISIONS OF SECTIONS 24-75-301
8 TO 24-75-303, C.R.S., AND THE approval of the governor. ~~and the~~
9 ~~provisions of sections 24-75-301 to 24-75-303, C.R.S.~~

10 **SECTION 36.** In Colorado Revised Statutes, **amend** 24-1-136.5
11 as follows:

12 **24-1-136.5. Long-range planning for capital construction,**
13 **controlled maintenance, capital renewal - policy - heads of principal**
14 **departments.** (1) The executive director of each department, after
15 consultation with the directors of the subordinate agencies, divisions, or
16 offices within the department, ~~shall have~~ HAS THE authority to prescribe
17 uniform policies, procedures, and standards of space utilization in
18 department facilities, except for office space, for the development and
19 approval of capital construction, CONTROLLED MAINTENANCE, AND
20 CAPITAL RENEWAL projects for the department. Nothing in this subsection
21 (1) ~~shall~~ SHOULD be construed to alter the authority of the department of
22 personnel to prescribe uniform standards for office space pursuant to
23 section 24-30-1303 (1) (h).

24 (2) The executive director shall review and, with the approval of
25 the governor, approve facilities master planning and facilities program
26 planning for all capital construction, CONTROLLED MAINTENANCE, AND
27 CAPITAL RENEWAL projects ~~of the ON department on state-owned or~~

1 ~~state-controlled land~~ REAL PROPERTY, regardless of the source of funds,
2 and no capital construction, CONTROLLED MAINTENANCE, OR CAPITAL
3 RENEWAL shall commence except in accordance with an approved
4 facilities master plan, facilities program plan, and physical plan.

5 (3) The executive director shall ensure conformity of facilities
6 master planning with approved department operational master plans,
7 facilities program plans with approved facilities master plans, and
8 physical plans with approved facilities program plans.

9 (4) Plans for any capital construction, CONTROLLED
10 MAINTENANCE, OR CAPITAL RENEWAL project for the department ~~shall be~~
11 ARE subject to the approval of the executive director, regardless of the
12 source of funds. The executive director may exempt any project which
13 requires less than five hundred thousand dollars of state moneys from the
14 requirements for master planning and program planning.

15 (5) The executive director shall annually request from the director
16 of each subordinate agency, division, or office within the department a
17 five-year projection of ANY capital ~~development~~ CONSTRUCTION,
18 CONTROLLED MAINTENANCE, AND CAPITAL RENEWAL projects. The
19 projection ~~shall~~ MUST include the estimated cost, the method of funding,
20 a schedule for project completion, and the director's priority for each
21 project. The executive director shall determine whether a proposed
22 project is consistent with operational master planning and facilities master
23 planning of the department and conforms to space utilization standards
24 established pursuant to subsection (1) of this section and section
25 24-30-1303 (1) (h).

26 (6) (a) The executive director shall annually establish a
27 department five-year capital ~~improvements~~ CONSTRUCTION, CONTROLLED

1 MAINTENANCE, AND CAPITAL RENEWAL plan coordinated with department
2 operational master plans and facilities master plans and shall transmit to
3 the office of state planning and budgeting, the governor, and the general
4 assembly, consistent with the executive budget timetable, a recommended
5 priority of funding of capital construction, CONTROLLED MAINTENANCE,
6 AND CAPITAL RENEWAL projects for the department.

7 (b) Except as provided in subsection (4) of this section, it is the
8 policy of the general assembly to appropriate funds only for projects
9 approved by the executive director.

10 (7) Any acquisition or utilization of real property by a department
11 which is conditional upon or requires expenditures of ~~state-controlled~~
12 STATE funds or federal funds ~~shall be~~ IS subject to the approval of the
13 executive director, regardless of whether the acquisition is by lease,
14 lease-purchase, purchase, gift, or otherwise.

15 (8) Prior to approving the facilities master plan and facilities
16 program plan for any capital construction, CONTROLLED MAINTENANCE,
17 OR CAPITAL RENEWAL project to be constructed, operated, and maintained
18 solely from fees, gifts and bequests, grants, revolving funds, or a
19 combination of such sources, the executive director shall request and
20 consider recommendations from the capital development committee and
21 the joint budget committee. The executive director, the capital
22 development committee, and the joint budget committee shall by
23 agreement adopt procedures for the review of such projects by the capital
24 development committee and joint budget committee. The agreement ~~shall~~
25 MUST provide that, whenever possible, the capital development committee
26 and joint budget committee will submit their recommendations to the
27 executive director within thirty days after each committee receives the

1 information prescribed in the agreement as necessary for its review.

2 (9) This section ~~shall~~ DOES not apply to the department of higher
3 education, nor ~~shall~~ SHOULD it be construed to alter the duties of the
4 Colorado commission on higher education set forth in section 23-1-106,
5 C.R.S.

6 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 24-30-1301 (2).

10 (b) "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 24-30-1301 (3).

12 (c) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET
13 FORTH IN SECTION 24-30-1301 (4), INCLUDING THE LIMITATIONS SPECIFIED
14 IN SECTION 24-30-1303.9.

15 (d) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
16 24-30-1301 (8).

17 (e) "REAL PROPERTY" HAS THE SAME MEANING AS SET FORTH IN
18 SECTION 24-30-1301 (15).

19 **SECTION 37.** In Colorado Revised Statutes, 24-30-1402, **amend**
20 (1.5), (5), and (7); and **add** (8) as follows:

21 **24-30-1402. Definitions.** As used in this part 14, unless the
22 context otherwise requires:

23 (1.5) "Continuing contract" means a contract for professional
24 services entered into pursuant to this part 14 between a state agency OR
25 STATE INSTITUTION OF HIGHER EDUCATION and a person, whereby the
26 person provides professional services to the state agency OR STATE
27 INSTITUTION OF HIGHER EDUCATION for work of a specified nature as

1 outlined in the contract required by the state agency OR STATE
2 INSTITUTION OF HIGHER EDUCATION with no specific time limitation. Any
3 such contract shall provide a termination clause.

4 (5) "Principal representative" means the governing board of a state
5 ~~department, institution, or~~ agency OR STATE INSTITUTION OF HIGHER
6 EDUCATION or, if there is no governing board, the executive head of a
7 state ~~department, institution, or~~ agency OR STATE INSTITUTION OF HIGHER
8 EDUCATION, as designated by the governor or the general assembly.

9 (7) "State agency" ~~means this state or any department, board,~~
10 ~~bureau, commission, institution, or other agency of this state~~ HAS THE
11 SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (17).

12 (8) "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME
13 MEANING AS SET FORTH IN SECTION 24-30-1301 (18).

14 **SECTION 38.** In Colorado Revised Statutes, 24-30-1403, **amend**
15 (1) and (2) (a) as follows:

16 **24-30-1403. Professional services - listings - preliminary**
17 **selections.** (1) Any person desiring to provide professional services to a
18 state agency OR A STATE INSTITUTION OF HIGHER EDUCATION shall
19 annually submit to the department a statement of qualifications and
20 performance data and such other information as may be required by the
21 department. The department may request such person to update such
22 statement before the anniversary date in order to reflect changed
23 conditions in the status of such person.

24 (2) (a) For each proposed project for which professional services
25 are required AND WHERE THE FEE FOR SUCH PROFESSIONAL SERVICES IS
26 ESTIMATED TO EQUAL OR EXCEED TWENTY-FIVE THOUSAND DOLLARS, the
27 principal representative of the state agency OR STATE INSTITUTION OF

1 HIGHER EDUCATION for which the project is to be done shall evaluate
2 current statements of qualifications and performance data on file with the
3 department and shall conduct discussions with no less than three persons
4 regarding their qualifications, approaches to the project, abilities to
5 furnish the required professional services, anticipated design concepts,
6 and use of alternative methods of approach for furnishing the required
7 professional services. The principal representative shall then select, in
8 order of preference, no less than three persons ranked in order and
9 deemed to be most highly qualified to perform the required professional
10 services after considering, and based upon, such factors as the ability of
11 professional personnel, past performance, willingness to meet time and
12 budget requirements, location, current and projected work loads, the
13 volume of work previously awarded to the person by the state agency OR
14 STATE INSTITUTION OF HIGHER EDUCATION, and the extent to which said
15 persons have and will involve minority subcontractors, with the object of
16 effecting an equitable distribution of contracts among qualified persons
17 as long as such distribution does not violate the principle of selection of
18 the most highly qualified person. In selection pursuant to this section,
19 Colorado firms shall be given preference when qualifications appear to
20 be equal. All selections are subject to approval by the principal
21 representative, and all contracts between the principal representative and
22 such selected professionals shall be consistent with appropriation and
23 legislative intent.

24 **SECTION 39.** In Colorado Revised Statutes, 24-30-1404, **amend**
25 (1), (6), (7) (a), (7) (d), (7) (f), and (7) (g) (I) as follows:

26 **24-30-1404. Contracts.** (1) The principal representative shall
27 negotiate a contract with the highest qualified person providing

1 professional services for such services at compensation which the
2 principal representative determines in writing to be fair and reasonable.
3 In making such decision, the principal representative shall take into
4 account the estimated value of the services to be rendered and the scope,
5 complexity, and professional nature thereof. For all lump-sum or
6 cost-plus-a-fixed-fee professional service contracts, the principal
7 representative shall require the firm receiving the award to execute a
8 certificate stating that wage rates and other factual unit costs supporting
9 the compensation to be paid by the state agency OR STATE INSTITUTION OF
10 HIGHER EDUCATION for the professional services are accurate, complete,
11 and current at the time of contracting. Any professional service contract
12 under which such a certificate is required shall contain a provision that
13 the original contract price and any additions thereto shall be adjusted to
14 exclude any significant sums by which the principal representative
15 determines the contract price had been increased due to inaccurate,
16 incomplete, or noncurrent wage rates and other factual unit costs. All
17 such contract adjustments shall be made within one year following the
18 end of the contract.

19 (6) Nothing in this part 14 shall be construed to prohibit
20 continuing contracts between STATE AGENCIES OR STATE INSTITUTIONS OF
21 HIGHER EDUCATION AND persons providing professional services. ~~and~~
22 ~~state agencies.~~ All selections, contracts, and negotiations undertaken
23 pursuant to this part 14 and all processes and procedures in connection
24 with such matters shall be in conformity with this part 14.

25 (7) (a) Except as provided in paragraphs (b), (c), (e), (f), and (g)
26 of this subsection (7), any professional services contract entered into
27 pursuant to the provisions of this part 14 shall be executed and

1 encumbered within six months after the date on which the appropriation
2 that includes the project for which the professional services are required
3 becomes law. If no professional services contract is required for a
4 particular project, the contract with the contractor for the project shall be
5 entered into within six months after the appropriation. If a state agency
6 OR STATE INSTITUTION OF HIGHER EDUCATION determines that the nature
7 of a particular project is such that the deadlines imposed by this section
8 cannot be met, the state agency OR STATE INSTITUTION OF HIGHER
9 EDUCATION may request the capital development committee to
10 recommend to the controller that the deadline be waived for that project.
11 The controller, in consultation with the capital development committee,
12 may grant a waiver from such deadlines. This subsection (7) shall not
13 apply to projects under the supervision of the department of
14 transportation. This subsection (7) shall not affect any priority established
15 pursuant to section 24-35-210 (11) in the general appropriation act for
16 expenditures for projects to be financed from net lottery proceeds
17 appropriated for capital construction.

18 (d) The provisions of this subsection (7) shall not be construed to
19 limit the authority of any state agency OR STATE INSTITUTION OF HIGHER
20 EDUCATION to amend a contract in order to provide for technical
21 corrections, provision of unanticipated work, extensions of performance
22 periods, or other modifications which are necessary to secure satisfactory
23 completion of the work and provision of goods and services within the
24 scope of the original contract.

25 (f) In the event that an appropriation is made to a state agency OR
26 STATE INSTITUTION OF HIGHER EDUCATION for allocation to other state
27 agencies OR STATE INSTITUTIONS OF HIGHER EDUCATION, the six-month

1 period ~~shall apply~~ APPLIES to the execution and encumbrance of a contract
2 by the agency OR INSTITUTION receiving the allocation and ~~shall begin~~
3 BEGINS to run from the date of the allocation by the agency OR
4 INSTITUTION that received the original appropriation. Nothing in this
5 paragraph (f) shall be construed to extend the duration of any
6 appropriation.

7 (g) This subsection (7) shall not apply to:

8 (I) A capital construction project at ~~an~~ A STATE institution of
9 higher education ~~including the Auraria higher education center~~
10 ~~established in article 70 of title 23, C.R.S.~~; that is to be constructed solely
11 from cash funds held by the institution or federal funds made available for
12 the project or a combination of the cash funds and the federal funds; or

13 **SECTION 40.** In Colorado Revised Statutes, **amend** 24-30-1405
14 as follows:

15 **24-30-1405. Public notice.** When professional services are
16 required to be contracted for, public notice shall be given by the state
17 agency OR STATE INSTITUTION OF HIGHER EDUCATION if the basic
18 construction cost of the project is estimated by the state agency OR STATE
19 INSTITUTION OF HIGHER EDUCATION to be more than one million dollars
20 or if the fee for professional services is estimated to exceed one hundred
21 thousand dollars. The public notice shall be given at least fifteen days
22 prior to the selection of the three or more most highly qualified persons
23 by the principal representative pursuant to section 24-30-1403 (2), and,
24 except for projects under the supervision of the department of
25 transportation, the public notice shall be given no later than eight weeks
26 after the date on which the appropriation for the project becomes law. The
27 public notice ~~shall~~ MAY be given by publication at least once in one or

1 more daily newspapers of general circulation in this state OR IN AN
2 ELECTRONIC MEDIUM APPROVED BY THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF PERSONNEL. The public notice shall contain a general
4 description of the proposed project and shall indicate the procedure by
5 which interested persons may apply for consideration for the contract.

6 **SECTION 41.** In Colorado Revised Statutes, **amend 24-30-1406**
7 as follows:

8 **24-30-1406. Criminal liability.** (1) Any person, other than a
9 bona fide employee working solely for a person providing professional
10 services, who offers, agrees, or contracts to solicit or secure for any other
11 person ~~state agency~~ contracts for professional services WITH A STATE
12 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION and who, in so
13 doing, receives any fee, commission, gift, or other consideration
14 contingent upon or resulting from the making of the contract commits a
15 class 3 felony and shall be punished as provided in section 18-1.3-401,
16 C.R.S.

17 (2) Any person providing professional services who offers to pay
18 or does pay any fee, commission, gift, or other consideration contingent
19 upon or resulting from the making of a contract for professional services
20 with a state agency OR STATE INSTITUTION OF HIGHER EDUCATION
21 commits a class 1 misdemeanor and shall be punished as provided in
22 section 18-1.3-501, C.R.S.

23 (3) Any state agency OR STATE INSTITUTION OF HIGHER
24 EDUCATION official or employee who solicits or secures or offers to solicit
25 or secure a contract for professional services with a state agency OR
26 STATE INSTITUTION OF HIGHER EDUCATION and who is paid any fee,
27 commission, gift, or other consideration contingent upon the making of

1 such contract commits a class 1 misdemeanor and shall be punished as
2 provided in section 18-1.3-501, C.R.S.

3 **SECTION 42.** In Colorado Revised Statutes, **amend** 24-30-1407
4 as follows:

5 **24-30-1407. Prior existing design plans.** Notwithstanding any
6 other provision of this part 14 or of part 13 of this article, there shall be
7 no public notice requirement or utilization of the selection process as
8 provided for in this part 14 or in part 13 of this article for projects in
9 which the state agency OR STATE INSTITUTION OF HIGHER EDUCATION is
10 able to reuse existing drawings, specifications, designs, or other
11 documents from a prior project.

12 **SECTION 43.** In Colorado Revised Statutes, **amend** 24-37-101
13 as follows:

14 **24-37-101. Definitions.** As used in this ~~part 1~~ ARTICLE, unless the
15 context otherwise requires:

16 (1) ~~"Director" means the director of the office of state planning~~
17 ~~and budgeting~~ "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 24-30-1301 (2).

19 (2) ~~"Office" means the office of state planning and budgeting~~
20 "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN SECTION
21 24-30-1301 (3).

22 (3) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET
23 FORTH IN SECTION 24-30-1301 (4), INCLUDING THE LIMITATIONS SPECIFIED
24 IN SECTION 24-30-1303.9.

25 (4) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF STATE
26 PLANNING AND BUDGETING.

27 (5) "OFFICE" MEANS THE OFFICE OF STATE PLANNING AND

1 BUDGETING.

2 **SECTION 44.** In Colorado Revised Statutes, 24-37-304, **amend**
3 (1) (b), (1) (b.5), and (1) (c.3) as follows:

4 **24-37-304. Additional budgeting responsibilities.** (1) In
5 addition to the responsibilities enumerated in section 24-37-302, the
6 office of state planning and budgeting shall:

7 (b) EXCEPT AS PROVIDED IN PARAGRAPH (c.3) OF THIS SUBSECTION
8 (1), ensure submission to the joint budget committee of the general
9 assembly by the deadlines set forth in section 2-3-208, C.R.S., of all
10 STATE agency requests for the upcoming year;

11 (b.5) EXCEPT AS PROVIDED IN PARAGRAPH (c.3) OF THIS
12 SUBSECTION (1), ensure submission to the joint budget committee of the
13 general assembly by the deadlines set forth in section 2-3-208, C.R.S., of
14 all STATE agency requests for supplemental appropriations for the current
15 fiscal year;

16 (c.3) (I) ~~Except for projects authorized pursuant to section~~
17 ~~23-1-106 (9) or (10), C.R.S.,~~ Ensure submission TO THE CAPITAL
18 DEVELOPMENT COMMITTEE of:

19 (A) EXCEPT FOR PROJECTS AUTHORIZED PURSUANT TO SECTION
20 23-1-106 (9) OR (10), C.R.S., all CASH-FUNDED capital construction ~~and~~
21 ~~controlled maintenance~~ OR CAPITAL RENEWAL BUDGET requests ~~and~~
22 ~~proposals for the acquisition of capital assets by each state department,~~
23 ~~institution, and agency to the capital development committee~~ FOR THE
24 UPCOMING FISCAL YEAR no later than ~~September 1~~ SEPTEMBER 15 of each
25 year;

26 (B) ALL STATE-FUNDED CAPITAL CONSTRUCTION OR CAPITAL
27 RENEWAL BUDGET REQUESTS BY EACH STATE AGENCY OR STATE

1 INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL YEAR NO
2 LATER THAN OCTOBER 1 OF EACH YEAR;

3 ~~(H)~~ (C) ~~Submit~~ The recommended priority of funding of capital
4 construction OR CAPITAL RENEWAL projects of ~~all~~ EACH state ~~departments,~~
5 ~~institutions, and agencies to the capital development committee~~ AGENCY
6 OR STATE INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL
7 YEAR no later than November 1 of each year;

8 (D) ALL STATE-FUNDED CONTROLLED MAINTENANCE BUDGET
9 REQUESTS BY EACH STATE AGENCY OR STATE INSTITUTION OF HIGHER
10 EDUCATION AS RECOMMENDED BY THE DEPARTMENT OF PERSONNEL
11 PURSUANT TO SECTION 24-30-1303 (1) (k.5) AND (1) (t) (II) FOR THE
12 UPCOMING FISCAL YEAR NO LATER THAN DECEMBER 1 OF EACH YEAR; AND

13 ~~(H)~~ (E) ~~Ensure submission of~~ All requests for supplemental
14 appropriations for capital construction, CAPITAL RENEWAL, and controlled
15 maintenance requests ~~and proposals for the acquisition of capital assets~~
16 FOR THE CURRENT OR PREVIOUS FISCAL YEAR by each state ~~department,~~
17 ~~institution, and agency to the capital development committee~~ OR STATE
18 INSTITUTION OF HIGHER EDUCATION no later than December 10 of each
19 year.

20 (II) ALL NEW OR AMENDED CAPITAL CONSTRUCTION, CAPITAL
21 RENEWAL, OR CONTROLLED MAINTENANCE BUDGET REQUESTS SUBMITTED
22 BY A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR
23 THE UPCOMING FISCAL YEAR AFTER THE DEADLINES SPECIFIED IN
24 SUB-SUBPARAGRAPHS (A), (B), (C), OR (D) OF SUBPARAGRAPH (I) OF THIS
25 PARAGRAPH (c.3) AS A RESULT OF CIRCUMSTANCES UNKNOWN TO, AND
26 NOT REASONABLY FORESEEABLE BY, THE STATE AGENCY OR THE STATE
27 INSTITUTION OF HIGHER EDUCATION MUST BE SUBMITTED NO LATER THAN

1 DECEMBER 10 OF EACH YEAR.

2 (III) THE OFFICE MAY MODIFY THE RECOMMENDED PRIORITY OF
3 FUNDING OF CAPITAL CONSTRUCTION OR CAPITAL RENEWAL PROJECTS OF
4 EACH STATE AGENCY AND STATE INSTITUTION OF HIGHER EDUCATION FOR
5 THE UPCOMING FISCAL YEAR NO LATER THAN THE JANUARY 1 OF THE YEAR
6 FOLLOWING THE ORIGINAL SUBMISSION DESCRIBED IN SUB-SUBPARAGRAPH
7 (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c.3).

8 (IV) IN THE EVENT OF AN EMERGENCY, THE OFFICE MAY SUBMIT A
9 CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED
10 MAINTENANCE BUDGET REQUEST FOR A STATE AGENCY OR STATE
11 INSTITUTION OF HIGHER EDUCATION AFTER THE DEADLINES SPECIFIED IN
12 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (c.3) IF THE OFFICE, AS
13 SOON AS POSSIBLE BUT NO LATER THAN THIRTY DAYS AFTER DETERMINING
14 THE EMERGENCY, MAKES A PRESENTATION TO THE CAPITAL DEVELOPMENT
15 COMMITTEE EXPLAINING THE NATURE OF THE EMERGENCY AND THE
16 ESTIMATED TIME FOR SUBMISSION OF SUCH BUDGET REQUEST.

17 **SECTION 45.** In Colorado Revised Statutes, 24-37.5-105,
18 **amend** (3) (k) and (3) (l); and **add** (3) (m) as follows:

19 **24-37.5-105. Office - responsibilities - rules - repeal.** (3) The
20 office shall:

21 (k) Develop a comprehensive risk assessment that will be applied
22 to every new information technology project to assess risk levels related
23 to the project and determine whether the project should be classified as
24 a major information technology project; **and**

25 (l) Assist the joint technology committee as necessary to facilitate
26 the committee's oversight of the office; **AND**

27 (m) ESTABLISH, MAINTAIN, AND KEEP A SEPARATE INVENTORY OF

1 INFORMATION TECHNOLOGY EQUIPMENT VALUED IN EXCESS OF ONE
2 HUNDRED THOUSAND DOLLARS OWNED BY OR HELD IN TRUST FOR EVERY
3 STATE AGENCY.

4 **SECTION 46.** In Colorado Revised Statutes, 24-48.5-312,
5 **amend** (3) (a) (I), (3) (a) (II), (3) (a) (III), and (4); and **add** (2) (b.5) as
6 follows:

7 **24-48.5-312. Art in public places program - allocations from**
8 **capital construction costs - guidelines - fund created - definitions.**

9 (2) (b.5) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS IN
10 SECTION 24-30-1301 (2).

11 (3) (a) (I) (A) Except as provided in subparagraph (III) of this
12 paragraph (a), each ~~capital construction~~ appropriation for a ~~public~~
13 CAPITAL construction project ~~shall~~ MUST include as a nondeductible item
14 an allocation of not less than one percent of the state funded portion of
15 the total ~~capital~~ construction costs to be used for the acquisition of works
16 of art.

17 (B) AN APPROPRIATION FOR PROFESSIONAL SERVICES MAY
18 INCLUDE PLANNING FOR ACQUISITION OF WORKS OF ART AS REQUIRED
19 UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I). SUCH
20 APPROPRIATION MAY BE APPLIED TO THE FUNDING SPECIFIED IN
21 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I).

22 (II) (A) Except as provided in subparagraph (III) of this paragraph
23 (a), commencing after August 11, 2010, any capital construction project
24 that is the subject of a lease-purchase agreement, as defined in section
25 24-82-801 (4), that provides for lease payments from moneys that have
26 been appropriated in full or in part by the state ~~shall~~ MUST include as a
27 nondeductible item in the project budget an allocation of not less than one

1 percent of the total construction costs to be used for the acquisition of
2 works of art.

3 (B) AN APPROPRIATION FOR PROFESSIONAL SERVICES MAY
4 INCLUDE PLANNING FOR ACQUISITION OF WORKS OF ART AS REQUIRED
5 UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II). SUCH
6 APPROPRIATION MAY BE APPLIED TO THE FUNDING SPECIFIED IN
7 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).

8 (III) The requirements specified in this paragraph (a) ~~shall~~ DO not
9 apply to:

10 (A) Capital construction appropriations covered by section
11 24-48.5-313;

12 (B) Agricultural facilities where livestock are housed or
13 agricultural products are grown;

14 (C) Capital construction appropriations for controlled
15 maintenance as defined in ~~section 24-30-1301 (2)~~ SECTION 24-30-1301
16 (4);

17 (D) Any lease-purchase agreements entered into by the state
18 treasurer on behalf of the state pursuant to article 43.7 of title 22, C.R.S.;

19 (E) Any construction by the Colorado department of public health
20 and environment for cleanup and redevelopment of contaminated sites;
21 ~~and~~

22 (F) Any state appropriation for charter school capital construction
23 pursuant to part 4 of article 30.5 of title 22, C.R.S.; AND

24 (G) CAPITAL CONSTRUCTION APPROPRIATIONS FOR CAPITAL
25 RENEWAL AS DEFINED IN SECTION 24-30-1301 (3).

26 (4) The office of state planning and budgeting ~~in both the~~
27 ~~planning and review stages in the construction of state buildings and other~~

1 ~~public facilities, shall be~~ IS responsible for insuring compliance with the
2 provisions of subsection (3) of this section.

3 **SECTION 47.** In Colorado Revised Statutes, 24-75-112, **amend**
4 (1) (a) (II) as follows:

5 **24-75-112. Annual general appropriation act - headnote**
6 **definitions - general provisions - footnotes.** (1) As used in the annual
7 general appropriation act, the following definitions and general provisions
8 shall apply for the headnote terms preceding and specifying the purpose
9 of certain line items of appropriation:

10 (a) (II) "Capital outlay" does not include those things defined as
11 capital construction, ~~by section 24-75-301 (1)~~ CAPITAL RENEWAL, OR
12 CONTROLLED MAINTENANCE IN SECTION 24-30-1301 (2), (3), AND (4).

13 **SECTION 48.** In Colorado Revised Statutes, 24-75-201.1,
14 **amend** (1) (b) as follows:

15 **24-75-201.1. Restriction on state appropriations - legislative**
16 **declaration - definitions - repeal.** (1) (b) For the fiscal year 1984-85,
17 any amount of general fund revenues in excess of seven percent plus such
18 moneys as are necessary for reappraisals of any class or classes of taxable
19 property for property tax purposes as required by section 39-1-105.5,
20 C.R.S., and after retention of unrestricted general fund year-end balances
21 of one hundred million dollars, shall be placed in a special reserve fund
22 to be utilized for tax relief, for capital construction as defined in ~~section~~
23 ~~24-30-1301 (1)~~ SECTION 24-30-1301 (2), for construction, maintenance,
24 and repair of highways, for water projects, and for the cost of bringing
25 civil actions pursuant to the federal "Comprehensive Environmental
26 Response, Compensation, and Liability Act of 1980".

27 **SECTION 49.** In Colorado Revised Statutes, **amend** 24-75-301

1 as follows:

2 **24-75-301. Definitions.** As used in this part 3, unless the context
3 otherwise requires:

4 (1) "Capital construction" ~~means:~~ HAS THE SAME MEANING AS SET
5 FORTH IN SECTION 24-30-1301 (2).

6 ~~(a) Purchase of land, regardless of the value thereof;~~

7 ~~(b) Purchase, construction, or demolition of buildings or other~~
8 ~~physical facilities, including utilities and state highways or remodeling or~~
9 ~~renovation of existing buildings or other physical facilities, including~~
10 ~~utilities and state highways to make physical changes necessitated by~~
11 ~~changes in the program, to meet standards required by applicable codes,~~
12 ~~to correct other conditions hazardous to the health and safety of persons~~
13 ~~which are not covered by codes, to effect conservation of energy~~
14 ~~resources, to effect cost savings for staffing, operations, or maintenance~~
15 ~~of the facility, or to improve appearance;~~

16 ~~(c) Site improvement or development;~~

17 ~~(d) Purchase and installation of the fixed and movable equipment~~
18 ~~necessary for the operation of new, remodeled, or renovated buildings and~~
19 ~~other physical facilities and for the conduct of programs initially housed~~
20 ~~therein upon completion of the new construction, remodeling, or~~
21 ~~renovation;~~

22 ~~(e) Purchase of the services of architects, engineers, and other~~
23 ~~consultants to prepare plans, program documents, life-cycle cost studies,~~
24 ~~energy analyses, and other studies associated with any capital~~
25 ~~construction project and to supervise construction or execution of such~~
26 ~~capital construction projects;~~

27 ~~(f) Any item of instructional or scientific equipment if the cost~~

1 will exceed fifty thousand dollars.

2 ~~(g) The purchase of services from the office of information~~
3 ~~technology on the condition that the use of such services is the most cost~~
4 ~~beneficial option or falls within the duties and responsibilities of the~~
5 ~~office or the office's chief information officer as described in sections~~
6 ~~24-37.5-105 and 24-37.5-106.~~

7 ~~(2) "Prepreliminary planning" means the initial review of a~~
8 ~~proposed project, as defined in subsection (1) of this section, by the~~
9 ~~division of planning for any of the following items:~~

- 10 ~~(a) Conformance with long-range development plans;~~
- 11 ~~(b) Technical and economic feasibility of the project;~~
- 12 ~~(c) Preparation of outline plans and specifications; and~~
- 13 ~~(d) Preparation of prepreliminary cost estimates.~~

14 (2) "CAPITAL CONSTRUCTION APPROPRIATION" MEANS AN
15 APPROPRIATION IN THE CAPITAL CONSTRUCTION SECTION OF THE ANNUAL
16 GENERAL APPROPRIATIONS ACT AND MAY BE FOR CAPITAL CONSTRUCTION,
17 CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL.

18 (3) "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN
19 SECTION 24-30-1301 (3).

20 (4) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET
21 FORTH IN SECTION 24-30-1301 (4), INCLUDING THE LIMITATIONS SPECIFIED
22 IN SECTION 24-30-1303.9.

23 (5) "STATE AGENCY" HAS THE SAME MEANING AS SET FORTH IN
24 SECTION 24-30-1301 (17).

25 (6) "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME
26 MEANING AS SET FORTH IN SECTION 24-30-1301 (18).

27 **SECTION 50.** In Colorado Revised Statutes, 24-75-302, **amend**

1 (1), (3.2), and (3.5); and **repeal** (3) as follows:

2 **24-75-302. Capital construction fund - capital assessment fees**

3 **- calculation.** (1) (a) There is hereby created the capital construction
4 fund. ~~to which shall be allocated such revenues as~~ THE FUND CONSISTS OF
5 MONEYS TRANSFERRED TO THE FUND BY the general assembly. ~~may from~~
6 ~~time to time determine.~~ Moneys in the capital construction fund may be
7 appropriated for capital construction, ~~as defined in section 24-75-301 (1),~~
8 ~~including the remodeling or renovation of existing buildings or other~~
9 ~~physical facilities designated as~~ CAPITAL RENEWAL, controlled
10 maintenance, ~~projects in the general appropriation act~~ OR STATE HIGHWAY
11 RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS AS REQUESTED
12 PURSUANT TO SECTION 43-1-113 (2.5), C.R.S.; except that any moneys
13 transferred to the capital construction fund for state highway
14 reconstruction, repair, and maintenance projects may only be appropriated
15 for such projects. The appropriation for ~~such~~ projects ~~shall~~ MUST be set
16 forth in a single line item as a total sum. All unappropriated balances in
17 ~~said~~ THE fund at the close of any fiscal year ~~shall~~ MUST remain ~~therein~~ IN
18 THE FUND and MAY not revert to the general fund. All ~~moneys~~
19 unexpended or ~~not encumbered~~ UNENCUMBERED MONEYS from ~~the~~ A
20 capital construction fund appropriation to ~~each department~~ A STATE
21 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION for any fiscal year
22 ~~shall revert~~ REVERTS to the capital construction fund at the end of the
23 period for which ~~such~~ THE moneys are appropriated. Except as provided
24 in sections 2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S., no portion of
25 the unexpended balance of a ~~department's~~ STATE AGENCY'S OR STATE
26 INSTITUTION OF HIGHER EDUCATION'S capital construction fund
27 appropriation may be used by ~~such department~~ THE STATE AGENCY OR

1 THE STATE INSTITUTION OF HIGHER EDUCATION for any additional projects
2 ~~which~~ THAT are beyond the scope or design of the original project without
3 further approval by the ~~general assembly~~ CAPITAL DEVELOPMENT
4 COMMITTEE of such additional project. Anticipation warrants may be
5 issued against the revenues of the fund as provided by law. Except as
6 provided in subsection (7) of this section, all interest earned from the
7 investment of moneys in ~~said~~ THE CAPITAL CONSTRUCTION fund ~~shall~~
8 MUST remain in ~~said~~ THE fund and become a part thereof.

9 (b) The unrestricted year-end balance of the capital construction
10 fund ~~created pursuant to paragraph (a) of this subsection (1), for the~~
11 1991-92 fiscal year ~~shall constitute~~ CONSTITUTES a reserve, as defined in
12 section 24-77-102 (12), and, for purposes of section 24-77-103:

13 (I) Any moneys credited to the capital construction fund in any
14 subsequent fiscal year ~~shall~~ MUST be included in state fiscal year
15 spending, as defined in section 24-77-102 (17), for such fiscal year; and

16 (II) Any transfers or expenditures from the capital construction
17 fund in any subsequent fiscal year ~~shall~~ MAY not be included in state
18 fiscal year spending, as defined in section 24-77-102 (17), for such fiscal
19 year.

20 (3) ~~There is hereby created a special account within the capital~~
21 ~~construction fund established pursuant to subsection (1) of this section to~~
22 ~~be known as the "debt service repayment account". All net lottery~~
23 ~~proceeds distributed pursuant to section 33-60-103 (1) (c), C.R.S., by the~~
24 ~~state treasurer beginning with the fourth quarter of the 1992-93 fiscal year~~
25 ~~through the fourth quarter of the 1997-98 fiscal year shall be deposited in~~
26 ~~such account and expended in accordance with the terms specified in the~~
27 ~~documents originating the obligations set forth in section 33-60-103,~~

1 ~~C.R.S., or, if refunded, according to the terms of the documents~~
2 ~~originating such refunded obligations. All moneys unexpended or~~
3 ~~unencumbered in any fiscal year shall remain in the account. All interest~~
4 ~~earned from the investment of moneys in said account shall revert to the~~
5 ~~general fund.~~

6 (3.2) There is hereby created a special account within the capital
7 construction fund established pursuant to subsection (1) of this section to
8 be known as the emergency controlled maintenance account. The account
9 ~~shall consist~~ CONSISTS of any moneys appropriated to the account by the
10 general assembly. The moneys in the account ~~shall be~~ ARE subject to
11 annual appropriation and ~~shall~~ MAY be used only to fund any unplanned
12 and immediate controlled maintenance needs pursuant to section
13 24-30-1303.9 (5). All moneys unexpended or unencumbered in any fiscal
14 year ~~shall~~ MUST remain in the account.

15 (3.5) There is hereby created a special account within the capital
16 construction fund established pursuant to subsection (1) of this section to
17 be known as the "lease-purchase servicing account" for the benefit of the
18 department of personnel. The state treasurer shall deposit into the
19 lease-purchase servicing account all moneys transferred or received
20 pursuant to section 24-82-802 (9). Moneys in the lease-purchase servicing
21 account ~~shall be~~ ARE subject to annual appropriation and ~~shall~~ MAY only
22 be used to pay annual lease-purchase payments, as defined in section
23 24-82-802 (1) (a), for lease-purchase agreements authorized pursuant to
24 section 24-82-802 or for operating, maintenance, and controlled
25 maintenance costs and to establish a reserve for controlled maintenance
26 costs for the buildings subject to the lease-purchase agreements. All
27 interest and income derived from the investment and deposit of moneys

1 in the account shall be credited to the account. All moneys remaining in
2 the account at the end of a fiscal year that are unexpended or
3 unencumbered shall MUST remain in the account.

4 **SECTION 51.** In Colorado Revised Statutes, 24-75-302.5,
5 **amend** (1), (2) (c), and (2) (d) as follows:

6 **24-75-302.5. Controlled maintenance - trust fund - legislative**
7 **declaration.** (1) In light of the fluctuating amounts of state revenues
8 ~~which~~ THAT have been available for controlled maintenance purposes in
9 the past, the general assembly hereby finds and declares that a stable,
10 predictable, and consistent source of revenues for controlled maintenance
11 projects will better allow the state to fund such projects on a timely basis
12 and avoid higher replacement costs. In order to provide a consistent
13 source of revenues, the general assembly hereby further finds and
14 declares that it is appropriate to create a trust fund which will generate an
15 annual amount of interest which will be dedicated to controlled
16 maintenance.

17 (2) (c) Beginning with the 1996-97 fiscal year, the interest earned
18 on the principal of the trust fund balance may be appropriated for
19 controlled maintenance, as defined in ~~section 24-30-1301 (2)~~ SECTION
20 24-30-1301 (4), as follows: Up to fifty percent of the amount of interest
21 expected to be earned on the principal of the trust fund during the current
22 fiscal year as estimated by the state treasurer and the amount of interest
23 actually earned on the principal of the trust fund during the previous fiscal
24 year as certified by the state treasurer, not to exceed a maximum of
25 thirty-five million dollars in any fiscal year.

26 (d) The principal of the trust fund and any unappropriated interest
27 earned on the principal of the trust fund at the close of any fiscal year

1 ~~shall~~ MUST remain ~~therein~~ IN THE TRUST FUND and ~~shall~~ MAY not revert
2 to the general fund.

3 **SECTION 52.** In Colorado Revised Statutes, **amend** 24-75-303
4 as follows:

5 **24-75-303. Appropriation for capital construction.** (1) The
6 general assembly shall ~~appropriate for capital construction~~ MAKE A
7 CAPITAL CONSTRUCTION APPROPRIATION in such form, in such amounts,
8 and from such funds as it deems necessary and may appropriate either for
9 construction or for planning of any project.

10 (2) No CAPITAL CONSTRUCTION appropriation ~~for capital~~
11 ~~construction shall~~ MAY be made to or expended by any ~~department,~~
12 ~~agency, or institution of the state which~~ AGENCY OR STATE INSTITUTION
13 OF HIGHER EDUCATION THAT has not complied with the requirements of
14 section 24-30-1303.5, with respect to preparation and maintenance of a
15 state inventory of real property. ~~and improvements and other capital~~
16 ~~assets.~~

17 (2.5) No CAPITAL CONSTRUCTION appropriation ~~for capital~~
18 ~~construction shall~~ MAY be made to or expended by any ~~department,~~
19 ~~agency, or institution of the state~~ AGENCY OR STATE INSTITUTION OF
20 HIGHER EDUCATION that has not received approval of a facility
21 management plan for a vacant facility controlled by the state ~~department,~~
22 ~~agency or~~ STATE institution OF HIGHER EDUCATION pursuant to section
23 24-30-1303.5, unless the capital development committee exempts the
24 state ~~department,~~ agency or STATE institution OF HIGHER EDUCATION from
25 the provisions of section 24-30-1303.5 (3.5) (f).

26 (3) (a) A capital construction project for a ~~state-supported~~ STATE
27 institution of higher education that is estimated to require total

1 expenditures exceeding two million dollars ~~may not be~~ PAID FROM CASH
2 FUNDS OR OTHER NONSTATE MONEYS HELD BY THE INSTITUTION MUST BE
3 commenced ~~unless~~: PURSUANT TO SECTION 23-1-106, C.R.S.

4 ~~(I) The project:~~

5 ~~(A) Is to be constructed solely from cash funds held by the~~
6 ~~institution;~~

7 ~~(B) Is to be constructed in whole or in part using moneys subject~~
8 ~~to the higher education revenue bond intercept program established~~
9 ~~pursuant to section 23-5-139, C.R.S.; and~~

10 ~~(C) Has been approved by the Colorado commission on higher~~
11 ~~education pursuant to section 23-1-106 (10), C.R.S.; or~~

12 ~~(H) (A) The plan for the project was contained in the most recent~~
13 ~~unified, two-year capital improvements projection provided pursuant to~~
14 ~~section 23-1-106 (6) (b), C.R.S., as the projection may be amended from~~
15 ~~time to time;~~

16 ~~(B) The project has been approved by the governing board of the~~
17 ~~institution; and~~

18 ~~(C) The project is to be constructed, operated, and maintained~~
19 ~~solely from cash funds held by the institution, or the project is an~~
20 ~~academic building and is to be constructed solely from cash funds held by~~
21 ~~the institution, but may be operated or maintained using cash funds or~~
22 ~~state moneys appropriated for such purposes, or both.~~

23 ~~(b) This subsection (3) shall not apply to any capital construction~~
24 ~~project of a state-supported institution of higher education that requires~~
25 ~~an appropriation of state moneys from the capital construction fund~~
26 ~~created in section 24-75-302 (1).~~

27 (3.5) If a capital construction project for a ~~state-supported~~ STATE

1 institution of higher education is to be completed using a combination of
2 capital construction appropriations pursuant to this section and cash funds
3 or other nonstate moneys held by the institution, the institution may, at
4 any time prior to or after receiving the cash funds or other nonstate
5 moneys, earn the moneys appropriated from the state capital construction
6 fund. For any project funded in part by capital construction appropriations
7 pursuant to this section, if there are cash funds or other nonstate moneys
8 remaining after the project is completed, the institution shall refund
9 moneys to the state capital construction fund in proportion to the amount
10 of state capital construction moneys appropriated for the project.

11 (4) All contracts required as the result of a capital construction
12 appropriation shall be entered into in accordance with section 24-30-1404
13 (7).

14 **SECTION 53.** In Colorado Revised Statutes, **amend** 24-75-304
15 as follows:

16 **24-75-304. Legislative declaration.** It is declared to be the intent
17 of the general assembly in the passage of ~~sections 24-75-304 to~~
18 ~~24-75-306~~, THIS SECTION AND SECTION 24-75-305 to provide for orderly
19 management of state funds and, as fiscal procedures may require, to
20 temporarily augment the general revenue funds of the state in order to
21 insure prompt payment of all warrants drawn against said general revenue
22 funds pursuant to law.

23 **SECTION 54.** In Colorado Revised Statutes, **repeal** 24-75-306
24 as follows:

25 **24-75-306. Federal revenue sharing trust fund.** ~~(1) There is~~
26 ~~hereby created in the office of the state treasurer the federal revenue~~
27 ~~sharing trust fund. All moneys received by this state from the general and~~

1 ~~special revenue programs of the federal government and the interest~~
2 ~~thereon shall be deposited to said fund. All funds and the interest thereon~~
3 ~~presently held by the state treasurer in the account known as the "federal~~
4 ~~revenue sharing trust fund" shall be transferred to the federal revenue~~
5 ~~sharing trust fund.~~

6 ~~(2) The general assembly may make appropriations out of said~~
7 ~~fund. Any amounts so appropriated shall be transferred by the state~~
8 ~~treasurer and the controller to the expending agency. All unappropriated~~
9 ~~balances in said fund at the close of any fiscal year shall remain therein~~
10 ~~and shall not revert to the general fund.~~

11 **SECTION 55.** In Colorado Revised Statutes, 24-82-101, **amend**
12 (3) (f) (XVII) as follows:

13 **24-82-101. Control of legislative space in the capitol, the**
14 **legislative services building, and the state office building at 1525**
15 **Sherman street - responsibility of department of personnel for**
16 **supervision of maintenance in capitol buildings group - exception -**
17 **capitol complex master plan.** (3) (f) For purposes of this subsection (3),
18 the "capitol complex" includes the following buildings, facilities, and
19 surface parking lots:

20 (XVII) Any other buildings, facilities, and surface parking lots
21 BELONGING TO THE CAPITOL COMPLEX acquired after May 28, 2013.

22 **SECTION 56.** In Colorado Revised Statutes, 24-82-102, **amend**
23 (2) (a) as follows:

24 **24-82-102. State authorized to acquire property - disposition.**
25 (2) (a) ~~Said~~ THE executive director OF THE DEPARTMENT OF PERSONNEL,
26 with the approval of the governor, may rent or lease any ~~such~~ REAL
27 property not presently needed for state use and, under any such lease, with

1 specific legislative authorization, may authorize the construction by the
2 lessee on such property of any improvement which may be suitable for
3 state use upon the termination of the lease, which improvement ~~shall~~
4 ~~become~~ BECOMES the property of the state upon such termination at no
5 additional cost to the state unless such costs are paid from funds
6 appropriated by the general assembly or donated to the state for the
7 purpose.

8 **SECTION 57.** In Colorado Revised Statutes, 24-91-102, **add**
9 (1.5) as follows:

10 **24-91-102. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (1.5) "CONSTRUCTION" INCLUDES THE TERMS CAPITAL
13 CONSTRUCTION, CAPITAL RENEWAL, AND CONTROLLED MAINTENANCE AS
14 DEFINED IN SECTION 24-30-1301.

15 **SECTION 58.** In Colorado Revised Statutes, 24-91-103, **amend**
16 (1) (a) as follows:

17 **24-91-103. Public entity - contracts - partial payments.**

18 (1) (a) A public entity awarding a contract exceeding one hundred fifty
19 thousand dollars for the construction, alteration, or repair of any highway,
20 public building, public work, or public improvement, structure, or system,
21 INCLUDING REAL PROPERTY AS DEFINED IN SECTION 24-30-1301 (15), shall
22 authorize partial payments of the amount due under such contract at the
23 end of each calendar month, or as soon thereafter as practicable, to the
24 contractor, if the contractor is satisfactorily performing the contract. The
25 public entity shall pay at least ninety-five percent of the calculated value
26 of completed work. The withheld percentage of the contract price of any
27 contracted work, improvement, or construction may be retained until the

1 contract is completed satisfactorily and finally accepted by the public
2 entity.

3 **SECTION 59.** In Colorado Revised Statutes, 24-91-103.5,
4 **amend** (1) (b) as follows:

5 **24-91-103.5. Public entity - contracts - delay clauses -**
6 **definition.** (1) (b) As used in this subsection (1), "public works contract"
7 means a contract of the state, county, city and county, city, town, school
8 district, special district, or any other political subdivision of the state for
9 the construction, alteration, repair, or maintenance of any building,
10 structure, highway, bridge, viaduct, pipeline, public works, REAL
11 PROPERTY AS DEFINED IN SECTION 24-30-1301 (15), or any other work
12 dealing with construction, which ~~shall include~~ INCLUDES, but need not be
13 limited to, moving, demolition, or excavation performed in conjunction
14 with such work.

15 **SECTION 60.** In Colorado Revised Statutes, 24-92-102, **amend**
16 (2) as follows:

17 **24-92-102. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (2) "Construction contract" or "contract" means any agreement for
20 building, altering, repairing, improving, or demolishing any public project
21 of any kind. For the purposes of this article, the terms include capital
22 construction, CAPITAL RENEWAL, and controlled maintenance, as defined
23 in section 24-30-1301.

24 **SECTION 61.** In Colorado Revised Statutes, 24-92-104, **amend**
25 (1) introductory portion as follows:

26 **24-92-104. Exemptions - applicability.** (1) The provisions of
27 ~~section 24-92-103 shall~~ SECTIONS 24-92-103 AND 24-92-103.5 DO not

1 apply to:

2 **SECTION 62.** In Colorado Revised Statutes, 24-93-103, **amend**
3 (2) as follows:

4 **24-93-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (2) "Contract" means any agreement for designing, building,
7 altering, repairing, improving, demolishing, operating, maintaining, or
8 financing a public project. For purposes of this article, "contract" includes
9 capital construction as defined in ~~section 24-30-1301 (1)~~ SECTION
10 24-30-1301 (2).

11 **SECTION 63.** In Colorado Revised Statutes, 24-103-210, **amend**
12 (1) as follows:

13 **24-103-210. Use of foreign-produced goods - iron, steel, and**
14 **related manufactured products - disclosure - report - definitions.**

15 (1) The contractor for any public works project that is funded by a state
16 agency as defined in ~~section 24-30-1301 (12)~~ SECTION 24-30-1301 (17)
17 OR BY A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN
18 SECTION 24-30-1301 (18), that does not receive any federal moneys, and
19 that costs more than five hundred thousand dollars shall, upon completion
20 of the project, make a good faith effort to disclose to the department of
21 personnel the five most costly goods incorporated into the project,
22 including iron, steel, or related manufactured goods; except that, for
23 public projects under the supervision of the department of transportation,
24 the contractor shall disclose such information to the department of
25 transportation.

26 **SECTION 64.** In Colorado Revised Statutes, 24-105-202, **amend**
27 (1) introductory portion as follows:

1 **24-105-202. Contract performance and payment bonds.**

2 (1) When a construction contract is awarded in excess of one hundred
3 FIFTY thousand dollars, the following bonds or security shall be delivered
4 to the state and shall become binding on the parties upon the execution of
5 the contract:

6 **SECTION 65.** In Colorado Revised Statutes, 38-26-106, **amend**
7 (1) as follows:

8 **38-26-106. Contractor executes bond.** (1) A contractor who is
9 awarded a contract for more than fifty thousand dollars for the
10 construction, erection, repair, maintenance, or improvement of any
11 building, road, bridge, viaduct, tunnel, excavation, or other public works
12 for any county, city and county, municipality, school district, or other
13 political subdivision of the state, and a contractor who is awarded a
14 contract for more than one hundred FIFTY thousand dollars for the
15 construction, erection, repair, maintenance, or improvement of any
16 building, road, bridge, viaduct, tunnel, excavation, or other public works
17 for this state, before entering upon the performance of any such work
18 included in the contract, shall duly execute, deliver to, and file with the
19 board, officer, body, or person by whom the contract was awarded a good
20 and sufficient bond or other acceptable surety approved by the contracting
21 board, officer, body, or person, in a penal sum not less than one-half of
22 the total amount payable under the terms of the contract; except that, for
23 a public works contract having a total value of five hundred million
24 dollars or more, a bond or other acceptable surety, including but not
25 limited to a letter of credit, may be issued in a penal sum not less than
26 one-half of the maximum amount payable under the terms of the contract
27 in any calendar year in which the contract is performed. The contracting

1 board, office, body, or person shall ensure that the contract requires that
2 a bond or other acceptable surety, including but not limited to a letter of
3 credit, be filed and current for the duration of the contract.

4 **SECTION 66.** In Colorado Revised Statutes, 38-26-107, **amend**
5 (1) as follows:

6 **38-26-107. Supplier may file statement - notice - withholding**
7 **funds.** (1) Any person, as defined in section 2-4-401 (8), C.R.S., that has
8 furnished labor, materials, sustenance, or other supplies used or consumed
9 by a contractor or his or her subcontractor in or about the performance of
10 the work contracted to be done or that supplies laborers, rental machinery,
11 tools, or equipment to the extent used in the prosecution of the work
12 whose claim therefor has not been paid by the contractor or the
13 subcontractor may, at any time up to and including the time of final
14 settlement for the work contracted to be done, file with the board, officer,
15 person, or other contracting body by whom the contract was awarded a
16 verified statement of the amount due and unpaid on account of the claim.
17 If the amount of the contract awarded to the contractor exceeds ONE
18 HUNDRED fifty thousand dollars, the board, officer, person, or other
19 contracting body by whom the contract was awarded shall, no later than
20 ten days before the final settlement is made, publish a notice of the final
21 settlement at least twice in a newspaper of general circulation in any
22 county where the work was contracted for or performed or in an
23 electronic medium approved by the executive director of the department
24 of personnel. It is unlawful for any person to divide a public works
25 contract into two or more separate contracts for the sole purpose of
26 evading or attempting to evade the requirements of this subsection (1).

27 **SECTION 67.** In Colorado Revised Statutes, 43-1-113, **amend**

1 (2.5) as follows:

2 **43-1-113. Funds - budgets - fiscal year - reports and**
3 **publications.** (2.5) Annually on or before October 1, the commission
4 shall submit a ~~capital construction~~ request for state highway
5 reconstruction, repair, or maintenance projects to the capital development
6 committee to be funded from money transferred to the capital
7 construction fund pursuant to section 24-75-302 (2), C.R.S. Such request
8 ~~shall~~ MUST be made in accordance with section 2-3-1304 (1) (a.5), C.R.S.

9 **SECTION 68.** In Colorado Revised Statutes, **repeal**
10 24-30-1303.1 and 24-30-1305 (9).

11 **SECTION 69. Applicability.** Section 38 of this act amending
12 section 24-30-1403 (1) and (2) (a), Colorado Revised Statutes, section 64
13 of this act amending the introductory portion to subsection (1) of section
14 24-105-202, Colorado Revised Statutes, section 65 of this act amending
15 section 38-26-106 (1), Colorado Revised Statutes, and section 66 of this
16 act amending section 38-26-107 (1), Colorado Revised Statutes, apply to
17 contracts entered into on or after the effective date of this act.

18 **SECTION 70. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.