

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-30-1301
21 as follows:

22 **24-30-1301. Definitions.** As used in this part 13, unless the
23 context otherwise requires:

24 (1) "CAPITAL ASSET" MEANS:

25 (a) REAL PROPERTY;

26 (b) INFORMATION TECHNOLOGY;

27 (c) FIXED EQUIPMENT;

1 (d) MOVABLE EQUIPMENT; OR

2 (e) INSTRUCTIONAL OR SCIENTIFIC EQUIPMENT WITH A COST THAT
3 EXCEEDS FIFTY THOUSAND DOLLARS; EXCEPT THAT "CAPITAL ASSET" DOES
4 NOT INCLUDE INSTRUCTIONAL OR SCIENTIFIC EQUIPMENT PURCHASED BY
5 A STATE INSTITUTION OF HIGHER EDUCATION IF THE INSTITUTION USES
6 MONEYS OTHER THAN THOSE APPROPRIATED PURSUANT TO SECTION
7 24-75-303.

8 (†) (2) "Capital construction" means:

9 (a) ~~Purchase of land, regardless of the value thereof~~ ACQUISITION
10 OF A CAPITAL ASSET OR DISPOSITION OF REAL PROPERTY;

11 (b) ~~Purchase, construction, or demolition of buildings or other~~
12 ~~physical facilities, including utilities, or remodeling or renovation of~~
13 ~~existing buildings or other physical facilities, including utilities, to make~~
14 ~~physical changes~~ CONSTRUCTION, DEMOLITION, REMODELING, OR
15 RENOVATION OF REAL PROPERTY necessitated by changes in the program,
16 to meet standards required by applicable codes, to correct other conditions
17 hazardous to the health and safety of persons which are not covered by
18 codes, to effect conservation of energy resources, to effect cost savings
19 for staffing, operations, or maintenance of the facility, or to improve
20 appearance;

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

22 (d) ~~Purchase and~~ Installation of the fixed ~~and~~ OR movable
23 equipment necessary for the operation of new, remodeled, or renovated
24 ~~buildings and other physical facilities and for the conduct of programs~~
25 REAL PROPERTY, IF THE FIXED OR MOVABLE EQUIPMENT IS initially housed
26 ~~therein~~ IN OR ON THE REAL PROPERTY upon completion of the new
27 construction, remodeling, or renovation;

1 (e) INSTALLATION OF THE FIXED OR MOVABLE EQUIPMENT
2 NECESSARY FOR THE CONDUCT OF PROGRAMS IN OR ON REAL PROPERTY
3 UPON COMPLETION OF THE NEW CONSTRUCTION, REMODELING, OR
4 RENOVATION;

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

10 ~~(f) Any item of instructional or scientific equipment if the cost~~
11 ~~will exceed fifty thousand dollars; except that "capital construction"~~
12 ~~includes the purchase of instructional or scientific equipment by a state~~
13 ~~institution of higher education or by the Auraria higher education center~~
14 ~~created in article 70 of title 23, C.R.S., only if the institution or the center~~
15 ~~uses moneys appropriated pursuant to section 24-75-303 to purchase the~~
16 ~~instructional or scientific equipment.~~

17 (g) INSTALLATION, DEVELOPMENT, OR UPGRADE OF INFORMATION
18 TECHNOLOGY, INCLUDING THE PURCHASE OF SERVICES FROM THE OFFICE
19 OF INFORMATION TECHNOLOGY ON THE CONDITION THAT THE USE OF SUCH
20 SERVICES IS THE MOST COST BENEFICIAL OPTION OR FALLS WITHIN THE
21 DUTIES AND RESPONSIBILITIES OF THE OFFICE OF INFORMATION
22 TECHNOLOGY OR THE OFFICE'S CHIEF INFORMATION OFFICER AS DESCRIBED
23 IN SECTIONS 24-37.5-105 AND 24-37.5-106.

24 (3) "CAPITAL RENEWAL" MEANS A CONTROLLED MAINTENANCE
25 PROJECT OF REAL PROPERTY OR MORE THAN ONE INTEGRATED
26 CONTROLLED MAINTENANCE PROJECTS OF REAL PROPERTY WITH COSTS
27 EXCEEDING TWO MILLION DOLLARS IN A FISCAL YEAR AND THAT IS MORE

1 COST EFFECTIVE OR BETTER ADDRESSED BY CORRECTIVE REPAIRS OR
2 REPLACEMENT TO THE REAL PROPERTY RATHER THAN BY LIMITED FIXED
3 EQUIPMENT REPAIR, REPLACEMENT, OR SMALLER INDIVIDUAL CONTROLLED
4 MAINTENANCE PROJECTS.

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

6 ~~(H)~~ (a) Corrective repairs or replacement, INCLUDING
7 IMPROVEMENTS FOR HEALTH, LIFE SAFETY, AND CODE REQUIREMENTS,
8 used for existing ~~state-owned, general-funded buildings and other~~
9 ~~physical facilities, including, but not limited to, utilities and site~~
10 ~~improvements, which are suitable for retention and use for at least five~~
11 ~~years~~ REAL PROPERTY; and

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

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

20 ~~(A)~~ Corrective repairs or replacement for buildings and other
21 ~~physical facilities and replacement or repair of the fixed and movable~~
22 ~~equipment necessary for the operation of physical facilities, when such~~
23 ~~work is funded in an agency's operating budget to be accomplished by the~~
24 ~~agency's physical plant staff; for the repair and replacement of fixed and~~
25 ~~movable equipment necessary for the conduct of programs (such repair~~
26 ~~and replacement is funded as capital outlay); or for rented or leased~~
27 ~~facilities or facilities constructed and maintained by self-liquidating~~

1 ~~property funds. Minor maintenance items shall not be accumulated to~~
2 ~~create a controlled maintenance project, nor shall minor maintenance~~
3 ~~work be accomplished as a part of a controlled maintenance project~~
4 ~~unless the work is directly related.~~

5 ~~(B) Any work properly categorized as capital construction or~~
6 ~~capital outlay.~~

7 ~~(b) (c) "Controlled maintenance" may include the purchase of~~
8 ~~CONTRACTING FOR the services of architects, engineers, and other~~
9 ~~consultants to investigate conditions and prepare recommendations for the~~
10 ~~correction thereof, to prepare plans and specifications, and to supervise~~
11 ~~the execution of such controlled maintenance projects as provided by~~
12 ~~THROUGH AN appropriation by the general assembly.~~

13 ~~(3) (5) "Department" means the department of personnel.~~

14 ~~(4) (6) "Economic life" means the projected or anticipated useful~~
15 ~~life of a facility REAL PROPERTY.~~

16 ~~(5) "Energy consumption analysis" means the evaluation of all~~
17 ~~energy-consuming systems and components by demand and type of~~
18 ~~energy, including the internal energy load imposed on a facility by its~~
19 ~~occupants, equipment, and components and the external energy load~~
20 ~~imposed on the facility by climatic conditions.~~

21 ~~(6) (7) "Executive director" means the executive director of the~~
22 ~~department of personnel.~~

23 ~~(7) (8) "Facility" means any public building or facility of the state~~
24 ~~but does not include highways. "Facility" also includes an academic or~~
25 ~~auxiliary facility that qualifies for controlled maintenance as specified in~~
26 ~~section 23-1-106 (10.2), C.R.S. A STATE-OWNED BUILDING OR UTILITY.~~
27 ~~"FACILITY" DOES NOT INCLUDE HIGHWAYS OR PUBLICLY ASSISTED~~

1 HOUSING PROJECTS AS DEFINED IN SECTION 24-32-718.

2 (9) "FIXED EQUIPMENT" INCLUDES, BUT IS NOT LIMITED TO,
3 MECHANICAL, ELECTRICAL, OR PLUMBING COMPONENTS BUILT INTO REAL
4 PROPERTY THAT ARE NECESSARY FOR THE OPERATION OF THE REAL
5 PROPERTY.

6 ~~(7.5) "High performance standard certification program" means~~
7 ~~a building renovation, design, and construction standard that:~~

8 ~~(a) Is quantifiable, measurable, and verifiable as certified by an~~
9 ~~independent third party;~~

10 ~~(b) Reduces the operating costs of state-assisted facilities by~~
11 ~~reducing the consumption of energy, water, and other resources;~~

12 ~~(c) Results in the recovery of the increased initial capital costs~~
13 ~~attributable to compliance with the program over a time period by~~
14 ~~reducing long-term energy, maintenance, and operating costs;~~

15 ~~(d) Improves the indoor environmental quality of state-assisted~~
16 ~~facilities for a healthier work environment;~~

17 ~~(e) Encourages the use of products harvested, created, or mined~~
18 ~~within Colorado, regardless of product certification status;~~

19 ~~(f) Protects Colorado's environment; and~~

20 ~~(g) Complies with the federal secretary of the interior's standards~~
21 ~~for the treatment of historic properties when such work will affect~~
22 ~~properties fifty years of age or older, unless the state historical society,~~
23 ~~designated in section 24-80-201, determines that such property is not of~~
24 ~~historical significance, as that term is defined in section 24-80.1-102 (6).~~

25 (10) "INFORMATION TECHNOLOGY" MEANS INFORMATION
26 TECHNOLOGY AS DEFINED IN SECTION 24-37.5-102 (2), THE MAJORITY OF
27 THE COMPONENTS OF WHICH HAVE A USEFUL LIFE OF AT LEAST FIVE YEARS

1 AND A TOTAL PROJECT COST THAT EQUALS OR EXCEEDS FIVE HUNDRED
2 THOUSAND DOLLARS; EXCEPT THAT "INFORMATION TECHNOLOGY" DOES
3 NOT INCLUDE PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE,
4 UNLESS SUCH PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE IS A
5 COMPONENT OF A LARGER COMPUTER SYSTEM UPGRADE, AND EXCEPT
6 THAT "INFORMATION TECHNOLOGY" DOES NOT INCLUDE INFORMATION
7 TECHNOLOGY PURCHASED BY A STATE INSTITUTION OF HIGHER EDUCATION
8 IF THE INSTITUTION USES MONEYS OTHER THAN THOSE APPROPRIATED
9 PURSUANT TO SECTION 24-75-303.

10 ~~(8)~~ (11) "Initial cost" means the required cost necessary to
11 construct OR RENOVATE a facility. ~~or construct or renovate a major~~
12 ~~facility.~~

13 ~~(9)~~ (12) "Life-cycle cost" means the cost alternatives, over the
14 economic life of a facility, including its initial cost, ~~the cost of the energy~~
15 ~~consumed~~, replacement costs, and the cost of operation and maintenance
16 of the facility, SUCH AS ENERGY AND WATER.

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

20 (13) "MOVABLE EQUIPMENT" MEANS:

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

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

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

1 ~~(11)~~(14) "Principal representative" means the governing board of
2 a state ~~department, institution, or~~ agency OR STATE INSTITUTION OF
3 HIGHER EDUCATION, OR THE GOVERNING BOARD'S DESIGNEE, or, if there
4 is no governing board, the executive head of a state ~~department,~~
5 ~~institution, or~~ agency OR STATE INSTITUTION OF HIGHER EDUCATION, as
6 designated by the governor or the general assembly, OR SUCH EXECUTIVE
7 HEAD'S DESIGNEE.

8 (15) (a) "REAL PROPERTY" MEANS A FACILITY, STATE-OWNED
9 GROUNDS AROUND A FACILITY, A CAMPUS OF MORE THAN ONE FACILITY
10 AND THE GROUNDS AROUND SUCH FACILITIES, STATE-OWNED FIXTURES
11 AND IMPROVEMENTS ON LAND, AND EVERY STATE-OWNED ESTATE,
12 INTEREST, PRIVILEGE, TENEMENT, EASEMENT, RIGHT-OF-WAY, AND OTHER
13 RIGHT IN LAND, LEGAL OR EQUITABLE, BUT NOT INCLUDING LEASEHOLD
14 INTERESTS.

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

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

19 (II) LAND OR ANY INTEREST THEREIN HELD BY THE DIVISION OF
20 PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION IN THE
21 DEPARTMENT OF NATURAL RESOURCES; AND

22 (III) PUBLIC LANDS OF THE STATE OR ANY INTEREST THEREIN THAT
23 ARE SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF LAND
24 COMMISSIONERS.

25 (16) "STATE" MEANS THE GOVERNMENT OF THIS STATE, EVERY
26 STATE AGENCY, AND EVERY STATE INSTITUTION OF HIGHER EDUCATION.
27 "STATE" DOES NOT INCLUDE A COUNTY, MUNICIPALITY, CITY AND COUNTY,

1 SCHOOL DISTRICT, SPECIAL DISTRICT, OR ANY OTHER KIND OF LOCAL
2 GOVERNMENT ORGANIZED PURSUANT TO LAW.

3 ~~(12)~~ (17) "State agency" means ~~this state or any department,~~
4 ~~institution, or other agency of the state, including institutions of higher~~
5 ~~education~~ ANY DEPARTMENT, COMMISSION, COUNCIL, BOARD, BUREAU,
6 COMMITTEE, OFFICE, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE
7 STATE.

8 (18) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
9 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
10 (10), C.R.S., AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN
11 ARTICLE 70 OF TITLE 23, C.R.S.

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

16 (a) "State-assisted facility" means a facility that:

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

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

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

22 and

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

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

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

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

1 ~~(HH) (Deleted by amendment, L. 2008, p. 1307, § 1, effective~~
2 ~~August 5, 2008.)~~

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

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

7 **SECTION 3.** In Colorado Revised Statutes, 24-30-1303, **amend**
8 (1) (a), (1) (b), (1) (d), (1) (i), (1) (k), (1) (l), (1) (n) (II), (1) (p), (1) (q),
9 (1) (s) (II), (1) (s) (IV), (1) (t) (I), (1) (w), (1) (z), (3) (a), and (5) as
10 follows:

11 **24-30-1303. Department of personnel - responsibilities.**

12 (1) The department shall:

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

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

23 (d) Supervise and be responsible for the expenditure of funds
24 appropriated by the general assembly for capital construction, ~~projects~~
25 ~~and~~ CAPITAL RENEWAL, AND controlled maintenance projects ~~at the~~
26 ~~institutions and agencies of the~~ FOR state AGENCIES AND STATE
27 INSTITUTIONS OF HIGHER EDUCATION;

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

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

7 (l) Develop, or cause to be developed, after consultation with the
8 office of state planning and budgeting pursuant to section 24-37-201,
9 standards for the preparation of current facilities master plans coordinated
10 with operational master plans, and facility program plans coordinated
11 with operational program plans for each state ~~institution and~~ agency,
12 except state ~~schools, colleges, and universities~~ INSTITUTIONS OF HIGHER
13 EDUCATION as provided in section 23-1-106, C.R.S., for review and
14 recommendation by the capital development committee;

15 (n) (II) Develop, or cause to be developed, methods of control on
16 a standardized basis for all state agencies AND STATE INSTITUTIONS OF
17 HIGHER EDUCATION to ensure conformity of physical planning with
18 approved building codes and of construction with approved physical
19 planning.

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

26 (q) Develop and maintain, or cause to be developed and
27 maintained, at state agencies AND STATE INSTITUTIONS OF HIGHER

1 EDUCATION approved lists of qualified contractors to bid on construction
2 projects and promulgate rules and regulations as may be necessary for
3 contractor prequalification processes for bidding on construction projects;

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

9 (IV) Promulgate, with the assistance of the attorney general and
10 the state controller, standardized contract language for agreements
11 between architects, engineers, or consultants and state agencies OR STATE
12 INSTITUTIONS OF HIGHER EDUCATION and language for construction
13 contracts between contractors or construction managers and state agencies
14 OR STATE INSTITUTIONS OF HIGHER EDUCATION;

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

18 (w) Develop and maintain, or cause to be developed and
19 maintained, life-cycle cost analysis methods for ~~state facilities and~~
20 ~~state-assisted facilities~~ REAL PROPERTY and, prior to beginning
21 construction, assure that such methods are reviewed by an independent
22 third party to ensure compliance with sections 24-30-1304 and
23 24-30-1305. The department shall review and approve specific exceptions
24 to systems selected for construction, which systems are not found to be
25 the best choice on a life-cycle basis.

26 (z) Establish minimum building codes, with the approval of the
27 governor and the general assembly after the recommendations and review

1 of the capital development committee, for all construction by state
2 agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION on ~~state-owned~~
3 REAL PROPERTY or state lease-purchased ~~properties or facilities~~
4 BUILDINGS. At the discretion of the department, said codes may apply to
5 state-leased ~~facilities~~ BUILDINGS where local building codes may not
6 exist.

7 (3) (a) All ~~buildings and facilities~~ REAL PROPERTY, except public
8 roads and highways and projects under the supervision of the division of
9 parks and wildlife, erected for state purposes shall be constructed in
10 conformity with a construction procedures manual for ~~state facilities and~~
11 ~~state-assisted facilities~~ REAL PROPERTY prepared by the department and
12 approved by the governor. Such construction shall be made only upon
13 plans, designs, and construction documents that comply with approved
14 state standards and rules promulgated pursuant to this section.

15 (5) (a) The department may delegate to state agencies OR STATE
16 INSTITUTIONS OF HIGHER EDUCATION any or all of the responsibilities and
17 functions outlined in this part 13 and the department's responsibilities and
18 functions under part 14 of this article, pursuant to rules and regulations
19 promulgated by the department, when the state agency OR STATE
20 INSTITUTION OF HIGHER EDUCATION has the professional or technical
21 capability on staff to perform such functions competently.

22 (b) The department may authorize state agencies OR STATE
23 INSTITUTIONS OF HIGHER EDUCATION to hire private construction
24 managers to supervise the capital construction, CONTROLLED
25 MAINTENANCE, OR CAPITAL RENEWAL projects. The cost of such
26 construction manager shall be paid from moneys appropriated for the
27 specific capital construction, CONTROLLED MAINTENANCE, OR CAPITAL

1 RENEWAL projects. This ~~subsection (5)(b) shall~~ PARAGRAPH (b) DOES not
2 apply to projects under the supervision of the department of
3 transportation.

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

14 (d) Upon application by any state agency OR STATE INSTITUTION
15 OF HIGHER EDUCATION that demonstrates internal expertise related to the
16 leasing and acquisition of commercial real property, the department may
17 delegate an individual employed by the state agency OR STATE
18 INSTITUTION OF HIGHER EDUCATION to act on behalf of the department in
19 the performance of the responsibilities and functions described in
20 paragraph (a) of subsection (1) of this section. The delegation authorized
21 pursuant to this paragraph (d) may include, with the consent of the
22 department, the authority to waive the use of the department-approved
23 real estate lease form or real estate lease amendment form.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-30-1303.5
25 as follows:

26 **24-30-1303.5. Department to prepare and maintain inventory**
27 **of state property - vacant facilities.** (1) The department shall obtain and

1 maintain a correct and current inventory of all real property with
2 ~~improvements thereon~~, owned by or held in trust for the state of Colorado
3 or any state ~~department~~, agency or ~~institution~~, including state institutions
4 INSTITUTION of higher education, and, in cooperation with the attorney
5 general, correct any defects in title to said real property necessary to vest
6 marketable title in the state. For purposes of this section, "real property"
7 ~~does not include land or any interest therein acquired by the department~~
8 ~~of transportation and used, or intended to be used, for right-of-way~~
9 ~~purposes, nor does "real property" include the public lands of the state~~
10 ~~which are subject to the jurisdiction of the state board of land~~
11 ~~commissioners.~~

12 (2) Such inventory ~~shall be comprised of~~ MUST INCLUDE sufficient
13 information to identify such REAL property with respect to which unit of
14 THE state ~~government~~ has control thereof, where such REAL property is
15 located, and when and from what source the REAL property was acquired,
16 including subsequent improvements. The department shall establish and
17 maintain an accurate index system which will assure that inquiries as to
18 the location and control of all such REAL property will be promptly
19 answered.

20 (3) The department shall establish procedures whereby each state
21 ~~department, agency, or institution, including each~~ AGENCY AND state
22 institution of higher education is required to report all acquisitions of real
23 property, including improvements, and all dispositions thereof to the
24 department to enable the inventory to be promptly and accurately
25 maintained with respect to such changes. The report ~~shall consist of~~ MUST
26 INCLUDE a copy of each purchase or sale agreement pertaining to the
27 acquisition or disposition of real property, including improvements, or,

1 if such agreements are not available, such other documents describing the
2 terms and conditions of the transaction as the department finds to be
3 appropriate in order to maintain the information required by subsection
4 (2) of this section. For each transaction involving the acquisition or
5 disposition of real property, the state ~~department, agency, or institution~~
6 AGENCY OR THE STATE INSTITUTION OF HIGHER EDUCATION shall also
7 provide to the department a copy of the deed pertaining to the real
8 property after the deed has been recorded.

9 (3.5) (a) With respect to all real property owned by or held in trust
10 for the state of ~~Colorado~~ or any state ~~department, agency or institution,~~
11 ~~including state institutions~~ INSTITUTION of higher education, each state
12 ~~department, agency or~~ STATE institution OF HIGHER EDUCATION shall
13 identify any vacant facility under its control. As used in this section,
14 "vacant" means:

- 15 (I) Unoccupied;
- 16 (II) Unused in whole or in part for the purposes for which the
17 improvement was designed, intended, or remodeled; or
- 18 (III) Without current defined plans by the state ~~department,~~
19 ~~agency or institution~~ STATE INSTITUTION OF HIGHER EDUCATION for the
20 next fiscal year.

21 (b) ~~For any facility that becomes vacant after July 1, 2003, the A~~
22 ~~state department, agency or institution shall be required to~~ STATE
23 INSTITUTION OF HIGHER EDUCATION MUST submit for the approval of the
24 department a facility management plan FOR ANY VACANT FACILITY
25 consistent with the procedures established by the department. The state
26 ~~department, agency or institution shall~~ STATE INSTITUTION OF HIGHER
27 EDUCATION MUST submit the facility management plan to the department

1 within thirty days after the facility becomes vacant. In addition to any
2 other information required by the department, the facility management
3 plan ~~shall~~ MUST include the following:

- 4 (I) A financial analysis of the possible uses of the facility;
- 5 (II) Any plans for the disposal of the facility through sale, lease,
6 demolition, or otherwise;
- 7 (III) If the state ~~department~~, agency or ~~institution~~ STATE
8 INSTITUTION OF HIGHER EDUCATION does not intend to dispose of the
9 facility during the next fiscal year, a plan for the proposed controlled
10 maintenance, if any, necessary to avoid the deterioration of the vacant
11 facility; and
- 12 (IV) Whether the facility has or is eligible to receive a national,
13 state, or local historic designation or listing.

14 (c) (I) For each year after the department approves a facility
15 management plan, the state ~~department~~, agency or ~~institution~~ STATE
16 INSTITUTION OF HIGHER EDUCATION shall submit an annual facility
17 management plan update consistent with the procedures established by
18 the department. The update ~~shall~~ MUST be submitted on or before
19 November 1 of the year following the approval of a facility management
20 plan and each November 1 thereafter until such time that the facility is no
21 longer vacant. In addition to any other information required by the
22 department, the update ~~shall~~ MUST identify all actions taken by the state
23 ~~department~~, agency or ~~institution~~ STATE INSTITUTION OF HIGHER
24 EDUCATION within the last year consistent with the facility management
25 plan. If based on the update or on any other information known by the
26 department, the department determines that the state ~~department~~, agency
27 or ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION has failed to

1 comply with the provisions of an approved facility management plan, the
2 department may revoke the approval of the facility management plan. If
3 the department revokes approval of the facility management plan, a state
4 ~~department, agency or institution shall be~~ STATE INSTITUTION OF HIGHER
5 EDUCATION IS required to submit a new facility management plan for the
6 vacant facility subject to the provisions of this subsection (3.5).

7 (II) In addition to any other requirements of subparagraph (I) of
8 this paragraph (c), the facility management plan update ~~shall~~ MUST
9 describe any changes proposed by the state ~~department, agency or~~
10 ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION to the facility
11 management plan. Any proposed changes to the facility management plan
12 ~~shall be~~ ARE subject to the approval of the department, and any approved
13 changes ~~shall~~ become part of the facility management plan for purposes
14 of future updates.

15 (d) Any facility management plan or update required to be
16 submitted by a state institution of higher education pursuant to this
17 subsection (3.5) ~~shall~~ MUST be submitted to the Colorado commission on
18 higher education instead of the department. The commission shall submit
19 a copy of the facility management plan or update and the commission's
20 recommendations regarding it to the department.

21 (e) Repealed.

22 (f) No state ~~department, agency or institution shall be~~ STATE
23 INSTITUTION OF HIGHER EDUCATION IS eligible for any capital construction
24 appropriations until the department approves a facility management plan
25 for all vacant facilities controlled by the state ~~department, agency or~~
26 ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION; except that the
27 capital development committee may exempt a state ~~department, agency~~

1 or ~~institution~~ STATE INSTITUTION OF HIGHER EDUCATION from the
2 provisions of this paragraph (f).

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

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

26 (5.5) The department shall cause to be developed performance
27 criteria for ~~state~~ real property. An analysis ~~shall~~ MUST be made upon

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

15 (6) The department shall prepare an annual report of the
16 acquisitions and dispositions of REAL property subject to this section and
17 make the report available to the members of the capital development
18 committee. Such report ~~shall~~ MUST include a description of ~~such~~ THE
19 REAL property and its present use and value.

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

22 **24-30-1303.9. Eligibility for state controlled maintenance**
23 **funding - legislative declaration.** (1) The office of the state architect
24 shall develop guidelines in order to establish when a ~~state-owned,~~
25 ~~general-funded building or other physical facility~~ REAL PROPERTY is
26 eligible for controlled maintenance funding, SUBJECT TO THE LIMITATIONS
27 SET FORTH IN THIS SECTION. The guidelines ~~shall~~ MUST address the timing

1 of such eligibility with respect to the dates on which acquisition,
2 construction, additions, renovations, or corrective repairs of a
3 ~~state-owned, general-funded building or other physical facility~~ REAL
4 PROPERTY occurred.

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

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

9 (I) CORRECTIVE REPAIRS OR REPLACEMENT OF REAL PROPERTY
10 AND REPLACEMENT OR REPAIR OF THE FIXED OR MOVABLE EQUIPMENT
11 NECESSARY FOR THE OPERATION OF REAL PROPERTY, WHEN SUCH WORK IS
12 FUNDED IN A STATE AGENCY'S OR STATE INSTITUTION OF HIGHER
13 EDUCATION'S OPERATING BUDGET;

14 (II) AUXILIARY FACILITIES AS DEFINED IN SECTION 23-1-106
15 (10.3), C.R.S.;

16 (III) LEASEHOLD INTERESTS IN REAL PROPERTY; OR

17 (IV) ANY WORK PROPERLY CATEGORIZED AS CAPITAL
18 CONSTRUCTION.

19 (b) MINOR MAINTENANCE ITEMS SHALL NOT BE ACCUMULATED TO
20 CREATE A CONTROLLED MAINTENANCE PROJECT, NOR SHALL MINOR
21 MAINTENANCE WORK BE ACCOMPLISHED AS A PART OF A CONTROLLED
22 MAINTENANCE PROJECT UNLESS THE WORK IS DIRECTLY RELATED TO THE
23 PROJECT.

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

27 (9) NOTWITHSTANDING THIS SECTION, CONTROLLED MAINTENANCE

1 FUNDS MAY BE USED FOR REAL PROPERTY THAT IS TRANSFERRED FROM
2 THE SAN JUAN BASIN AREA VOCATIONAL SCHOOL TO PUEBLO COMMUNITY
3 COLLEGE AS PART OF A MERGER TRANSACTION BETWEEN THE SAN JUAN
4 BASIN AREA VOCATIONAL SCHOOL AND PUEBLO COMMUNITY COLLEGE.

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

8 **SECTION 6.** In Colorado Revised Statutes, **amend 24-30-1304**
9 as follows:

10 **24-30-1304. Life-cycle cost - legislative findings and**
11 **declaration.** (1) The general assembly hereby finds:

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

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

17 (c) That the cost of the energy consumed by ~~these facilities~~ THIS
18 REAL PROPERTY over the life of the ~~facilities~~ REAL PROPERTY must be
19 considered, in addition to the initial cost of constructing such ~~facilities~~
20 REAL PROPERTY; and

21 (d) That the cost of energy is significant, and facility designs must
22 take into consideration the total life-cycle cost, including the initial
23 construction cost, the cost, over the economic life of the ~~facility~~ REAL
24 PROPERTY, of the energy consumed, replacement costs, and the cost of
25 operation and maintenance of the ~~facility~~ REAL PROPERTY, including
26 energy consumption.

27 (2) The general assembly declares that it is the policy of this state

1 to insure that energy conservation practices are employed in the design of
2 state-owned ~~and state-assisted facilities~~ REAL PROPERTY. To this end the
3 general assembly requires all state agencies AND STATE INSTITUTIONS OF
4 HIGHER EDUCATION to analyze the life-cycle cost of ~~each facility~~ ALL
5 REAL PROPERTY constructed ~~or each major facility constructed~~ or
6 renovated, over its economic life, in addition to the initial construction or
7 renovation cost.

8 **SECTION 7.** In Colorado Revised Statutes, 24-30-1305, **amend**
9 (1), (2), (3), (5), (6), and (7); and **add** (10) as follows:

10 **24-30-1305. Life-cycle cost - application - definitions.** (1) The
11 general assembly authorizes and directs that state agencies AND STATE
12 INSTITUTIONS OF HIGHER EDUCATION shall employ design and
13 construction methods for ~~state facilities and design and construction~~
14 ~~methods for state-assisted facilities~~ REAL PROPERTY under their
15 jurisdiction, in such a manner as to further the policy declared in section
16 24-30-1304, insuring that life-cycle cost analyses and energy conservation
17 practices are employed in new ~~state-owned and state-assisted facilities~~
18 ~~and in new or renovated major state-owned and state-assisted facilities~~
19 REAL PROPERTY.

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

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

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

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

27 (d) The variable occupancy and operating conditions of the

1 facility, including illumination levels; AND

2 (e) Architectural features which affect energy consumption. and

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

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

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

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

15 (3) The life-cycle cost analysis performed for each major facility
16 shall REAL PROPERTY WITH A FACILITY OF TWENTY THOUSAND OR MORE
17 GROSS SQUARE FEET WITH SIGNIFICANT ENERGY DEMANDS MUST provide
18 but not be limited to the following information:

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

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

26 (c) The estimated annual cost of maintaining each
27 energy-consuming system;

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

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

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

10 (f) AN ENERGY CONSUMPTION ANALYSIS OF SUCH REAL
11 PROPERTY'S HEATING, VENTILATING, AND AIR CONDITIONING SYSTEM,
12 LIGHTING SYSTEM, AND ALL OTHER ENERGY-CONSUMING SYSTEMS. THE
13 ENERGY CONSUMPTION ANALYSIS OF THE OPERATION OF
14 ENERGY-CONSUMING SYSTEMS IN THE REAL PROPERTY SHOULD INCLUDE
15 BUT NOT BE LIMITED TO:

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

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

20 (III) THE ENGINEERING EVALUATION OF THE ENERGY
21 CONSUMPTION OF COMPONENT EQUIPMENT IN EACH SYSTEM CONSIDERING
22 THE OPERATION OF SUCH COMPONENTS AT OTHER THAN FULL OR RATED
23 OUTPUTS.

24 (5) In order to protect the integrity of historic buildings, no
25 provision of section 24-30-1304 or this section ~~shall~~ SHOULD be
26 interpreted to require such analysis with respect to any REAL property
27 eligible for, nominated to, or entered in the national register of historic

1 places, designated by statute, or included in an established list of places
2 compiled by the state historical society.

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

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

13 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "BIOFUEL" MEANS NONTOXIC PLANT MATTER CONSISTING OF
16 AGRICULTURAL OR SILVICULTURAL CROPS OR THEIR BYPRODUCTS, URBAN
17 WOOD WASTE, MILL RESIDUE, SLASH, OR BRUSH.

18 (b) "ENERGY CONSUMPTION ANALYSIS" MEANS THE EVALUATION
19 OF ALL ENERGY-CONSUMING SYSTEMS AND COMPONENTS BY DEMAND AND
20 TYPE OF ENERGY, INCLUDING THE INTERNAL ENERGY LOAD IMPOSED ON
21 REAL PROPERTY BY ITS OCCUPANTS, EQUIPMENT, AND COMPONENTS AND
22 THE EXTERNAL ENERGY LOAD IMPOSED ON THE REAL PROPERTY BY
23 CLIMATIC CONDITIONS.

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

26 **24-30-1305.5. High performance standards - report -**
27 **legislative declaration - definition.** (1) THE OFFICE OF THE STATE

1 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT,
2 SHALL, IN CONSULTATION WITH THE COLORADO COMMISSION ON HIGHER
3 EDUCATION, ADOPT AND UPDATE FROM TIME TO TIME A HIGH
4 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

5 (2) A STATE AGENCY OR STATE INSTITUTION OF HIGHER
6 EDUCATION CONTROLLING THE SUBSTANTIAL RENOVATION, DESIGN, OR
7 NEW CONSTRUCTION OF A BUILDING SHALL, PURSUANT TO THE PROGRAM
8 ADOPTED IN SUBSECTION (1) OF THIS SECTION, PERFORM THE SUBSTANTIAL
9 RENOVATION, DESIGN, OR NEW CONSTRUCTION TO ACHIEVE THE HIGHEST
10 PERFORMANCE CERTIFICATION ATTAINABLE AS CERTIFIED BY AN
11 INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH PERFORMANCE
12 STANDARD CERTIFICATION PROGRAM. A CERTIFICATION IS ATTAINABLE IF
13 THE INCREASED INITIAL COSTS OF THE SUBSTANTIAL RENOVATION, DESIGN,
14 OR NEW CONSTRUCTION, INCLUDING THE TIME VALUE OF MONEY, TO
15 ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE CAN BE
16 RECOUPED FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS.

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

25 (b) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
26 DECLARES THAT BUILDINGS THAT HAVE ACHIEVED THE HIGHEST
27 PERFORMANCE CERTIFICATION ATTAINABLE AND STARTED THE DESIGN

1 PROCESS PRIOR TO JANUARY 1, 2010, ARE STRONGLY ENCOURAGED TO
2 MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING TO
3 SUCH BUILDING IN ORDER TO ENSURE THAT THE INCREASED INITIAL COSTS
4 TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE ARE
5 IN FACT RECOUPED. IF SUCH DATA IS MONITORED, TRACKED, AND
6 VERIFIED, THEN THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
7 EDUCATION MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE
8 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT.
9 IF SUCH DATA IS NOT MONITORED, TRACKED, AND VERIFIED, THEN THE
10 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION MUST
11 PROVIDE THE STATE ARCHITECT, IN WRITING, A REASONABLE
12 EXPLANATION AND ALSO MUST WORK WITH THE STATE ARCHITECT TO FIND
13 A WAY TO START MONITORING, TRACKING, VERIFYING, AND REPORTING
14 SUCH DATA.

15 (c) THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
16 EDUCATION, NOT A UTILITY COMPANY, SHALL COMPILE THE UTILITY
17 VENDOR BILL DATA.

18 (4) IF THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
19 EDUCATION ESTIMATES THAT THE INCREASED INITIAL COSTS OF THE
20 SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION, INCLUDING
21 THE TIME VALUE OF MONEY, TO ACHIEVE THE HIGHEST PERFORMANCE
22 CERTIFICATION ATTAINABLE WILL EXCEED FIVE PERCENT OF THE TOTAL
23 COST OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION,
24 THE CAPITAL DEVELOPMENT COMMITTEE SHALL SPECIFICALLY EXAMINE
25 SUCH ESTIMATE BEFORE APPROVING ANY APPROPRIATION FOR THE
26 SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION.

27 (5) IF A BUILDING UNDERGOING SUBSTANTIAL RENOVATION

1 CANNOT ACHIEVE HIGH PERFORMANCE DUE TO EITHER THE HISTORICAL
2 NATURE OF THE BUILDING OR BECAUSE THE INCREASED COSTS OF
3 RENOVATING THE BUILDING CANNOT BE RECOUPED FROM DECREASED
4 OPERATIONAL COSTS WITHIN FIFTEEN YEARS, AN ACCREDITED
5 PROFESSIONAL SHALL ASSERT IN WRITING THAT, AS MUCH AS POSSIBLE,
6 THE SUBSTANTIAL RENOVATION HAS BEEN CONSISTENT WITH THE HIGH
7 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

8 (6) ANY DESIGN OR NEW CONSTRUCTION OF A BUILDING OF LESS
9 THAN FIVE THOUSAND SQUARE FEET THAT IS, BUT FOR ITS SIZE, OTHERWISE
10 SUBJECT TO THIS SECTION AND ANY MINOR RENOVATION AND CONTROLLED
11 MAINTENANCE OF A BUILDING THAT IS SUBJECT TO THIS SECTION MUST BE
12 EXECUTED TO THE HIGH PERFORMANCE STANDARDS ADOPTED IN THE HIGH
13 PERFORMANCE STANDARD CERTIFICATION PROGRAM EVEN IF HIGH
14 PERFORMANCE CERTIFICATION IS NOT SOUGHT AT THAT TIME.

15 (7) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE CAPITAL
16 DEVELOPMENT COMMITTEE REGARDING CONTRACTING DOCUMENTS,
17 PROJECT GUIDELINES, AND REPORTING AND TRACKING PROCEDURES
18 RELATED TO THE IMPLEMENTATION OF THIS SECTION.

19 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

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

22 (A) IS SUBSTANTIALLY RENOVATED, DESIGNED, OR CONSTRUCTED
23 WITH STATE MONEYS OR WITH MONEYS GUARANTEED OR INSURED BY A
24 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION AND SUCH
25 MONEYS CONSTITUTE AT LEAST TWENTY-FIVE PERCENT OF THE PROJECT
26 COST;

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

1 (C) INCLUDES A HEATING, VENTILATION, OR AIR CONDITIONING
2 SYSTEM; AND

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

4 (II) "BUILDING" INCLUDES AN ACADEMIC FACILITY AS DEFINED IN
5 SECTION 23-1-106 (10.3) (a), C.R.S., INCLUDING AN ACADEMIC FACILITY
6 AS DEFINED IN THE GUIDELINES DESCRIBED IN SECTION 23-1-106 (10.2) (b)
7 (I), C.R.S.

8 (III) "BUILDING" DOES NOT INCLUDE:

9 (A) AN AUXILIARY FACILITY AS DEFINED IN SECTION 23-1-106
10 (10.3) (b), C.R.S., INCLUDING AN AUXILIARY FACILITY AS DEFINED IN THE
11 GUIDELINES DESCRIBED IN SECTION 23-1-106 (10.2) (b) (I), C.R.S.; OR

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

14 (b) "HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM"
15 MEANS A REAL PROPERTY RENOVATION, DESIGN, AND CONSTRUCTION
16 STANDARD THAT:

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

19 (II) REDUCES THE OPERATING COSTS OF REAL PROPERTY BY
20 REDUCING THE CONSUMPTION OF ENERGY, WATER, AND OTHER
21 RESOURCES;

22 (III) RESULTS IN THE RECOVERY OF THE INCREASED INITIAL
23 CAPITAL COSTS ATTRIBUTABLE TO COMPLIANCE WITH THE PROGRAM OVER
24 TIME BY REDUCING LONG-TERM ENERGY, MAINTENANCE, AND OPERATING
25 COSTS;

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

1 (V) ENCOURAGES THE USE OF PRODUCTS HARVESTED, CREATED,
2 OR MINED WITHIN COLORADO, REGARDLESS OF PRODUCT CERTIFICATION
3 STATUS;

4 (VI) PROTECTS COLORADO'S ENVIRONMENT; AND

5 (VII) COMPLIES WITH THE FEDERAL SECRETARY OF THE INTERIOR'S
6 STANDARDS FOR THE TREATMENT OF HISTORIC REAL PROPERTY WHEN
7 SUCH WORK WILL AFFECT REAL PROPERTY FIFTY YEARS OF AGE OR OLDER,
8 UNLESS THE STATE HISTORICAL SOCIETY, DESIGNATED IN SECTION
9 24-80-201, DETERMINES THAT SUCH REAL PROPERTY IS NOT OF
10 HISTORICAL SIGNIFICANCE AS DEFINED IN SECTION 24-80.1-102 (6).

11 (c) "SUBSTANTIAL RENOVATION" MEANS ANY RENOVATION WITH
12 A COST THAT EXCEEDS TWENTY-FIVE PERCENT OF THE VALUE OF THE
13 BUILDING.

14 (d) "UTILITY VENDOR BILL DATA" MEANS INFORMATION OR DATA
15 LIMITED TO THE USAGE DATA MEASURED BY THE STATE AGENCY, STATE
16 INSTITUTION OF HIGHER EDUCATION, OR DEPARTMENT OR THE
17 INFORMATION OR DATA REQUIRED TO MEET MINIMUM PROGRAM
18 STANDARDS BY AN INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH
19 PERFORMANCE STANDARD CERTIFICATION PROGRAM.

20 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-30-1307
21 as follows:

22 **24-30-1307. Legislative declaration.** The purpose of this part 13
23 is to allow the department of personnel to develop the policies and
24 standards for state agencies AND STATE INSTITUTIONS OF HIGHER
25 EDUCATION to follow for the major renovation or new construction of
26 ~~state facilities~~ REAL PROPERTY and to allow the department of personnel
27 to delegate the authority to implement such policies and standards to the

1 individual state agencies OR STATE INSTITUTIONS OF HIGHER EDUCATION.
2 It is not the purpose of this part 13 to require state agencies OR STATE
3 INSTITUTIONS OF HIGHER EDUCATION to add FTEs or incur additional
4 expenditures to implement the provisions of this part 13.

5 **SECTION 10.** In Colorado Revised Statutes, **repeal** 24-30-1308
6 as follows:

7 **24-30-1308. Controlled maintenance funds - leased or rented**
8 **facilities - secure facilities.** ~~Notwithstanding section 24-30-1301 (2) (a)~~
9 ~~(H) (A), controlled maintenance funds may be used for secure facilities~~
10 ~~and related auxiliary facilities leased and operated by the department of~~
11 ~~human services or the department of corrections.~~

12 **SECTION 11.** In Colorado Revised Statutes, **repeal** 24-30-1309
13 as follows:

14 **24-30-1309. Eligibility of certain buildings for controlled**
15 **maintenance.** ~~Notwithstanding the provisions of section 24-30-1301 (2)~~
16 ~~(a) (H) (A), on and after July 1, 2009, controlled maintenance funds may~~
17 ~~be used for facilities that are transferred from the San Juan basin area~~
18 ~~vocational school to Pueblo community college as part of a merger~~
19 ~~transaction between the San Juan basin area vocational school and Pueblo~~
20 ~~community college.~~

21 **SECTION 12.** In Colorado Revised Statutes, **amend** 2-3-1301 as
22 follows:

23 **2-3-1301. Definitions.** As used in this part 13, unless the context
24 otherwise requires:

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

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

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

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

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

11 (6) "STATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
12 24-30-1301 (16), C.R.S.

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

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

17 **SECTION 13.** In Colorado Revised Statutes, 2-3-1304, **amend**
18 (1) as follows:

19 **2-3-1304. Powers and duties of capital development**
20 **committee.** (1) The capital development committee has the following
21 powers and duties:

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

26 (a.3) To review and make required recommendations on reports
27 from state agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION,

1 including reports from:

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

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

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

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

17 (a.5) To study the ~~capital construction~~ request from the
18 transportation commission for state highway reconstruction, repair, and
19 maintenance projects to be funded from money transferred to the capital
20 construction fund pursuant to section 24-75-302 (2), C.R.S., specifically
21 for such purpose. On or before October 1 of each year, the transportation
22 commission shall submit its ~~capital construction~~ request, based on the
23 statewide transportation improvement programs, with a prioritized list of
24 recommended state highway reconstruction, repair, and maintenance
25 projects with the priority of projects on the list determined on the basis of
26 greatest need without regard to location in the state. ~~except that, for the~~
27 ~~1998-99 fiscal year, the prioritized list of projects to be funded by the~~

1 revenues appropriated for such year by House Bill 98-1202, as enacted at
2 the second regular session of the sixty-first general assembly, shall consist
3 only of state highway reconstruction, repair, maintenance, and capacity
4 expansion projects. The capital development committee shall determine
5 the number of projects on the list that may be funded from money
6 available in the capital construction fund for state highway reconstruction,
7 repair, or maintenance projects. Only projects on the list may be funded
8 from money available in the capital construction fund for state highway
9 reconstruction, repair, or maintenance projects, and the projects must be
10 funded in the priority determined by the transportation commission;
11 except that, if a project on the list cannot be funded because an alternative
12 source of funding for the project has become available, a court order has
13 enjoined the project, or an act of God has made the project construction
14 unfeasible, the transportation commission shall submit the next phase of
15 that project or the next project on that regional priority list to the capital
16 development committee for approval as an addition to the list in lieu of
17 the project that cannot be funded. No substitute project submitted by the
18 transportation commission from the regional priority list shall be
19 approved by the capital development committee if funding said project
20 would result in the delay of any other project on the list. Upon approval
21 of an amended list, the department of transportation shall provide a copy
22 of the amended list to the members of the joint budget committee, the
23 transportation and energy committee in the house of representatives, and
24 the transportation committee in the senate. Projects on the list submitted
25 by the transportation commission by October 1 or on an amended list
26 submitted as provided in this paragraph (a.5) may be funded from money
27 transferred to the capital construction fund and available in the current

1 fiscal year or money to be transferred to the capital construction fund for
2 the fiscal year beginning the following July 1.

3 (a.6) (Deleted by amendment, L. 2008, p. 1064, § 8, effective July
4 1, 2008.)

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

10 (c) To make determinations of the priority to be accorded to the
11 proposals made by the various ~~departments, institutions, and~~ STATE
12 agencies AND STATE INSTITUTIONS OF HIGHER EDUCATION with respect to
13 capital construction, ~~and~~ controlled maintenance, AND CAPITAL RENEWAL
14 proposals, ~~and capital asset acquisitions, including any proposals or~~
15 ~~recommendations submitted as priorities for institutions of higher~~
16 ~~education,~~ based upon information made available to the capital
17 development committee from any sources with respect to estimates of
18 revenues available for such purposes;

19 (d) To forecast the state's requirements for capital construction,
20 controlled maintenance, and ~~acquisition of capital assets~~ CAPITAL
21 RENEWAL as may be necessary or desirable for adequate presentation of
22 the planning and implementation or construction of such projects ~~for the~~
23 ~~next fiscal year and for the following four fiscal years~~ AND TO FORECAST
24 THE PROJECTED AVAILABLE REVENUE TO MEET THE STATE'S
25 REQUIREMENTS FOR CAPITAL CONSTRUCTION, CONTROLLED
26 MAINTENANCE, AND CAPITAL RENEWAL. SUCH REVENUE FORECAST MUST
27 CONFORM WITH THE ECONOMIC FORECAST PERIOD USED IN THE

1 QUARTERLY REVENUE ESTIMATES PREPARED BY THE STAFF OF THE
2 LEGISLATIVE COUNCIL.

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

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

12 (g) Prior to January 1, 2016, to develop and make
13 recommendations concerning new methods of financing the state's
14 ongoing capital construction, ~~needs~~ and controlled maintenance, AND
15 CAPITAL RENEWAL NEEDS. No later than February 1, 2016, the committee
16 shall recommend legislation to implement the recommendations.

17 (h) TO REVIEW ALL ACQUISITIONS OF REAL PROPERTY BY A STATE
18 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT, FOR
19 ANY STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION THAT
20 HAS STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF THIS
21 SUBSECTION (1), AS AMENDED, TO ACQUIRE REAL PROPERTY AND SUCH
22 STATUTORY AUTHORITY SPECIFIES A PROCESS WHEREBY THE CAPITAL
23 DEVELOPMENT COMMITTEE EITHER REVIEWS, REVIEWS AND APPROVES, OR
24 APPROVES SUCH AN ACQUISITION, THEN SUCH STATUTORY AUTHORITY
25 CONTROLS. IF A STATE AGENCY OR STATE INSTITUTION OF HIGHER
26 EDUCATION HAS STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF
27 THIS SUBSECTION (1), AS AMENDED, TO ACQUIRE REAL PROPERTY AND

1 SUCH STATUTORY AUTHORITY DOES NOT INCLUDE A PROCESS WHEREBY
2 THE CAPITAL DEVELOPMENT COMMITTEE EITHER REVIEWS, REVIEWS AND
3 APPROVES, OR APPROVES SUCH ACQUISITION, THEN THIS PARAGRAPH (h)
4 CONTROLS. SECTION 23-1-106, C.R.S., AND ANY BUDGET INSTRUCTIONS
5 OF THE OFFICE OF STATE PLANNING AND BUDGETING THAT SPECIFY
6 THRESHOLDS REGARDING THE SUBMISSION OF ACQUISITIONS OF REAL
7 PROPERTY AS CAPITAL BUDGET REQUESTS OPERATE TO LIMIT THE REVIEW
8 SPECIFIED IN THIS PARAGRAPH (h).

9 **SECTION 14.** In Colorado Revised Statutes, 2-3-1304.5, **amend**
10 (2) as follows:

11 **2-3-1304.5. Reports from departments, institutions, and**
12 **agencies in connection with capital construction requests - repeal.**

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

14 **SECTION 15.** In Colorado Revised Statutes, **amend** 2-3-1304.6
15 as follows:

16 **2-3-1304.6. Capital construction and long-range planning by**
17 **state agencies and state institutions of higher education - policy.** It is
18 declared to be the policy of the general assembly not to acquire ~~sites~~ A
19 CAPITAL ASSET or authorize or initiate any program or activity requiring
20 capital construction, ~~or acquisition of a capital asset,~~ except programs or
21 activities for controlled maintenance OR CAPITAL RENEWAL, for any state
22 ~~department or subdivision thereof~~ AGENCY OR STATE INSTITUTION OF
23 HIGHER EDUCATION unless the program or activity is an element of the
24 facilities program plan for the ~~department~~ AGENCY OR INSTITUTION.

25 **SECTION 16.** In Colorado Revised Statutes, **repeal** 2-3-1305.5
26 as follows:

27 **2-3-1305.5. Continuation projects - future appropriations.**

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

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

10 **SECTION 17.** In Colorado Revised Statutes, **amend** 2-3-1306 as
11 follows:

12 **2-3-1306. Staff assistance.** In carrying out its duties under this
13 part 13, the capital development committee may request staff assistance
14 from the offices providing other legislative services or from the
15 department of personnel and the office of state planning and budgeting in
16 the governor's office. The legislative council shall provide any necessary
17 secretarial and clerical assistance.

18 **SECTION 18.** In Colorado Revised Statutes, **repeal** 2-3-1308 as
19 follows:

20 **2-3-1308. Repeal of part.** ~~(1) This part 13 is repealed, effective~~
21 ~~July 1, 2014.~~

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

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

1 **12-23-101. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (3.7) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
4 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
5 ESTABLISHED UNDER AND SPECIFIED IN SECTIONS 23-20-101 (1) (a) AND
6 23-31-101, C.R.S.; EXCEPT THAT THE AUTHORITY OF A QUALIFIED STATE
7 INSTITUTION OF HIGHER EDUCATION TO CONDUCT INSPECTIONS PURSUANT
8 TO THIS ARTICLE EXTENDS ONLY TO BUILDINGS OWNED OR LEASED BY
9 THAT INSTITUTION. "QUALIFIED STATE INSTITUTION OF HIGHER
10 EDUCATION" DOES NOT INCLUDE THE AURARIA HIGHER EDUCATION
11 CENTER DESCRIBED IN SECTION 23-70-101, C.R.S.

12 **SECTION 20.** In Colorado Revised Statutes, 12-23-104, **amend**
13 (2) (a), (2) (k), (2) (l), and (2) (m) as follows:

14 **12-23-104. Board powers and duties - rules.** (2) In addition to
15 all other powers and duties conferred or imposed upon the board by this
16 article, the board is authorized to:

17 (a) Adopt, and from time to time revise, such rules and regulations
18 not inconsistent with the law as may be necessary to enable it to carry into
19 effect the provisions of this article. In adopting such rules and regulations,
20 the board shall be governed when appropriate by the standards in the most
21 current edition of the national electrical code or by any modifications to
22 such standards made by the board after a hearing is held pursuant to the
23 provisions of article 4 of title 24, C.R.S. These standards are adopted as
24 the minimum standards governing the planning, laying out, and installing
25 or the making of additions, alterations, and repairs in the installation of
26 wiring apparatus and equipment for electric light, heat, and power in this
27 state. A copy of such code shall be kept in the office of the board and

1 open to public inspection. Nothing contained in this section shall prohibit
2 PROHIBITS any city, town, county, or city and county, OR QUALIFIED STATE
3 INSTITUTION OF HIGHER EDUCATION from making and enforcing any such
4 standards that are more stringent than the minimum standards adopted by
5 the board, and any city, town, county, or city and county, which OR
6 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION THAT adopts such
7 more stringent standards shall furnish a copy thereof to the board. The
8 standards adopted by the board shall be prima facie evidence of minimum
9 approved methods of construction for safety to life and property. The
10 affirmative vote of two-thirds of all appointed members of the board shall
11 be IS required to set any standards that are different from those set forth
12 in the national electrical code. If requested in writing, the board shall send
13 a copy of newly adopted standards and rules and regulations to any
14 interested party at least thirty days before the implementation and
15 enforcement of such standards or rules and regulations. Such copies may
16 be furnished for a fee established pursuant to section 24-34-105, C.R.S.

17 (k) Find, upon holding a hearing, that an incorporated town or
18 city, county, or city and county, OR QUALIFIED STATE INSTITUTION OF
19 HIGHER EDUCATION fails to meet the minimum requirements of this article
20 if the local inspection authority, INCLUDING A QUALIFIED STATE
21 INSTITUTION OF HIGHER EDUCATION, has failed to adopt or adhere to the
22 minimum standards required by this article within twelve months after the
23 board has adopted the standards by rule pursuant to this subsection (2);

24 (l) Issue an order to cease and desist from issuing permits or
25 performing inspections under this article to an incorporated town or city,
26 county, or city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
27 EDUCATION upon finding that the public entity OR QUALIFIED STATE

1 INSTITUTION OF HIGHER EDUCATION fails to meet the minimum
2 requirements of this article pursuant to paragraph (k) of this subsection
3 (2);

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

8 **SECTION 21.** In Colorado Revised Statutes, 12-23-111, **amend**
9 (15) as follows:

10 **12-23-111. Exemptions.** (15) Inasmuch as electrical licensing
11 and the examination of persons performing electrical work is a matter of
12 statewide concern, no examination, certification, licensing, or registration
13 of electrical contractors, master electricians, journeymen electricians,
14 residential wiremen, or apprentices who are licensed, registered, or
15 certified under this article shall be required by any city, town, county, ~~or~~
16 city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION;
17 however, any such local governmental authority OR QUALIFIED STATE
18 INSTITUTION OF HIGHER EDUCATION may impose reasonable registration
19 requirements on any electrical contractor as a condition of performing
20 services within the jurisdiction of such authority OR WITHIN THE
21 BUILDINGS OF SUCH QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION.
22 No fee shall be charged for such registration.

23 **SECTION 22.** In Colorado Revised Statutes, 12-23-115, **amend**
24 (1) (b) as follows:

25 **12-23-115. Inspectors - qualifications.** (1) (b) Any employee of
26 a private, municipal, or cooperative electric utility rendering service to the
27 ultimate public shall be prohibited from employment as an electrical

1 inspector only when in the performance of any electrical work as defined
2 in this article. Electrical inspectors performing electrical inspections who
3 are employed by any city, town, county, ~~or city and county~~, OR QUALIFIED
4 STATE INSTITUTION OF HIGHER EDUCATION shall possess the same
5 qualifications required of state electrical inspectors under this section,
6 shall be registered with the board prior to the assumption of their duties,
7 shall not inspect any electrical work in which such inspector has any
8 financial or other personal interest, and shall not be engaged, within the
9 jurisdiction employing such inspector, in the electrical business by
10 contracting, supplying material, or performing electrical work as defined
11 in this article. A SUPERVISOR OVERSEEING THE WORK OF AN ELECTRICAL
12 INSPECTOR WHO IS EMPLOYED BY A QUALIFIED STATE INSTITUTION OF
13 HIGHER EDUCATION SHALL NOT DIRECT SUCH ELECTRICAL INSPECTOR TO
14 VIOLATE ANY PROVISION OF THIS ARTICLE. AN ELECTRICAL INSPECTOR
15 EMPLOYED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION
16 SHALL NOT BE COERCED BY A SUPERVISOR WHEN FILING A COMPLAINT
17 WITH THE BOARD, OR WHEN SUCH ELECTRICAL INSPECTOR DISAPPROVES
18 AN ELECTRICAL INSTALLATION THAT VIOLATES THE PROVISIONS OF THIS
19 ARTICLE.

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

22 **12-23-116. Inspection - application - standards.** (1) (a) An
23 individual required to have electrical inspection under this article shall
24 apply to the board for an electrical permit, except where an incorporated
25 town or city, county, ~~or city and county, of this state~~ OR QUALIFIED STATE
26 INSTITUTION OF HIGHER EDUCATION has a building department that meets
27 the minimum standards of this article and that processes applications for

1 building permits and inspections, in which case the individual shall apply
2 to such building department. A QUALIFIED STATE INSTITUTION OF HIGHER
3 EDUCATION WITH A BUILDING DEPARTMENT THAT MEETS OR EXCEEDS THE
4 MINIMUM STANDARDS ADOPTED BY THE BOARD UNDER THIS ARTICLE
5 SHALL PROCESS APPLICATIONS FOR PERMITS AND INSPECTIONS ONLY FROM
6 THE INSTITUTION AND FROM CONTRACTORS WORKING FOR THE
7 INSTITUTION, AND SHALL CONDUCT INSPECTIONS ONLY OF WORK
8 PERFORMED FOR THE BENEFIT OF THE INSTITUTION. EACH INSPECTION
9 MUST INCLUDE A CONTEMPORANEOUS REVIEW TO ENSURE THAT THE
10 REQUIREMENTS OF THIS ARTICLE, AND SPECIFICALLY SECTION 12-23-110.5,
11 HAVE BEEN MET.

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

27 (8) In the event that any incorporated town or city, ~~any~~ county, ~~or~~

1 any city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
2 EDUCATION intends to commence or cease performing electrical
3 inspections in its respective jurisdiction ~~it~~ OR, IN THE CASE OF A QUALIFIED
4 STATE INSTITUTION OF HIGHER EDUCATION, FOR ITS BUILDINGS, SUCH
5 PUBLIC ENTITY OR INSTITUTION shall commence or cease the same only as
6 of July 1 of any year, and written notice of such intent shall be given to
7 the board on or before October 1 of the preceding calendar year. If such
8 notice is not given and the use of state electrical inspectors is required
9 within such notice requirement, the respective local government OR
10 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION of the RESPECTIVE
11 jurisdiction OR BUILDING requiring such inspections shall reimburse the
12 state electrical board for any expenses incurred in performing such
13 inspections, in addition to transmitting the required permit fees.

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

19 **SECTION 24.** In Colorado Revised Statutes, 12-23-117, **amend**
20 (2) as follows:

21 **12-23-117. Permit fees.** (2) Because electrical inspections are
22 matters of statewide concern, the maximum fees, established annually,
23 chargeable for electrical inspections by any city, town, county, ~~or~~ city and
24 county, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION shall not
25 be more than fifteen percent above those provided for in this section, and
26 no such local government OR QUALIFIED STATE INSTITUTION OF HIGHER
27 EDUCATION shall impose or collect any other fee or charge related to

1 electrical inspections or permits. A QUALIFIED STATE INSTITUTION OF
2 HIGHER EDUCATION MAY CHOOSE NOT TO REQUIRE FEES AS PART OF THE
3 PERMITTING PROCESS. A DOCUMENTED PERMITTING AND INSPECTION
4 SYSTEM MUST BE INSTITUTED BY EACH QUALIFIED STATE INSTITUTION OF
5 HIGHER EDUCATION AS A TRACKING SYSTEM THAT IS AVAILABLE TO THE
6 BOARD FOR THE PURPOSE OF INVESTIGATING ANY ALLEGED VIOLATION OF
7 THIS ARTICLE. THE PERMITTING AND INSPECTION SYSTEM MUST INCLUDE
8 INFORMATION SPECIFYING THE PROJECT, THE NAME OF THE INSPECTOR,
9 AND THE NAMES OF THE CONTRACTORS ON THE PROJECT WHO ARE SUBJECT
10 TO INSPECTION.

11 **SECTION 25.** In Colorado Revised Statutes, 12-58-102, **add**
12 (8.5) as follows:

13 **12-58-102. Definitions.** As used in this article, unless the context
14 otherwise requires:

15 (8.5) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
16 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
17 ESTABLISHED UNDER AND SPECIFIED IN SECTIONS 23-20-101 (1) (a) AND
18 23-31-101, C.R.S.; EXCEPT THAT THE AUTHORITY OF A QUALIFIED STATE
19 INSTITUTION OF HIGHER EDUCATION TO CONDUCT INSPECTIONS PURSUANT
20 TO THIS ARTICLE EXTENDS ONLY TO BUILDINGS OWNED OR LEASED BY
21 THAT INSTITUTION. "QUALIFIED STATE INSTITUTION OF HIGHER
22 EDUCATION" DOES NOT INCLUDE THE AURARIA HIGHER EDUCATION
23 CENTER DESCRIBED IN SECTION 23-70-101, C.R.S.

24 **SECTION 26.** In Colorado Revised Statutes, 12-58-104, **amend**
25 (1) (l), (1) (m), and (1) (n) as follows:

26 **12-58-104. Powers of board - fees - rules.** (1) In addition to all
27 other powers and duties conferred or imposed upon the board by this

1 article, the board is authorized and empowered to:

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

9 (m) Issue an order to cease and desist from issuing permits or
10 performing inspections under this article to an incorporated town or city,
11 county, ~~or~~ city and county, OR QUALIFIED STATE INSTITUTION OF HIGHER
12 EDUCATION upon finding that the public entity OR QUALIFIED STATE
13 INSTITUTION OF HIGHER EDUCATION fails to meet the minimum
14 requirements of this article under this subsection (1);

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

19 **SECTION 27.** In Colorado Revised Statutes, 12-58-114.2, **add**
20 (4) as follows:

21 **12-58-114.2. Plumbing inspectors - qualifications.**

22 (4) (a) PLUMBING INSPECTORS PERFORMING INSPECTIONS WHO ARE
23 EMPLOYED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION
24 SHALL POSSESS A VALID JOURNEYMAN OR MASTER PLUMBER LICENSE
25 ISSUED BY THE STATE. IN ADDITION, SUCH PLUMBING INSPECTORS SHALL
26 POSSESS THE SAME QUALIFICATIONS REQUIRED OF STATE PLUMBING
27 INSPECTORS UNDER THIS ARTICLE, SHALL BE REGISTERED WITH THE BOARD

1 PRIOR TO THE ASSUMPTION OF THEIR DUTIES, SHALL NOT INSPECT ANY
2 PLUMBING WORK IN WHICH THE INSPECTOR HAS ANY FINANCIAL OR OTHER
3 PERSONAL INTEREST, AND SHALL NOT BE ENGAGED IN THE PLUMBING
4 BUSINESS BY CONTRACTING, SUPPLYING MATERIAL, OR PERFORMING
5 PLUMBING WORK AS DEFINED IN THIS ARTICLE.

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

11 **SECTION 28.** In Colorado Revised Statutes, 12-58-114.5,
12 **amend** (1), (6), and (8) as follows:

13 **12-58-114.5. Inspection - application - standards.** (1) Any
14 plumbing or gas piping installation in any new construction or remodeling
15 or repair, other than manufactured units inspected in accordance with the
16 provisions of part 7 of article 32 of title 24, C.R.S., except FOR SUCH NEW
17 CONSTRUCTION OR REMODELING OR REPAIR in any incorporated town or
18 city, ~~any county, or any city and county, that~~ OR IN A BUILDING OWNED OR
19 LEASED BY A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION WHERE
20 SUCH LOCAL ENTITY OR QUALIFIED STATE INSTITUTION OF HIGHER
21 EDUCATION conducts inspections and issues permits, must be inspected
22 by a state plumbing inspector. A state plumbing inspector shall inspect
23 any new construction, remodeling, or repair subject to the provisions of
24 this subsection (1) within three working days after the receipt of the
25 application for inspection. Prior to the commencement of any such
26 plumbing or gas piping installation, the person making such installation
27 shall apply for a permit and pay the required fee. Every mobile home or

1 movable structure owner shall have the plumbing and gas piping hookup
2 for such mobile home or movable structure inspected prior to obtaining
3 new or different plumbing or gas service. A QUALIFIED STATE
4 INSTITUTION OF HIGHER EDUCATION WITH A BUILDING DEPARTMENT THAT
5 MEETS OR EXCEEDS THE MINIMUM STANDARDS ADOPTED BY THE BOARD
6 UNDER THIS ARTICLE SHALL PROCESS APPLICATIONS FOR PERMITS AND
7 INSPECTIONS ONLY FROM THE INSTITUTION AND FROM CONTRACTORS
8 WORKING FOR THE INSTITUTION, AND SHALL CONDUCT INSPECTIONS ONLY
9 OF WORK PERFORMED FOR THE BENEFIT OF THE INSTITUTION. EACH
10 INSPECTION MUST INCLUDE A CONTEMPORANEOUS REVIEW TO ENSURE
11 THAT THE REQUIREMENTS OF SECTION 12-58-105 HAVE BEEN MET.

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

18 (8) If an incorporated town or city, county, ~~or city and county,~~ OR
19 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION intends to
20 commence or cease performing plumbing inspections in its jurisdiction
21 OR FOR THE BUILDINGS OWNED OR LEASED BY A QUALIFIED STATE
22 INSTITUTION OF HIGHER EDUCATION, it shall commence or cease the same
23 only as of July 1 of any year, and written notice of such intent must be
24 given to the board on or before October 1 of the preceding calendar year.
25 If such notice is not given and the use of state plumbing inspectors is
26 required within the RESPECTIVE jurisdiction OR BUILDING affected by the
27 notice requirement, the respective local government OR QUALIFIED STATE

1 INSTITUTION OF HIGHER EDUCATION of the RESPECTIVE jurisdiction OR
2 BUILDING requiring such inspections shall reimburse the board for any
3 expenses incurred in performing such inspections, in addition to
4 transmitting the required permit fees.

5 **SECTION 29.** In Colorado Revised Statutes, 22-43.7-103,
6 **amend** (6) as follows:

7 **22-43.7-103. Definitions.** As used in this article, unless the
8 context otherwise requires:

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

11 **SECTION 30.** In Colorado Revised Statutes, 22-43.7-109,
12 **amend** (7) (a) as follows:

13 **22-43.7-109. Financial assistance for public school capital**
14 **construction - application requirements - evaluation criteria - local**
15 **match requirements.** (7) (a) Pursuant to the timelines established
16 pursuant to subsection (2) of this section for any fiscal year for which
17 financial assistance is to be awarded, and after prioritizing public school
18 facility capital construction projects as specified in subsection (5) of this
19 section, the board shall submit to the state board a prioritized list of
20 projects for which the board recommends the provision of financial
21 assistance. The prioritized list must include the board's recommendation
22 as to the amount and type of financial assistance to be provided and a
23 statement of the source and amount of applicant matching moneys for
24 each recommended project based upon information provided by the
25 applicant. The board may recommend that any specific project only
26 receive financial assistance if another higher priority project or group of
27 projects becomes ineligible for financial assistance due to the inability of

1 an applicant to raise required matching moneys by a deadline prescribed
2 by the board as a condition of a financial assistance award for the higher
3 priority project or group of projects. IF AN APPLICANT IS APPROVED FOR
4 AN AWARD OF FINANCIAL ASSISTANCE AS AN ALTERNATE AWARD
5 RECIPIENT AND THE APPLICANT SUCCESSFULLY RAISES REQUIRED
6 MATCHING MONEYS THROUGH VOTER-APPROVAL OF A BALLOT QUESTION
7 FOR CONTRACTING BONDED INDEBTEDNESS BUT DOES NOT ACTUALLY
8 RECEIVE FINANCIAL ASSISTANCE BECAUSE ALL PRIMARY AWARD
9 RECIPIENTS OR HIGHER PRIORITY ALTERNATE AWARD RECIPIENTS ALSO
10 SUCCESSFULLY RAISED REQUIRED MATCHING MONEYS, THE ALTERNATE
11 AWARD RECIPIENT MAY RESUBMIT ITS APPLICATION FOR FINANCIAL
12 ASSISTANCE AS PREVIOUSLY APPROVED DURING THE NEXT APPLICATION
13 CYCLE. IF THE BOARD, IN CONSULTATION WITH THE STATE TREASURER,
14 DETERMINES THAT THE COMBINATION OF MATCHING MONEYS RAISED BY
15 THE ALTERNATE AWARD RECIPIENT, PLUS EITHER UNSPENT PROCEEDS
16 FROM COMPLETED LEASE-PURCHASE AGREEMENTS OR MONEYS TO BE
17 RAISED THROUGH ENTRY INTO AN ADDITIONAL LEASE-PURCHASE
18 AGREEMENT THAT THE STATE HAS THE CAPACITY TO EXECUTE, OR BOTH,
19 ARE SUFFICIENT TO FUND THE APPLICANT'S PROJECT, THE BOARD MAY
20 AWARD FINANCIAL ASSISTANCE TO THE APPLICANT AND, IF NECESSARY,
21 ORDER THE STATE TREASURER TO ENTER INTO A LEASE-PURCHASE
22 AGREEMENT ON BEHALF OF THE STATE. The state board shall review and
23 make decisions regarding the prioritized list no later than June 20 of each
24 year and may approve, disapprove, or modify the provision of financial
25 assistance for any project recommended by the board if the state board
26 concludes that the board misinterpreted the results of the prioritization
27 assessment conducted pursuant to section 22-43.7-108 or misapplied the

1 prioritization criteria specified in subsection (5) of this section. The state
2 board shall specifically explain in writing its reasons for finding that the
3 board misinterpreted the results of the priority assessment or misapplied
4 the prioritization criteria when disapproving or modifying any financial
5 assistance award recommended by the board.

6 **SECTION 31.** In Colorado Revised Statutes, **amend** 23-1-106 as
7 follows:

8 **23-1-106. Duties and powers of the commission with respect**
9 **to capital construction and long-range planning - legislative**
10 **declaration - definitions.** (1) Except as permitted by subsections (9) and
11 (10) of this section, it is declared to be the policy of the general assembly
12 not to authorize ~~or to acquire sites or initiate any program or~~ ANY activity
13 requiring capital construction OR CAPITAL RENEWAL for ~~state-supported~~
14 STATE institutions of higher education ~~which, for the purposes of this~~
15 ~~section, shall include the Auraria higher education center established in~~
16 ~~article 70 of this title,~~ unless approved by the commission.

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

23 (3) The commission shall review and approve facility master plans
24 for all state institutions of higher education on land owned or controlled
25 by the state or an institution and capital construction OR CAPITAL
26 RENEWAL program plans for projects other than those projects described
27 in subsection (9) or (10) of this section. Except for those projects

1 described in subsection (9) or (10) of this section, no capital construction
2 OR CAPITAL RENEWAL shall commence except in accordance with an
3 approved facility master plan and program plan.

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

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

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

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

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

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

24 (b) Except as provided in subsection (5) of this section, it is the
25 policy of the general assembly to appropriate funds only for CAPITAL
26 CONSTRUCTION OR CAPITAL RENEWAL projects approved by the
27 commission.

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

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

23 (B) A state institution of higher education may submit to the staff
24 of the capital development committee, the commission, and the office of
25 state planning and budgeting an amendment to its approved two-year
26 projection. The capital development committee shall conduct a hearing
27 on the amendment within thirty days after submission during a regular

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

8 (8) Repealed.

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

21 (b) Except as provided in paragraph (d) of this subsection (9), a
22 capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
23 academic facility initiated by the governing board of a ~~state-supported~~
24 STATE institution of higher education that is contained in the most recent
25 ~~unified~~, two-year ~~capital improvements project~~ projection approved
26 pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this
27 section, as the projection may be amended from time to time, and that is

1 to be acquired or constructed solely from cash funds held by the
2 institution and operated and maintained from such funds or from state
3 moneys appropriated for such purpose, or both, ~~shall~~ IS not ~~be~~ subject to
4 additional review or approval by the commission, the office of state
5 planning and budgeting, the capital development committee, or the joint
6 budget committee. Any capital construction OR CAPITAL RENEWAL project
7 subject to this paragraph (b) ~~shall~~ MUST comply with the high
8 performance standard certification program established pursuant to
9 ~~section 24-30-1305~~ SECTION 24-30-1305.5, C.R.S.

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

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

22 (II) Any plan for any such capital construction or ~~acquisition~~
23 CAPITAL RENEWAL project that is estimated to require total expenditures
24 of two million dollars or less ~~shall~~ IS not ~~be~~ subject to review or approval
25 by the commission.

26 (e) A capital construction or acquisition project approved and
27 appropriated prior to January 1, 2010, may be contained in the most

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

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

15 (II) The commission shall review and approve any plan for a
16 capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
17 academic facility that is estimated to require total expenditures exceeding
18 two million dollars, that is to be acquired or constructed solely from cash
19 funds held by the STATE institution OF HIGHER EDUCATION that, in whole
20 or in part, are subject to the higher education revenue bond intercept
21 program established pursuant to section 23-5-139, and that is operated
22 and maintained from such cash funds or from state moneys appropriated
23 for such purpose, or both. Any capital construction OR CAPITAL RENEWAL
24 project subject to this subparagraph (II) ~~shall~~ MUST comply with the high
25 performance standard certification program established pursuant to
26 ~~section 24-30-1305~~ SECTION 24-30-1305.5, C.R.S.

27 (III) Any plan for any such capital construction or ~~acquisition~~

1 CAPITAL RENEWAL project that is estimated to require total expenditures
2 of two million dollars or less shall IS not be subject to review or approval
3 by the commission.

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

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

17 (10.2) (a) (I) Notwithstanding any law to the contrary, all
18 academic facilities acquired or constructed, or an auxiliary facility
19 repurposed for use as an academic facility, solely from cash funds held by
20 the STATE institution OF HIGHER EDUCATION and operated and maintained
21 from such cash funds or from state moneys appropriated for such purpose,
22 or both, including, but not limited to, those facilities described in
23 paragraph (b) of subsection (9) of this section and subparagraph (II) of
24 paragraph (a) of subsection (10) of this section, that did not previously
25 qualify for state controlled maintenance funding will qualify for state
26 controlled maintenance funding, subject to funding approval by the
27 capital development committee and the eligibility guidelines described in

1 section 24-30-1303.9, C.R.S. as enacted by House Bill 12-1318, enacted
2 in 2012.

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

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

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

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

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

23 (10.3) As used in this section, unless the context otherwise
24 requires:

25 (a) "Academic facility" means any ~~building or other physical~~
26 facility, including any supporting utility infrastructure AND SITE
27 IMPROVEMENTS, that is central to the role and mission of each STATE

1 institution OF HIGHER EDUCATION as set forth in this title. Examples
2 include, but are not limited to, classrooms, libraries, and administrative
3 buildings.

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

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

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

20 (e) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
21 24-30-1301 (8), C.R.S.

22 (f) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
23 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
24 (10), AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN ARTICLE
25 70 OF THIS TITLE.

26 (10.5) (a) For any project subject to subsection (9) or (10) of this
27 section, if, after commencement of ~~acquisition or~~ construction, the

1 governing board of the STATE institution OF HIGHER EDUCATION receives
2 an additional gift, grant, or donation for the project, the governing board
3 may amend the project without the approval of the commission, the office
4 of state planning and budgeting, the capital development committee, or
5 the joint budget committee so long as the governing board notifies the
6 commission, the office of state planning and budgeting, the capital
7 development committee, and the joint budget committee in writing,
8 explaining how the project has been amended and verifying the receipt of
9 the additional gift, grant, or donation.

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

20 (c) For any project subject to subsection (9) or (10) of this section,
21 the governing board of the STATE institution OF HIGHER EDUCATION
22 implementing the project is not required to submit for the project
23 quarterly expenditure reports as described in section 24-30-204 (2),
24 C.R.S. The governing board shall submit for the project annual
25 expenditure reports as required in section 24-30-204 (1), C.R.S.

26 (11) (a) Each state institution of higher education shall submit to
27 the commission on or before September 1 of each year a list and

1 description of each project for which an expenditure was made during the
2 immediately preceding fiscal year that:

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

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

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

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

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

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

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

21 **SECTION 32.** In Colorado Revised Statutes, 23-31-504, **amend**
22 (3) as follows:

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

24 (3) The general assembly of the state of Colorado engages that the
25 principal of such fund ~~shall~~ forever ~~remain~~ REMAINS unimpaired and the
26 income thereof ~~shall be~~ IS applied without diminution to the uses and
27 purposes prescribed in said act of congress; except that, as prescribed in

1 said act of congress, a sum not exceeding ten percent of the principal of
2 such fund may be expended by the board of governors of the Colorado
3 state university system for the purchase or exchange of lands for sites or
4 experimental stations, subject to the PROVISIONS OF SECTIONS 24-75-301
5 TO 24-75-303, C.R.S., AND THE approval of the governor. ~~and the~~
6 ~~provisions of sections 24-75-301 to 24-75-303, C.R.S.~~

7 **SECTION 33.** In Colorado Revised Statutes, **amend** 24-1-136.5
8 as follows:

9 **24-1-136.5. Long-range planning for capital construction,**
10 **controlled maintenance, capital renewal - policy - heads of principal**
11 **departments.** (1) The executive director of each department, after
12 consultation with the directors of the subordinate agencies, divisions, or
13 offices within the department, ~~shall have~~ HAS THE authority to prescribe
14 uniform policies, procedures, and standards of space utilization in
15 department facilities, except for office space, for the development and
16 approval of capital construction, CONTROLLED MAINTENANCE, AND
17 CAPITAL RENEWAL projects for the department. Nothing in this subsection
18 (1) ~~shall~~ SHOULD be construed to alter the authority of the department of
19 personnel to prescribe uniform standards for office space pursuant to
20 section 24-30-1303 (1) (h).

21 (2) The executive director shall review and, with the approval of
22 the governor, approve facilities master planning and facilities program
23 planning for all capital construction, CONTROLLED MAINTENANCE, AND
24 CAPITAL RENEWAL projects ~~of the ON department on state-owned or~~
25 ~~state-controlled land~~ REAL PROPERTY, regardless of the source of funds,
26 and no capital construction, CONTROLLED MAINTENANCE, OR CAPITAL
27 RENEWAL shall commence except in accordance with an approved

1 facilities master plan, facilities program plan, and physical plan.

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

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

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

23 (6) (a) The executive director shall annually establish a
24 department five-year capital ~~improvements~~ CONSTRUCTION, CONTROLLED
25 MAINTENANCE, AND CAPITAL RENEWAL plan coordinated with department
26 operational master plans and facilities master plans and shall transmit to
27 the office of state planning and budgeting, the governor, and the general

1 assembly, consistent with the executive budget timetable, a recommended
2 priority of funding of capital construction, CONTROLLED MAINTENANCE,
3 AND CAPITAL RENEWAL projects for the department.

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

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

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

26 (9) This section ~~shall~~ DOES not apply to the department of higher
27 education, nor ~~shall~~ SHOULD it be construed to alter the duties of the

1 Colorado commission on higher education set forth in section 23-1-106,
2 C.R.S.

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

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

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

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

12 (d) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
13 24-30-1301 (8).

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

16 **SECTION 34.** In Colorado Revised Statutes, 24-30-1402, **amend**
17 (1.5), (5), and (7); and **add** (8) as follows:

18 **24-30-1402. Definitions.** As used in this part 14, unless the
19 context otherwise requires:

20 (1.5) "Continuing contract" means a contract for professional
21 services entered into pursuant to this part 14 between a state agency OR
22 STATE INSTITUTION OF HIGHER EDUCATION and a person, whereby the
23 person provides professional services to the state agency OR STATE
24 INSTITUTION OF HIGHER EDUCATION for work of a specified nature as
25 outlined in the contract required by the state agency OR STATE
26 INSTITUTION OF HIGHER EDUCATION with no specific time limitation. Any
27 such contract shall provide a termination clause.

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

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

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

11 **SECTION 35.** In Colorado Revised Statutes, 24-30-1403, **amend**
12 (1) and (2) (a) as follows:

13 **24-30-1403. Professional services - listings - preliminary**
14 **selections.** (1) Any person desiring to provide professional services to a
15 state agency OR A STATE INSTITUTION OF HIGHER EDUCATION shall
16 annually submit to the department a statement of qualifications and
17 performance data and such other information as may be required by the
18 department. The department may request such person to update such
19 statement before the anniversary date in order to reflect changed
20 conditions in the status of such person.

21 (2) (a) For each proposed project for which professional services
22 are required AND WHERE THE FEE FOR SUCH PROFESSIONAL SERVICES IS
23 ESTIMATED TO EQUAL OR EXCEED TWENTY-FIVE THOUSAND DOLLARS, the
24 principal representative of the state agency OR STATE INSTITUTION OF
25 HIGHER EDUCATION for which the project is to be done shall evaluate
26 current statements of qualifications and performance data on file with the
27 department and shall conduct discussions with no less than three persons

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

21 **SECTION 36.** In Colorado Revised Statutes, 24-30-1404, **amend**
22 (1), (6), (7) (a), (7) (d), (7) (f), and (7) (g) (I) as follows:

23 **24-30-1404. Contracts.** (1) The principal representative shall
24 negotiate a contract with the highest qualified person providing
25 professional services for such services at compensation which the
26 principal representative determines in writing to be fair and reasonable.
27 In making such decision, the principal representative shall take into

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

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

22 (7) (a) Except as provided in paragraphs (b), (c), (e), (f), and (g)
23 of this subsection (7), any professional services contract entered into
24 pursuant to the provisions of this part 14 shall be executed and
25 encumbered within six months after the date on which the appropriation
26 that includes the project for which the professional services are required
27 becomes law. If no professional services contract is required for a

1 particular project, the contract with the contractor for the project shall be
2 entered into within six months after the appropriation. If a state agency
3 OR STATE INSTITUTION OF HIGHER EDUCATION determines that the nature
4 of a particular project is such that the deadlines imposed by this section
5 cannot be met, the state agency OR STATE INSTITUTION OF HIGHER
6 EDUCATION may request the capital development committee to
7 recommend to the controller that the deadline be waived for that project.
8 The controller, in consultation with the capital development committee,
9 may grant a waiver from such deadlines. This subsection (7) shall not
10 apply to projects under the supervision of the department of
11 transportation. This subsection (7) shall not affect any priority established
12 pursuant to section 24-35-210 (11) in the general appropriation act for
13 expenditures for projects to be financed from net lottery proceeds
14 appropriated for capital construction.

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

22 (f) In the event that an appropriation is made to a state agency OR
23 STATE INSTITUTION OF HIGHER EDUCATION for allocation to other state
24 agencies OR STATE INSTITUTIONS OF HIGHER EDUCATION, the six-month
25 period ~~shall apply~~ APPLIES to the execution and encumbrance of a contract
26 by the agency OR INSTITUTION receiving the allocation and ~~shall begin~~
27 BEGINS to run from the date of the allocation by the agency OR

1 INSTITUTION that received the original appropriation. Nothing in this
2 paragraph (f) shall be construed to extend the duration of any
3 appropriation.

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

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

10 **SECTION 37.** In Colorado Revised Statutes, **amend** 24-30-1405
11 as follows:

12 **24-30-1405. Public notice.** When professional services are
13 required to be contracted for, public notice shall be given by the state
14 agency OR STATE INSTITUTION OF HIGHER EDUCATION if the basic
15 construction cost of the project is estimated by the state agency OR STATE
16 INSTITUTION OF HIGHER EDUCATION to be more than one million dollars
17 or if the fee for professional services is estimated to exceed one hundred
18 thousand dollars. The public notice shall be given at least fifteen days
19 prior to the selection of the three or more most highly qualified persons
20 by the principal representative pursuant to section 24-30-1403 (2), and,
21 except for projects under the supervision of the department of
22 transportation, the public notice shall be given no later than eight weeks
23 after the date on which the appropriation for the project becomes law. The
24 public notice ~~shall~~ MAY be given by publication at least once in one or
25 more daily newspapers of general circulation in this state OR IN AN
26 ELECTRONIC MEDIUM APPROVED BY THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT OF PERSONNEL. The public notice shall contain a general

1 description of the proposed project and shall indicate the procedure by
2 which interested persons may apply for consideration for the contract.

3 **SECTION 38.** In Colorado Revised Statutes, **amend** 24-30-1406
4 as follows:

5 **24-30-1406. Criminal liability.** (1) Any person, other than a
6 bona fide employee working solely for a person providing professional
7 services, who offers, agrees, or contracts to solicit or secure for any other
8 person ~~state agency~~ contracts for professional services WITH A STATE
9 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION and who, in so
10 doing, receives any fee, commission, gift, or other consideration
11 contingent upon or resulting from the making of the contract commits a
12 class 3 felony and shall be punished as provided in section 18-1.3-401,
13 C.R.S.

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

20 (3) Any state agency OR STATE INSTITUTION OF HIGHER
21 EDUCATION official or employee who solicits or secures or offers to solicit
22 or secure a contract for professional services with a state agency OR
23 STATE INSTITUTION OF HIGHER EDUCATION and who is paid any fee,
24 commission, gift, or other consideration contingent upon the making of
25 such contract commits a class 1 misdemeanor and shall be punished as
26 provided in section 18-1.3-501, C.R.S.

27 **SECTION 39.** In Colorado Revised Statutes, **amend** 24-30-1407

1 as follows:

2 **24-30-1407. Prior existing design plans.** Notwithstanding any
3 other provision of this part 14 or of part 13 of this article, there shall be
4 no public notice requirement or utilization of the selection process as
5 provided for in this part 14 or in part 13 of this article for projects in
6 which the state agency OR STATE INSTITUTION OF HIGHER EDUCATION is
7 able to reuse existing drawings, specifications, designs, or other
8 documents from a prior project.

9 **SECTION 40.** In Colorado Revised Statutes, **amend** 24-37-101
10 as follows:

11 **24-37-101. Definitions.** As used in this ~~part 1~~ ARTICLE, unless the
12 context otherwise requires:

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

16 (2) ~~"Office" means the office of state planning and budgeting~~
17 "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN SECTION
18 24-30-1301 (3).

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

22 (4) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF STATE
23 PLANNING AND BUDGETING.

24 (5) "OFFICE" MEANS THE OFFICE OF STATE PLANNING AND
25 BUDGETING.

26 **SECTION 41.** In Colorado Revised Statutes, 24-37-304, **amend**
27 (1) (b), (1) (b.5), and (1) (c.3) as follows:

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

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

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

13 (c.3) (I) ~~Except for projects authorized pursuant to section~~
14 ~~23-1-106 (9) or (10), C.R.S.,~~ Ensure submission TO THE CAPITAL
15 DEVELOPMENT COMMITTEE of:

16 (A) EXCEPT FOR PROJECTS AUTHORIZED PURSUANT TO SECTION
17 23-1-106 (9) OR (10), C.R.S., all CASH-FUNDED capital construction ~~and~~
18 ~~controlled maintenance~~ OR CAPITAL RENEWAL BUDGET requests ~~and~~
19 ~~proposals for the acquisition of capital assets by each state department,~~
20 ~~institution, and agency to the capital development committee~~ FOR THE
21 UPCOMING FISCAL YEAR no later than ~~September 1~~ SEPTEMBER 15 of each
22 year;

23 (B) ALL STATE-FUNDED CAPITAL CONSTRUCTION OR CAPITAL
24 RENEWAL BUDGET REQUESTS BY EACH STATE AGENCY OR STATE
25 INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL YEAR NO
26 LATER THAN OCTOBER 1 OF EACH YEAR;

27 ~~(H)~~ (C) ~~Submit~~ The recommended priority of funding of capital

1 construction OR CAPITAL RENEWAL projects of ~~all EACH state departments,~~
2 ~~institutions, and agencies to the capital development committee~~ AGENCY
3 OR STATE INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL
4 YEAR no later than November 1 of each year;

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

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

17 (II) ALL NEW OR AMENDED CAPITAL CONSTRUCTION, CAPITAL
18 RENEWAL, OR CONTROLLED MAINTENANCE BUDGET REQUESTS SUBMITTED
19 BY A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR
20 THE UPCOMING FISCAL YEAR AFTER THE DEADLINES SPECIFIED IN
21 SUB-SUBPARAGRAPHS (A), (B), (C), OR (D) OF SUBPARAGRAPH (I) OF THIS
22 PARAGRAPH (c.3) AS A RESULT OF CIRCUMSTANCES UNKNOWN TO, AND
23 NOT REASONABLY FORESEEABLE BY, THE STATE AGENCY OR THE STATE
24 INSTITUTION OF HIGHER EDUCATION MUST BE SUBMITTED NO LATER THAN
25 DECEMBER 10 OF EACH YEAR.

26 (III) THE OFFICE MAY MODIFY THE RECOMMENDED PRIORITY OF
27 FUNDING OF CAPITAL CONSTRUCTION OR CAPITAL RENEWAL PROJECTS OF

1 EACH STATE AGENCY AND STATE INSTITUTION OF HIGHER EDUCATION FOR
2 THE UPCOMING FISCAL YEAR NO LATER THAN THE JANUARY 1 OF THE YEAR
3 FOLLOWING THE ORIGINAL SUBMISSION DESCRIBED IN SUB-SUBPARAGRAPH
4 (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c.3).

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

14 **SECTION 42.** In Colorado Revised Statutes, 24-37.5-105,
15 **amend** (3) (k) and (3) (l); and **add** (3) (m) as follows:

16 **24-37.5-105. Office - responsibilities - rules - repeal.** (3) The
17 office shall:

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

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

24 (m) ESTABLISH, MAINTAIN, AND KEEP A SEPARATE INVENTORY OF
25 INFORMATION TECHNOLOGY EQUIPMENT VALUED IN EXCESS OF ONE
26 HUNDRED THOUSAND DOLLARS OWNED BY OR HELD IN TRUST FOR EVERY
27 STATE AGENCY.

1 **SECTION 43.** In Colorado Revised Statutes, 24-48.5-312,
2 **amend** (3) (a) (I), (3) (a) (II), (3) (a) (III), and (4); and **add** (2) (b.5) as
3 follows:

4 **24-48.5-312. Art in public places program - allocations from**
5 **capital construction costs - guidelines - fund created - definitions.**

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

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

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

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

27 (B) AN APPROPRIATION FOR PROFESSIONAL SERVICES MAY

1 INCLUDE PLANNING FOR ACQUISITION OF WORKS OF ART AS REQUIRED
2 UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II). SUCH
3 APPROPRIATION MAY BE APPLIED TO THE FUNDING SPECIFIED IN
4 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).

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

7 (A) Capital construction appropriations covered by section
8 24-48.5-313;

9 (B) Agricultural facilities where livestock are housed or
10 agricultural products are grown;

11 (C) Capital construction appropriations for controlled
12 maintenance as defined in ~~section 24-30-1301 (2)~~ SECTION 24-30-1301
13 (4);

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

16 (E) Any construction by the Colorado department of public health
17 and environment for cleanup and redevelopment of contaminated sites;
18 ~~and~~

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

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

23 (4) The office of state planning and budgeting ~~in both the~~
24 ~~planning and review stages in the construction of state buildings and other~~
25 ~~public facilities, shall be~~ IS responsible for insuring compliance with the
26 provisions of subsection (3) of this section.

27 **SECTION 44.** In Colorado Revised Statutes, 24-75-112, **amend**

1 (1) (a) (II) as follows:

2 **24-75-112. Annual general appropriation act - headnote**
3 **definitions - general provisions - footnotes.** (1) As used in the annual
4 general appropriation act, the following definitions and general provisions
5 shall apply for the headnote terms preceding and specifying the purpose
6 of certain line items of appropriation:

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

10 **SECTION 45.** In Colorado Revised Statutes, 24-75-201.1,
11 **amend** (1) (b) as follows:

12 **24-75-201.1. Restriction on state appropriations - legislative**
13 **declaration - definitions - repeal.** (1) (b) For the fiscal year 1984-85,
14 any amount of general fund revenues in excess of seven percent plus such
15 moneys as are necessary for reappraisals of any class or classes of taxable
16 property for property tax purposes as required by section 39-1-105.5,
17 C.R.S., and after retention of unrestricted general fund year-end balances
18 of one hundred million dollars, shall be placed in a special reserve fund
19 to be utilized for tax relief, for capital construction as defined in ~~section~~
20 ~~24-30-1301 (1)~~ SECTION 24-30-1301 (2), for construction, maintenance,
21 and repair of highways, for water projects, and for the cost of bringing
22 civil actions pursuant to the federal "Comprehensive Environmental
23 Response, Compensation, and Liability Act of 1980".

24 **SECTION 46.** In Colorado Revised Statutes, **amend** 24-75-301
25 as follows:

26 **24-75-301. Definitions.** As used in this part 3, unless the context
27 otherwise requires:

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

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

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

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

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

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

24 ~~(f) Any item of instructional or scientific equipment if the cost~~
25 ~~will exceed fifty thousand dollars.~~

26 ~~(g) The purchase of services from the office of information~~
27 ~~technology on the condition that the use of such services is the most cost~~

1 ~~beneficial option or falls within the duties and responsibilities of the~~
2 ~~office or the office's chief information officer as described in sections~~
3 ~~24-37.5-105 and 24-37.5-106.~~

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

7 ~~(a) Conformance with long-range development plans;~~

8 ~~(b) Technical and economic feasibility of the project;~~

9 ~~(c) Preparation of outline plans and specifications; and~~

10 ~~(d) Preparation of prepreliminary cost estimates.~~

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

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

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

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

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

24 **SECTION 47.** In Colorado Revised Statutes, 24-75-302, **amend**
25 (1), (3.2), and (3.5); and **repeal** (3) as follows:

26 **24-75-302. Capital construction fund - capital assessment fees**
27 **- calculation.** (1) (a) There is hereby created the capital construction

1 fund. ~~to which shall be allocated such revenues as~~ THE FUND CONSISTS OF
2 MONEYS TRANSFERRED TO THE FUND BY the general assembly. ~~may from~~
3 ~~time to time determine.~~ Moneys in the capital construction fund may be
4 appropriated for capital construction, ~~as defined in section 24-75-301 (1),~~
5 ~~including the remodeling or renovation of existing buildings or other~~
6 ~~physical facilities designated as~~ CAPITAL RENEWAL, controlled
7 maintenance, ~~projects in the general appropriation act~~ OR STATE HIGHWAY
8 RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS AS REQUESTED
9 PURSUANT TO SECTION 43-1-113 (2.5), C.R.S.; except that any moneys
10 transferred to the capital construction fund for state highway
11 reconstruction, repair, and maintenance projects may only be appropriated
12 for such projects. The appropriation for ~~such~~ projects ~~shall~~ MUST be set
13 forth in a single line item as a total sum. All unappropriated balances in
14 ~~said~~ THE fund at the close of any fiscal year ~~shall~~ MUST remain ~~therein~~ IN
15 THE FUND and MAY not revert to the general fund. All ~~moneys~~
16 unexpended or ~~not encumbered~~ UNENCUMBERED MONEYS from ~~the~~ A
17 capital construction fund appropriation to ~~each department~~ A STATE
18 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION for any fiscal year
19 ~~shall revert~~ REVERTS to the capital construction fund at the end of the
20 period for which ~~such~~ THE moneys are appropriated. Except as provided
21 in sections 2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S., no portion of
22 the unexpended balance of a ~~department's~~ STATE AGENCY'S OR STATE
23 INSTITUTION OF HIGHER EDUCATION'S capital construction fund
24 appropriation may be used by ~~such department~~ THE STATE AGENCY OR
25 THE STATE INSTITUTION OF HIGHER EDUCATION for any additional projects
26 ~~which~~ THAT are beyond the scope or design of the original project without
27 further approval by the ~~general assembly~~ CAPITAL DEVELOPMENT

1 COMMITTEE of such additional project. Anticipation warrants may be
2 issued against the revenues of the fund as provided by law. Except as
3 provided in subsection (7) of this section, all interest earned from the
4 investment of moneys in ~~said~~ THE CAPITAL CONSTRUCTION fund ~~shall~~
5 MUST remain in ~~said~~ THE fund and become a part thereof.

6 (b) The unrestricted year-end balance of the capital construction
7 fund ~~created pursuant to paragraph (a) of this subsection (1), for the~~
8 1991-92 fiscal year ~~shall constitute~~ CONSTITUTES a reserve, as defined in
9 section 24-77-102 (12), and, for purposes of section 24-77-103:

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

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

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

1 earned from the investment of moneys in said account shall revert to the
2 general fund.

3 (3.2) There is hereby created a special account within the capital
4 construction fund established pursuant to subsection (1) of this section to
5 be known as the emergency controlled maintenance account. The account
6 ~~shall consist~~ CONSISTS of any moneys appropriated to the account by the
7 general assembly. The moneys in the account ~~shall be~~ ARE subject to
8 annual appropriation and ~~shall~~ MAY be used only to fund any unplanned
9 and immediate controlled maintenance needs pursuant to section
10 24-30-1303.9 (5). All moneys unexpended or unencumbered in any fiscal
11 year ~~shall~~ MUST remain in the account.

12 (3.5) There is hereby created a special account within the capital
13 construction fund established pursuant to subsection (1) of this section to
14 be known as the "lease-purchase servicing account" for the benefit of the
15 department of personnel. The state treasurer shall deposit into the
16 lease-purchase servicing account all moneys transferred or received
17 pursuant to section 24-82-802 (9). Moneys in the lease-purchase servicing
18 account ~~shall be~~ ARE subject to annual appropriation and ~~shall~~ MAY only
19 be used to pay annual lease-purchase payments, as defined in section
20 24-82-802 (1) (a), for lease-purchase agreements authorized pursuant to
21 section 24-82-802 or for operating, maintenance, and controlled
22 maintenance costs and to establish a reserve for controlled maintenance
23 costs for the buildings subject to the lease-purchase agreements. All
24 interest and income derived from the investment and deposit of moneys
25 in the account shall be credited to the account. All moneys remaining in
26 the account at the end of a fiscal year that are unexpended or
27 unencumbered ~~shall~~ MUST remain in the account.

1 as follows:

2 **24-75-303. Appropriation for capital construction.** (1) The
3 general assembly shall ~~appropriate for capital construction~~ MAKE A
4 CAPITAL CONSTRUCTION APPROPRIATION in such form, in such amounts,
5 and from such funds as it deems necessary and may appropriate either for
6 construction or for planning of any project.

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

14 (2.5) No CAPITAL CONSTRUCTION appropriation ~~for capital~~
15 ~~construction shall~~ MAY be made to or expended by any ~~department,~~
16 ~~agency, or institution of the state~~ AGENCY OR STATE INSTITUTION OF
17 HIGHER EDUCATION that has not received approval of a facility
18 management plan for a vacant facility controlled by the state ~~department,~~
19 ~~agency or STATE institution of HIGHER EDUCATION~~ pursuant to section
20 24-30-1303.5, unless the capital development committee exempts the
21 state ~~department,~~ agency or STATE institution OF HIGHER EDUCATION from
22 the provisions of section 24-30-1303.5 (3.5) (f).

23 (3) (a) A capital construction project for a ~~state-supported~~ STATE
24 institution of higher education that is estimated to require total
25 expenditures exceeding two million dollars ~~may not be~~ PAID FROM CASH
26 FUNDS OR OTHER NONSTATE MONEYS HELD BY THE INSTITUTION MUST BE
27 commenced ~~unless:~~ PURSUANT TO SECTION 23-1-106, C.R.S.

1 ~~(I) The project:~~

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

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

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

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

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

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

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

24 (3.5) If a capital construction project for a ~~state-supported~~ STATE
25 institution of higher education is to be completed using a combination of
26 capital construction appropriations pursuant to this section and cash funds
27 or other nonstate moneys held by the institution, the institution may, at

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

8 (4) All contracts required as the result of a capital construction
9 appropriation shall be entered into in accordance with section 24-30-1404
10 (7).

11 **SECTION 50.** In Colorado Revised Statutes, **amend** 24-75-304
12 as follows:

13 **24-75-304. Legislative declaration.** It is declared to be the intent
14 of the general assembly in the passage of ~~sections 24-75-304 to~~
15 ~~24-75-306~~, THIS SECTION AND SECTION 24-75-305 to provide for orderly
16 management of state funds and, as fiscal procedures may require, to
17 temporarily augment the general revenue funds of the state in order to
18 insure prompt payment of all warrants drawn against said general revenue
19 funds pursuant to law.

20 **SECTION 51.** In Colorado Revised Statutes, **repeal** 24-75-306
21 as follows:

22 **24-75-306. Federal revenue sharing trust fund.** ~~(1) There is~~
23 ~~hereby created in the office of the state treasurer the federal revenue~~
24 ~~sharing trust fund. All moneys received by this state from the general and~~
25 ~~special revenue programs of the federal government and the interest~~
26 ~~thereon shall be deposited to said fund. All funds and the interest thereon~~
27 ~~presently held by the state treasurer in the account known as the "federal~~

1 ~~revenue sharing trust fund" shall be transferred to the federal revenue~~
2 ~~sharing trust fund.~~

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

8 **SECTION 52.** In Colorado Revised Statutes, 24-82-101, **amend**
9 (3) (f) (XVII) as follows:

10 **24-82-101. Control of legislative space in the capitol, the**
11 **legislative services building, and the state office building at 1525**
12 **Sherman street - responsibility of department of personnel for**
13 **supervision of maintenance in capitol buildings group - exception -**
14 **capitol complex master plan.** (3) (f) For purposes of this subsection (3),
15 the "capitol complex" includes the following buildings, facilities, and
16 surface parking lots:

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

19 **SECTION 53.** In Colorado Revised Statutes, 24-82-102, **amend**
20 (2) (a) as follows:

21 **24-82-102. State authorized to acquire property - disposition.**
22 (2) (a) ~~Said~~ THE executive director OF THE DEPARTMENT OF PERSONNEL,
23 with the approval of the governor, may rent or lease any ~~such~~ REAL
24 property not presently needed for state use and, under any such lease, with
25 specific legislative authorization, may authorize the construction by the
26 lessee on such property of any improvement which may be suitable for
27 state use upon the termination of the lease, which improvement ~~shall~~

1 ~~become~~ BECOMES the property of the state upon such termination at no
2 additional cost to the state unless such costs are paid from funds
3 appropriated by the general assembly or donated to the state for the
4 purpose.

5 **SECTION 54.** In Colorado Revised Statutes, 24-91-102, **add**
6 (1.5) as follows:

7 **24-91-102. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (1.5) "CONSTRUCTION" INCLUDES THE TERMS CAPITAL
10 CONSTRUCTION, CAPITAL RENEWAL, AND CONTROLLED MAINTENANCE AS
11 DEFINED IN SECTION 24-30-1301.

12 **SECTION 55.** In Colorado Revised Statutes, 24-91-103, **amend**
13 (1) (a) as follows:

14 **24-91-103. Public entity - contracts - partial payments.**

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

27 **SECTION 56.** In Colorado Revised Statutes, 24-91-103.5,

1 **amend** (1) (b) as follows:

2 **24-91-103.5. Public entity - contracts - delay clauses -**

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

12 **SECTION 57.** In Colorado Revised Statutes, 24-92-102, **amend**
13 (2) as follows:

14 **24-92-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

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

21 **SECTION 58.** In Colorado Revised Statutes, 24-92-104, **amend**
22 (1) introductory portion as follows:

23 **24-92-104. Exemptions - applicability.** (1) The provisions of
24 ~~section 24-92-103 shall~~ SECTIONS 24-92-103 AND 24-92-103.5 DO not
25 apply to:

26 **SECTION 59.** In Colorado Revised Statutes, 24-93-103, **amend**
27 (2) as follows:

1 **24-93-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

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

8 **SECTION 60.** In Colorado Revised Statutes, 24-103-210, **amend**
9 (1) as follows:

10 **24-103-210. Use of foreign-produced goods - iron, steel, and**
11 **related manufactured products - disclosure - report - definitions.**

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

23 **SECTION 61.** In Colorado Revised Statutes, 24-105-202, **amend**
24 (1) introductory portion as follows:

25 **24-105-202. Contract performance and payment bonds.**

26 (1) When a construction contract is awarded in excess of one hundred
27 FIFTY thousand dollars, the following bonds or security shall be delivered

1 to the state and shall become binding on the parties upon the execution of
2 the contract:

3 **SECTION 62.** In Colorado Revised Statutes, 38-26-106, **amend**
4 (1) as follows:

5 **38-26-106. Contractor executes bond.** (1) A contractor who is
6 awarded a contract for more than fifty thousand dollars for the
7 construction, erection, repair, maintenance, or improvement of any
8 building, road, bridge, viaduct, tunnel, excavation, or other public works
9 for any county, city and county, municipality, school district, or other
10 political subdivision of the state, and a contractor who is awarded a
11 contract for more than one hundred FIFTY thousand dollars for the
12 construction, erection, repair, maintenance, or improvement of any
13 building, road, bridge, viaduct, tunnel, excavation, or other public works
14 for this state, before entering upon the performance of any such work
15 included in the contract, shall duly execute, deliver to, and file with the
16 board, officer, body, or person by whom the contract was awarded a good
17 and sufficient bond or other acceptable surety approved by the contracting
18 board, officer, body, or person, in a penal sum not less than one-half of
19 the total amount payable under the terms of the contract; except that, for
20 a public works contract having a total value of five hundred million
21 dollars or more, a bond or other acceptable surety, including but not
22 limited to a letter of credit, may be issued in a penal sum not less than
23 one-half of the maximum amount payable under the terms of the contract
24 in any calendar year in which the contract is performed. The contracting
25 board, office, body, or person shall ensure that the contract requires that
26 a bond or other acceptable surety, including but not limited to a letter of
27 credit, be filed and current for the duration of the contract.

1 **SECTION 63.** In Colorado Revised Statutes, 38-26-107, **amend**
2 (1) as follows:

3 **38-26-107. Supplier may file statement - notice - withholding**
4 **funds.** (1) Any person, as defined in section 2-4-401 (8), C.R.S., that has
5 furnished labor, materials, sustenance, or other supplies used or consumed
6 by a contractor or his or her subcontractor in or about the performance of
7 the work contracted to be done or that supplies laborers, rental machinery,
8 tools, or equipment to the extent used in the prosecution of the work
9 whose claim therefor has not been paid by the contractor or the
10 subcontractor may, at any time up to and including the time of final
11 settlement for the work contracted to be done, file with the board, officer,
12 person, or other contracting body by whom the contract was awarded a
13 verified statement of the amount due and unpaid on account of the claim.
14 If the amount of the contract awarded to the contractor exceeds ONE
15 HUNDRED fifty thousand dollars, the board, officer, person, or other
16 contracting body by whom the contract was awarded shall, no later than
17 ten days before the final settlement is made, publish a notice of the final
18 settlement at least twice in a newspaper of general circulation in any
19 county where the work was contracted for or performed or in an
20 electronic medium approved by the executive director of the department
21 of personnel. It is unlawful for any person to divide a public works
22 contract into two or more separate contracts for the sole purpose of
23 evading or attempting to evade the requirements of this subsection (1).

24 **SECTION 64.** In Colorado Revised Statutes, 43-1-113, **amend**
25 (2.5) as follows:

26 **43-1-113. Funds - budgets - fiscal year - reports and**
27 **publications.** (2.5) Annually on or before October 1, the commission

1 shall submit a ~~capital construction~~ request for state highway
2 reconstruction, repair, or maintenance projects to the capital development
3 committee to be funded from money transferred to the capital
4 construction fund pursuant to section 24-75-302 (2), C.R.S. Such request
5 ~~shall~~ MUST be made in accordance with section 2-3-1304 (1) (a.5), C.R.S.

6 **SECTION 65.** In Colorado Revised Statutes, **repeal**
7 24-30-1303.1 and 24-30-1305 (9).

8 **SECTION 66. Applicability.** Section 35 of this act amending
9 section 24-30-1403 (1) and (2) (a), Colorado Revised Statutes, section 61
10 of this act amending the introductory portion to subsection (1) of section
11 24-105-202, Colorado Revised Statutes, section 62 of this act amending
12 section 38-26-106 (1), Colorado Revised Statutes, and section 63 of this
13 act amending section 38-26-107 (1), Colorado Revised Statutes, apply to
14 contracts entered into on or after the effective date of this act.

15 **SECTION 67. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.