

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0324.01 Esther van Mourik x4215

HOUSE BILL 12-1011

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HOUSE SPONSORSHIP

**Brown**, Sonnenberg, Vigil

SENATE SPONSORSHIP

**Bacon**, Renfroe, Schwartz

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**House Committees**  
Finance

**Senate Committees**

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A BILL FOR AN ACT

101      **CONCERNING THE CODIFICATION OF THE FIFTEEN-YEAR RULE FOR**  
102            **CONTROLLED MAINTENANCE FUNDING ELIGIBILITY FOR STATE**  
103            **FACILITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Capital Development Committee.** The bill codifies the 15-year rule for requesting controlled maintenance funding for:

!      Any new construction of, addition to, renovation of, or corrective repair or replacement of any state-owned,

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.*

general-funded building or other physical facility; and  
! Any acquisition of a state-owned, general-funded building  
or other physical facility.

If a state agency or state institution of higher education requires a waiver of these eligibility requirements, the state agency or state institution of higher education must submit in writing a justification of special consideration to the state architect, and the capital development committee must approve the justification.

The bill allows the state architect to use moneys in the newly created emergency controlled maintenance account for emergency controlled maintenance funding when the need for such funding is communicated in writing to the state architect by a state agency or state institution of higher education. The state architect must annually provide a status report to the capital development committee that shows spending for emergency controlled maintenance projects from that account.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-30-1303.9 as  
3 follows:

4 **24-30-1303.9. Fifteen-year eligibility requirement for state**  
5 **controlled maintenance funding - legislative declaration.** (1) THE  
6 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A  
7 FIFTEEN-YEAR ELIGIBILITY RULE FOR CONTROLLED MAINTENANCE  
8 FUNDING FOR STATE-OWNED, GENERAL-FUNDED BUILDINGS OR OTHER  
9 PHYSICAL FACILITIES HAS BEEN COMMONLY APPLIED SINCE THE 2002-03  
10 STATE FISCAL YEAR. THIS SECTION CODIFIES THE FIFTEEN-YEAR RULE INTO  
11 LAW AND IS INTENDED TO BE APPLIED TO ALL ELIGIBLE BUILDINGS OR  
12 PHYSICAL FACILITIES IN THE STATE'S INVENTORY.

13 (2) (a) THE ELIGIBILITY FOR CONTROLLED MAINTENANCE FUNDING  
14 FOR ANY NEW CONSTRUCTION, RENOVATION, OR CORRECTIVE REPAIR OR  
15 REPLACEMENT OF ANY STATE-OWNED, GENERAL-FUNDED BUILDING OR  
16 OTHER PHYSICAL FACILITY IS AS FOLLOWS:

17 (I) ANY NEW STATE-OWNED, GENERAL-FUNDED BUILDING OR

1 OTHER PHYSICAL FACILITY FUNDED THROUGH A CAPITAL CONSTRUCTION  
2 APPROPRIATION IS ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING  
3 WHEN A MINIMUM OF FIFTEEN YEARS HAS ELAPSED FROM THE DATE OF  
4 SUBSTANTIAL COMPLETION OF THE CAPITAL CONSTRUCTION PROJECT.

5 (II) ANY NEW ADDITION TO AN EXISTING STATE-OWNED,  
6 GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY FUNDED  
7 THROUGH A CAPITAL CONSTRUCTION APPROPRIATION IS ELIGIBLE FOR  
8 CONTROLLED MAINTENANCE FUNDING FOR ANY PORTION OF THE NEW  
9 ADDITION WHEN A MINIMUM OF FIFTEEN YEARS HAS ELAPSED FROM THE  
10 DATE OF SUBSTANTIAL COMPLETION OF THE CAPITAL CONSTRUCTION  
11 PROJECT FOR THE NEW ADDITION.

12 (III) A PARTIAL OR TOTAL RENOVATION OF AN EXISTING  
13 STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY  
14 FUNDED THROUGH A CAPITAL CONSTRUCTION APPROPRIATION IS ELIGIBLE  
15 FOR CONTROLLED MAINTENANCE FUNDING FOR ANY PORTION OF THE  
16 RENOVATION WHEN A MINIMUM OF FIFTEEN YEARS HAS ELAPSED FROM THE  
17 DATE OF SUBSTANTIAL COMPLETION OF THE CAPITAL CONSTRUCTION  
18 PROJECT FOR THE RENOVATION.

19 (IV) ANY CORRECTIVE REPAIRS OR REPLACEMENTS MADE TO AN  
20 EXISTING STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL  
21 FACILITY FUNDED THROUGH A CAPITAL CONSTRUCTION APPROPRIATION IS  
22 ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING FOR ANY PORTION OF  
23 THE CORRECTIVE REPAIR OR REPLACEMENT PROJECT WHEN A MINIMUM OF  
24 FIFTEEN YEARS HAS ELAPSED FROM THE DATE OF SUBSTANTIAL  
25 COMPLETION OF THE CAPITAL CONSTRUCTION PROJECT FOR THE  
26 CORRECTIVE REPAIR OR REPLACEMENT.

27 (b) THE OFFICE OF THE STATE ARCHITECT SHALL DETERMINE THE

1 DATE OF SUBSTANTIAL COMPLETION OF A CAPITAL CONSTRUCTION  
2 PROJECT.

3 (3) UNLESS SPECIFICALLY EXEMPTED BY LAW, THE ELIGIBILITY FOR  
4 CONTROLLED MAINTENANCE FUNDING FOR ANY ACQUISITION OF A  
5 STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY  
6 IS AS FOLLOWS:

7 (a) ANY STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER  
8 PHYSICAL FACILITY ACQUIRED THROUGH A CAPITAL CONSTRUCTION  
9 APPROPRIATION IS ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING  
10 WHEN A MINIMUM OF FIFTEEN YEARS HAS ELAPSED FROM THE DATE THE  
11 STATE TOOK TITLE TO THE PROPERTY. THE STATE AGENCY OR STATE  
12 INSTITUTION OF HIGHER EDUCATION SHALL REVIEW THE CONDITION OF THE  
13 BUILDING OR OTHER PHYSICAL FACILITY AND SHALL SUBMIT A CONDITION  
14 ASSESSMENT TO THE OFFICE OF THE STATE ARCHITECT PRIOR TO THE  
15 ACQUISITION. A PLAN TO FUND ALL COSTS REQUIRED FOR CORRECTIVE  
16 REPAIRS OR REPLACEMENT SHALL BE DETERMINED AND FACTORED INTO  
17 THE ACQUISITION.

18 (b) ANY STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER  
19 PHYSICAL FACILITY ACQUIRED THROUGH ANY MEANS OTHER THAN A  
20 CAPITAL CONSTRUCTION APPROPRIATION IS ELIGIBLE FOR CONTROLLED  
21 MAINTENANCE FUNDING WHEN A MINIMUM OF FIFTEEN YEARS HAS  
22 ELAPSED FROM THE DATE THE STATE TOOK TITLE TO THE PROPERTY. THE  
23 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION SHALL  
24 REVIEW THE CONDITION OF THE BUILDING OR OTHER PHYSICAL FACILITY  
25 AND SHALL SUBMIT A CONDITION ASSESSMENT TO THE OFFICE OF THE  
26 STATE ARCHITECT PRIOR TO THE ACQUISITION. A PLAN TO FUND ALL COSTS  
27 REQUIRED FOR CORRECTIVE REPAIRS OR REPLACEMENT SHALL BE

1 DETERMINED AND FACTORED INTO THE ACQUISITION.

2 (4) ANY STATE AGENCY OR STATE INSTITUTION OF HIGHER  
3 EDUCATION WITH A STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER  
4 PHYSICAL FACILITY THAT MAY REQUIRE SPECIAL CONSIDERATION FOR A  
5 WAIVER OF THE ELIGIBILITY REQUIREMENTS SPECIFIED IN THIS SECTION  
6 SHALL SUBMIT IN WRITING A JUSTIFICATION TO THE STATE ARCHITECT.  
7 UPON RECEIPT OF SUCH A WRITTEN JUSTIFICATION, THE STATE ARCHITECT  
8 SHALL REVIEW THE NEED FOR SPECIAL CONSIDERATION AND, IF HE OR SHE  
9 DETERMINES THAT SPECIAL CONSIDERATION IS APPROPRIATE, SHALL SEEK  
10 APPROVAL FROM THE CAPITAL DEVELOPMENT COMMITTEE. THE STATE  
11 ARCHITECT SHALL COMMUNICATE THE CAPITAL DEVELOPMENT  
12 COMMITTEE'S DECISION TO THE STATE AGENCY OR STATE INSTITUTION OF  
13 HIGHER EDUCATION. IF APPROVAL IS GRANTED, THE STATE AGENCY OR  
14 STATE INSTITUTION OF HIGHER EDUCATION WILL BE ELIGIBLE TO REQUEST  
15 CONTROLLED MAINTENANCE FUNDING IN THE SUBSEQUENT STATE FISCAL  
16 YEAR.

17 (5) NOTWITHSTANDING THE ELIGIBILITY REQUIREMENTS SPECIFIED  
18 IN THIS SECTION, IF A NEED ARISES FOR EMERGENCY CONTROLLED  
19 MAINTENANCE FUNDING, THE STATE AGENCY OR STATE INSTITUTION OF  
20 HIGHER EDUCATION SHALL COMMUNICATE SUCH NEED TO THE STATE  
21 ARCHITECT IN WRITING, AND THE STATE ARCHITECT, IN HIS OR HER  
22 DISCRETION, MAY USE MONEYS IN THE EMERGENCY CONTROLLED  
23 MAINTENANCE ACCOUNT CREATED IN SECTION 24-75-302 (3.2) TO FUND  
24 SUCH EMERGENCY CONTROLLED MAINTENANCE NEED. THE STATE  
25 ARCHITECT SHALL ANNUALLY PROVIDE AN EMERGENCY CONTROLLED  
26 MAINTENANCE FUNDING STATUS REPORT TO THE CAPITAL DEVELOPMENT  
27 COMMITTEE THAT SHOWS SPENDING FOR EMERGENCY CONTROLLED

1 MAINTENANCE PROJECTS FROM THE EMERGENCY CONTROLLED  
2 MAINTENANCE ACCOUNT.

3 **SECTION 2.** In Colorado Revised Statutes, 24-75-302, **add** (3.2)  
4 as follows:

5 **24-75-302. Capital construction fund - capital assessment fees**  
6 **- calculation.** (3.2) THERE IS HEREBY CREATED A SPECIAL ACCOUNT  
7 WITHIN THE CAPITAL CONSTRUCTION FUND ESTABLISHED PURSUANT TO  
8 SUBSECTION (1) OF THIS SECTION TO BE KNOWN AS THE "EMERGENCY  
9 CONTROLLED MAINTENANCE ACCOUNT". THE ACCOUNT SHALL CONSIST OF  
10 ANY MONEYS APPROPRIATED TO THE ACCOUNT BY THE GENERAL  
11 ASSEMBLY. THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL  
12 APPROPRIATION AND SHALL BE USED ONLY TO FUND ANY UNPLANNED AND  
13 IMMEDIATE CONTROLLED MAINTENANCE NEEDS. ALL MONEYS  
14 UNEXPENDED OR UNENCUMBERED IN ANY FISCAL YEAR SHALL REMAIN IN  
15 THE ACCOUNT.

16 **SECTION 3. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly (August  
19 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within such period, then the act, item, section, or part will not take effect  
23 unless approved by the people at the general election to be held in  
24 November 2012 and, in such case, will take effect on the date of the  
25 official declaration of the vote thereon by the governor.