

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

PREAMENDED

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

LLS NO. 14-0100.01 Esther van Mourik x4215

HOUSE BILL 14-1387

HOUSE SPONSORSHIP

Szabo and Fischer, Vigil

SENATE SPONSORSHIP

Schwartz, Jahn

House Committees
State, Veterans, & Military Affairs

Senate Committees

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, 2-3-203, **amend** (1)
27 (b.1) (I) as follows:

1 **2-3-203. Powers and duties of the joint budget committee -**

2 **repeal.** (1) The committee has the following power and duties:

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

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 ~~If part 13 of this article is repealed,~~
17 ~~this sub-subparagraph (B) is repealed, effective July 1, 2014.~~

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

20 **12-23-101. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (3.7) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
23 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
24 ESTABLISHED UNDER AND SPECIFIED IN SECTIONS 23-20-101 (1) (a) AND
25 23-31-101, C.R.S.; EXCEPT THAT THE AUTHORITY OF A QUALIFIED STATE
26 INSTITUTION OF HIGHER EDUCATION TO CONDUCT INSPECTIONS PURSUANT
27 TO THIS ARTICLE EXTENDS ONLY TO BUILDINGS OWNED OR LEASED BY

1 ~~THAT INSTITUTION.~~

2 **SECTION 21.** In Colorado Revised Statutes, 12-23-104, **amend**
3 (2) (a), (2) (k), (2) (l), and (2) (m) as follows:

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

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

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

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

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

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

25 **SECTION 22.** In Colorado Revised Statutes, 12-23-111, **amend**
26 (15) as follows:

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

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

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

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

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

10 **SECTION 24.** In Colorado Revised Statutes, 12-23-116, **amend**
11 (1) (a), (2) (a), (8), and (10) as follows:

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

1 HAVE BEEN MET.

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

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

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

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

9 **SECTION 25.** In Colorado Revised Statutes, 12-23-117, **amend**
10 (2) as follows:

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

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

4 SECTION 26. In Colorado Revised Statutes, 12-58-102, add
5 (8.5) as follows:

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

8 (8.5) "QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION"
9 MEANS ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION
10 ESTABLISHED UNDER AND SPECIFIED IN SECTIONS 23-20-101 (1) (a) AND
11 23-31-101, C.R.S.; EXCEPT THAT THE AUTHORITY OF A QUALIFIED STATE
12 INSTITUTION OF HIGHER EDUCATION TO CONDUCT INSPECTIONS PURSUANT
13 TO THIS ARTICLE EXTENDS ONLY TO BUILDINGS OWNED OR LEASED BY
14 THAT INSTITUTION.

15 SECTION 27. In Colorado Revised Statutes, 12-58-104, amend
16 (1) (l), (1) (m), and (1) (n) as follows:

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

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

27 (m) Issue an order to cease and desist from issuing permits or

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

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

10 **SECTION 28.** In Colorado Revised Statutes, 12-58-114.2, **add**
11 (4) as follows:

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

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

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

1 FOR THOSE PEOPLE PERFORMING THE PLUMBING WORK ON A PROJECT.

2 **SECTION 29.** In Colorado Revised Statutes, 12-58-114.5,
3 **amend** (1), (6), and (8); and **add** (9) as follows:

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

1 INSPECTION MUST INCLUDE A CONTEMPORANEOUS REVIEW TO ENSURE
2 THAT THE REQUIREMENTS OF SECTION 12-58-105 HAVE BEEN MET.

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

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

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

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

9 **SECTION 30.** In Colorado Revised Statutes, 22-43.7-103,
10 **amend** (6) as follows:

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

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

15 **SECTION 31.** In Colorado Revised Statutes, 22-43.7-109,
16 **amend** (7) (a) as follows:

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

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

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

10 **SECTION 32.** In Colorado Revised Statutes, **amend** 23-1-106 as
11 follows:

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

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

27 (3) The commission shall review and approve facility master plans

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

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

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

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

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

1 project completion, and the governing board-approved priority for each
2 project. The commission shall determine whether a proposed project is
3 consistent with the role and mission and master planning of the institution
4 and conforms to standards recommended by the commission.

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

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

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

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

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

27 (B) A state institution of higher education may submit to the staff

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

12 (8) Repealed.

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

25 (b) Except as provided in paragraph (d) of this subsection (9), a
26 capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
27 academic facility initiated by the governing board of a ~~state-supported~~

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

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

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

26 (II) Any plan for any such capital construction or ~~acquisition~~
27 CAPITAL RENEWAL project that is estimated to require total expenditures

1 of two million dollars or less ~~shall~~ IS not ~~be~~ subject to review or approval
2 by the commission.

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

11 (10) (a) (I) The commission shall review and approve any plan for
12 a capital construction or ~~acquisition~~ CAPITAL RENEWAL project for an
13 auxiliary facility that is estimated to require total expenditures exceeding
14 two million dollars and that is to be acquired or constructed and operated
15 and maintained solely from cash funds held by the STATE institution OF
16 HIGHER EDUCATION that, in whole or in part, are subject to the higher
17 education revenue bond intercept program established pursuant to section
18 23-5-139.

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

1 project subject to this subparagraph (II) ~~shall~~ MUST comply with the high
2 performance standard certification program established pursuant to
3 ~~section 24-30-1305~~ SECTION 24-30-1305.5, C.R.S.

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

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

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

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

1 paragraph (a) of subsection (10) of this section, that did not previously
2 qualify for state controlled maintenance funding will qualify for state
3 controlled maintenance funding, subject to funding approval by the
4 capital development committee and the eligibility guidelines described in
5 section 24-30-1303.9, C.R.S. ~~as enacted by House Bill 12-1318, enacted~~
6 ~~in 2012.~~

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

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

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

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

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

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

1 requires:

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

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

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

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

24 (e) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
25 24-30-1301 (8), C.R.S.

26 (f) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
27 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102

1 (10), AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN ARTICLE
2 70 OF THIS TITLE.

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

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

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

1 C.R.S. The governing board shall submit for the project annual
2 expenditure reports as required in section 24-30-204 (1), C.R.S.

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

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

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

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

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

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

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

21 ~~(13) The provisions of this section shall not apply to any local
22 junior college district that is not a part of the state system and not eligible
23 to receive any state funds for capital construction pursuant to section
24 23-71-202 (3).~~

25 **SECTION 33.** In Colorado Revised Statutes, 23-31-504, **amend**
26 (3) as follows:

27 **23-31-504. Control, investment, and expending of funds.**

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

11 **SECTION 34.** In Colorado Revised Statutes, **amend** 24-1-136.5
12 as follows:

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

25 (2) The executive director shall review and, with the approval of
26 the governor, approve facilities master planning and facilities program
27 planning for all capital construction, CONTROLLED MAINTENANCE, AND

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

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

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

16 (5) The executive director shall annually request from the director
17 of each subordinate agency, division, or office within the department a
18 five-year projection of ANY capital ~~development~~ CONSTRUCTION,
19 CONTROLLED MAINTENANCE, AND CAPITAL RENEWAL projects. The
20 projection ~~shall~~ MUST include the estimated cost, the method of funding,
21 a schedule for project completion, and the director's priority for each
22 project. The executive director shall determine whether a proposed
23 project is consistent with operational master planning and facilities master
24 planning of the department and conforms to space utilization standards
25 established pursuant to subsection (1) of this section and section
26 24-30-1303 (1) (h).

27 (6) (a) The executive director shall annually establish a

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

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

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

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

1 executive director within thirty days after each committee receives the
2 information prescribed in the agreement as necessary for its review.

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

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

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

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

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

16 (d) "FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
17 24-30-1301 (8).

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

20 **SECTION 35.** In Colorado Revised Statutes, 24-30-1402, **amend**
21 (1.5), (5), and (7); and **add** (8) as follows:

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

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

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

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

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

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

15 **SECTION 36.** In Colorado Revised Statutes, 24-30-1403, **amend**
16 (1) and (2) (a) as follows:

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

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

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

25 **SECTION 37.** In Colorado Revised Statutes, 24-30-1404, **amend**
26 (1), (6), (7) (a), (7) (d), (7) (f), and (7) (g) (I) as follows:

27 **24-30-1404. Contracts.** (1) The principal representative shall

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

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

26 (7) (a) Except as provided in paragraphs (b), (c), (e), (f), and (g)
27 of this subsection (7), any professional services contract entered into

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

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

26 (f) In the event that an appropriation is made to a state agency OR
27 STATE INSTITUTION OF HIGHER EDUCATION for allocation to other state

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

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

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

14 **SECTION 38.** In Colorado Revised Statutes, **amend** 24-30-1405
15 as follows:

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

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

7 **SECTION 39.** In Colorado Revised Statutes, **amend** 24-30-1406
8 as follows:

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

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

24 (3) Any state agency OR STATE INSTITUTION OF HIGHER
25 EDUCATION official or employee who solicits or secures or offers to solicit
26 or secure a contract for professional services with a state agency OR
27 STATE INSTITUTION OF HIGHER EDUCATION and who is paid any fee,

1 commission, gift, or other consideration contingent upon the making of
2 such contract commits a class 1 misdemeanor and shall be punished as
3 provided in section 18-1.3-501, C.R.S.

4 **SECTION 40.** In Colorado Revised Statutes, **amend** 24-30-1407
5 as follows:

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

13 **SECTION 41.** In Colorado Revised Statutes, **amend** 24-37-101
14 as follows:

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

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

20 (2) ~~"Office" means the office of state planning and budgeting~~
21 "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN SECTION
22 24-30-1301 (3).

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

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

1 (5) "OFFICE" MEANS THE OFFICE OF STATE PLANNING AND
2 BUDGETING.

3 **SECTION 42.** In Colorado Revised Statutes, 24-37-304, **amend**
4 (1) (b), (1) (b.5), and (1) (c.3) as follows:

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

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

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

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

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

27 (B) ALL STATE-FUNDED CAPITAL CONSTRUCTION OR CAPITAL

1 RENEWAL BUDGET REQUESTS BY EACH STATE AGENCY OR STATE
2 INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL YEAR NO
3 LATER THAN OCTOBER 1 OF EACH YEAR;

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

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

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

21 (II) ALL NEW OR AMENDED CAPITAL CONSTRUCTION, CAPITAL
22 RENEWAL, OR CONTROLLED MAINTENANCE BUDGET REQUESTS SUBMITTED
23 BY A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR
24 THE UPCOMING FISCAL YEAR AFTER THE DEADLINES SPECIFIED IN
25 SUB-SUBPARAGRAPHS (A), (B), (C), OR (D) OF SUBPARAGRAPH (I) OF THIS
26 PARAGRAPH (c.3) AS A RESULT OF CIRCUMSTANCES UNKNOWN TO, AND
27 NOT REASONABLY FORESEEABLE BY, THE STATE AGENCY OR THE STATE

1 INSTITUTION OF HIGHER EDUCATION MUST BE SUBMITTED NO LATER THAN
2 DECEMBER 10 OF EACH YEAR.

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

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

18 **SECTION 43.** In Colorado Revised Statutes, 24-37.5-105,
19 **amend** (3) (k) and (3) (l); and **add** (3) (m) as follows:

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

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

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

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

5 **SECTION 44.** In Colorado Revised Statutes, 24-48.5-312,
6 **amend** (3) (a) (I), (3) (a) (II), (3) (a) (III), and (4); and **add** (2) (b.5) as
7 follows:

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

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

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

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

23 (II) (A) Except as provided in subparagraph (III) of this paragraph
24 (a), commencing after August 11, 2010, any capital construction project
25 that is the subject of a lease-purchase agreement, as defined in section
26 24-82-801 (4), that provides for lease payments from moneys that have
27 been appropriated in full or in part by the state ~~shall~~ MUST include as a

1 nondeductible item in the project budget an allocation of not less than one
2 percent of the total construction costs to be used for the acquisition of
3 works of art.

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

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

11 (A) Capital construction appropriations covered by section
12 24-48.5-313;

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

15 (C) Capital construction appropriations for controlled
16 maintenance as defined in ~~section 24-30-1301 (2)~~ SECTION 24-30-1301
17 (4);

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

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

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

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

27 (4) The office of state planning and budgeting ~~in both the~~

1 planning and review stages in the construction of state buildings and other
2 public facilities, shall be IS responsible for insuring compliance with the
3 provisions of subsection (3) of this section.

4 **SECTION 45.** In Colorado Revised Statutes, 24-75-112, **amend**
5 (1) (a) (II) as follows:

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

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

14 **SECTION 46.** In Colorado Revised Statutes, 24-75-201.1,
15 **amend** (1) (b) as follows:

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

1 **SECTION 47.** In Colorado Revised Statutes, **amend** 24-75-301
2 as follows:

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

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

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

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

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

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

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

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

3 ~~(g) The purchase of services from the office of information~~
4 ~~technology on the condition that the use of such services is the most cost~~
5 ~~beneficial option or falls within the duties and responsibilities of the~~
6 ~~office or the office's chief information officer as described in sections~~
7 ~~24-37.5-105 and 24-37.5-106.~~

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

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

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

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

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

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

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

1 **SECTION 48.** In Colorado Revised Statutes, 24-75-302, **amend**
2 (1), (3.2), and (3.5); and **repeal** (3) as follows:

3 **24-75-302. Capital construction fund - capital assessment fees**
4 **- calculation.** (1) (a) There is hereby created the capital construction
5 fund. ~~to which shall be allocated such revenues as~~ THE FUND CONSISTS OF
6 MONEYS TRANSFERRED TO THE FUND BY the general assembly. ~~may from~~
7 ~~time to time determine.~~ Moneys in the capital construction fund may be
8 appropriated for capital construction, ~~as defined in section 24-75-301 (1),~~
9 ~~including the remodeling or renovation of existing buildings or other~~
10 ~~physical facilities designated as~~ CAPITAL RENEWAL, controlled
11 maintenance, ~~projects in the general appropriation act~~ OR STATE HIGHWAY
12 RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS AS REQUESTED
13 PURSUANT TO SECTION 43-1-113 (2.5), C.R.S.; except that any moneys
14 transferred to the capital construction fund for state highway
15 reconstruction, repair, and maintenance projects may only be appropriated
16 for such projects. The appropriation for ~~such~~ projects ~~shall~~ MUST be set
17 forth in a single line item as a total sum. All unappropriated balances in
18 ~~said~~ THE fund at the close of any fiscal year ~~shall~~ MUST remain ~~therein~~ IN
19 THE FUND and MAY not revert to the general fund. All ~~moneys~~
20 unexpended or ~~not encumbered~~ UNENCUMBERED MONEYS from ~~the~~ A
21 capital construction fund appropriation to ~~each department~~ A STATE
22 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION for any fiscal year
23 ~~shall revert~~ REVERTS to the capital construction fund at the end of the
24 period for which ~~such~~ THE moneys are appropriated. Except as provided
25 in sections 2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S., no portion of
26 the unexpended balance of a ~~department's~~ STATE AGENCY'S OR STATE
27 INSTITUTION OF HIGHER EDUCATION'S capital construction fund

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

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

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

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

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

1 ~~documents originating the obligations set forth in section 33-60-103,~~
2 ~~C.R.S., or, if refunded, according to the terms of the documents~~
3 ~~originating such refunded obligations. All moneys unexpended or~~
4 ~~unencumbered in any fiscal year shall remain in the account. All interest~~
5 ~~earned from the investment of moneys in said account shall revert to the~~
6 ~~general fund.~~

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

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

1 interest and income derived from the investment and deposit of moneys
2 in the account shall be credited to the account. All moneys remaining in
3 the account at the end of a fiscal year that are unexpended or
4 unencumbered shall MUST remain in the account.

5 **SECTION 49.** In Colorado Revised Statutes, 24-75-302.5,
6 **amend** (1), (2) (c), and (2) (d) as follows:

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

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

27 (d) The principal of the trust fund and any unappropriated interest

1 earned on the principal of the trust fund at the close of any fiscal year
2 ~~shall~~ MUST remain ~~therein~~ IN THE TRUST FUND and ~~shall~~ MAY not revert
3 to the general fund.

4 **SECTION 50.** In Colorado Revised Statutes, **amend** 24-75-303
5 as follows:

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

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

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

27 (3) (a) A capital construction project for a ~~state-supported~~ STATE

1 institution of higher education that is estimated to require total
2 expenditures exceeding two million dollars ~~may not be~~ PAID FROM CASH
3 FUNDS OR OTHER NONSTATE MONEYS HELD BY THE INSTITUTION MUST BE
4 commenced ~~unless~~: PURSUANT TO SECTION 23-1-106, C.R.S.

5 ~~(I) The project:~~

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

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

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

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

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

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

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

1 (3.5) If a capital construction project for a ~~state-supported~~ STATE
2 institution of higher education is to be completed using a combination of
3 capital construction appropriations pursuant to this section and cash funds
4 or other nonstate moneys held by the institution, the institution may, at
5 any time prior to or after receiving the cash funds or other nonstate
6 moneys, earn the moneys appropriated from the state capital construction
7 fund. For any project funded in part by capital construction appropriations
8 pursuant to this section, if there are cash funds or other nonstate moneys
9 remaining after the project is completed, the institution shall refund
10 moneys to the state capital construction fund in proportion to the amount
11 of state capital construction moneys appropriated for the project.

12 (4) All contracts required as the result of a capital construction
13 appropriation shall be entered into in accordance with section 24-30-1404
14 (7).

15 **SECTION 51.** In Colorado Revised Statutes, **amend** 24-75-304
16 as follows:

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

24 **SECTION 52.** In Colorado Revised Statutes, **repeal** 24-75-306
25 as follows:

26 **24-75-306. Federal revenue sharing trust fund.** ~~(1) There is~~
27 ~~hereby created in the office of the state treasurer the federal revenue~~

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

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

12 **SECTION 53.** In Colorado Revised Statutes, 24-82-101, **amend**
13 (3) (f) (XVII) as follows:

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

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

23 **SECTION 54.** In Colorado Revised Statutes, 24-82-102, **amend**
24 (2) (a) as follows:

25 **24-82-102. State authorized to acquire property - disposition.**
26 (2) (a) ~~Said~~ THE executive director OF THE DEPARTMENT OF PERSONNEL,
27 with the approval of the governor, may rent or lease any ~~such~~ REAL

1 property not presently needed for state use and, under any such lease, with
2 specific legislative authorization, may authorize the construction by the
3 lessee on such property of any improvement which may be suitable for
4 state use upon the termination of the lease, which improvement ~~shall~~
5 ~~become~~ BECOMES the property of the state upon such termination at no
6 additional cost to the state unless such costs are paid from funds
7 appropriated by the general assembly or donated to the state for the
8 purpose.

9 **SECTION 55.** In Colorado Revised Statutes, 24-91-102, **add**
10 (1.5) as follows:

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

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

16 **SECTION 56.** In Colorado Revised Statutes, 24-91-103, **amend**
17 (1) (a) as follows:

18 **24-91-103. Public entity - contracts - partial payments.**

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

1 contracted work, improvement, or construction may be retained until the
2 contract is completed satisfactorily and finally accepted by the public
3 entity.

4 **SECTION 57.** In Colorado Revised Statutes, 24-91-103.5,
5 **amend** (1) (b) as follows:

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

16 **SECTION 58.** In Colorado Revised Statutes, 24-92-102, **amend**
17 (2) as follows:

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

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

25 **SECTION 59.** In Colorado Revised Statutes, 24-92-104, **amend**
26 (1) introductory portion as follows:

27 **24-92-104. Exemptions - applicability.** (1) The provisions of

1 ~~section 24-92-103 shall~~ SECTIONS 24-92-103 AND 24-92-103.5 DO not
2 apply to:

3 **SECTION 60.** In Colorado Revised Statutes, 24-93-103, **amend**
4 (2) as follows:

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

7 (2) "Contract" means any agreement for designing, building,
8 altering, repairing, improving, demolishing, operating, maintaining, or
9 financing a public project. For purposes of this article, "contract" includes
10 capital construction as defined in ~~section 24-30-1301 (1)~~ SECTION
11 24-30-1301 (2).

12 **SECTION 61.** In Colorado Revised Statutes, 24-103-210, **amend**
13 (1) as follows:

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

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

27 **SECTION 62.** In Colorado Revised Statutes, 24-105-202, **amend**

1 (1) introductory portion as follows:

2 **24-105-202. Contract performance and payment bonds.**

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

7 **SECTION 63.** In Colorado Revised Statutes, 38-26-106, **amend**
8 (1) as follows:

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

1 in any calendar year in which the contract is performed. The contracting
2 board, office, body, or person shall ensure that the contract requires that
3 a bond or other acceptable surety, including but not limited to a letter of
4 credit, be filed and current for the duration of the contract.

5 **SECTION 64.** In Colorado Revised Statutes, 38-26-107, **amend**
6 (1) as follows:

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

1 **SECTION 65.** In Colorado Revised Statutes, 43-1-113, **amend**
2 (2.5) as follows:

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

10 **SECTION 66.** In Colorado Revised Statutes, **repeal**
11 24-30-1303.1 and 24-30-1305 (9).

12 **SECTION 67. Applicability.** Section 36 of this act amending
13 section 24-30-1403 (1) and (2) (a), Colorado Revised Statutes, section 62
14 of this act amending the introductory portion to subsection (1) of section
15 24-105-202, Colorado Revised Statutes, section 63 of this act amending
16 section 38-26-106 (1), Colorado Revised Statutes, and section 64 of this
17 act amending section 38-26-107 (1), Colorado Revised Statutes, apply to
18 contracts entered into on or after the effective date of this act.

19 **SECTION 68. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.