

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
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LLS NO. 17-0876.01 Esther van Mourik x4215

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Single Line Item Approp For Controlled Maintenance"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE GENERAL ASSEMBLY MAKE**
102 **CONTROLLED MAINTENANCE APPROPRIATIONS FOR EVERY**
103 **STATE AGENCY AND STATE INSTITUTION OF HIGHER EDUCATION**
104 **IN A SINGLE LINE ITEM TO THE DEPARTMENT OF PERSONNEL.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires the general assembly to make controlled maintenance appropriations for every state agency and state institution of higher education in a single line item to the department

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of personnel and not as a list of individual controlled maintenance appropriations to each state agency and state institution of higher education. The bill also renames the "emergency controlled maintenance account" in the capital construction fund the "controlled maintenance account".

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-303, **amend**
3 (1) as follows:

4 **24-75-303. Appropriations for capital construction and**
5 **controlled maintenance.** (1) (a) The general assembly shall make a
6 capital construction appropriation in such form, in such amounts, and
7 from such funds as it deems necessary and may appropriate either for
8 construction or for planning of any project.

9 (b) THE GENERAL ASSEMBLY SHALL MAKE CONTROLLED
10 MAINTENANCE APPROPRIATIONS FOR EVERY STATE AGENCY AND STATE
11 INSTITUTION OF HIGHER EDUCATION IN A SINGLE LINE ITEM TO THE
12 DEPARTMENT OF PERSONNEL AND NOT AS A LIST OF INDIVIDUAL
13 CONTROLLED MAINTENANCE APPROPRIATIONS TO EACH STATE AGENCY
14 AND STATE INSTITUTION OF HIGHER EDUCATION. THE OFFICE OF THE STATE
15 ARCHITECT SHALL BE RESPONSIBLE FOR MANAGING THE CONTROLLED
16 MAINTENANCE APPROPRIATION IN ACCORDANCE WITH SECTION 24-30-1303
17 (1)(k.5) AND (1)(t)(II) AND SECTION 24-37-304 (1)(c.3).

18 **SECTION 2.** In Colorado Revised Statutes, 24-30-1303.7, **repeal**
19 (1) as follows:

20 **24-30-1303.7. Controlled maintenance projects - flexibility in**
21 **administering appropriations.** (1) ~~When the actual cost of a controlled~~
22 ~~maintenance project exceeds the amount specifically appropriated for~~
23 ~~such project in the annual general appropriation act or when an~~

1 ~~emergency need arises for a new controlled maintenance project, the~~
2 ~~executive director may eliminate one or more projects authorized by~~
3 ~~appropriation in the general appropriation act and utilize the savings to~~
4 ~~cover such additional cost or the cost of the emergency project. When the~~
5 ~~actual cost of a controlled maintenance project is less than the amount~~
6 ~~specifically appropriated for such project in the annual general~~
7 ~~appropriation act, the executive director may apply such savings to other~~
8 ~~appropriated controlled maintenance projects.~~

9 **SECTION 3.** In Colorado Revised Statutes, 24-30-1303.9,
10 **amend** (5) as follows:

11 **24-30-1303.9. Eligibility for state controlled maintenance**
12 **funding - legislative declaration.** (5) Notwithstanding the eligibility
13 requirements specified in this section, if a need arises for emergency
14 controlled maintenance funding, the state agency or state institution of
15 higher education shall communicate such need to the state architect in
16 writing, and the state architect, in his or her discretion, may use moneys
17 in the ~~emergency~~ controlled maintenance account created in section
18 24-75-302 (3.2) to fund such emergency controlled maintenance need.
19 The state architect shall annually provide an emergency controlled
20 maintenance funding status report to the capital development committee
21 that shows spending for emergency controlled maintenance projects from
22 the ~~emergency~~ controlled maintenance account.

23 **SECTION 4.** In Colorado Revised Statutes, 24-75-108, **amend**
24 (2)(e) as follows:

25 **24-75-108. Intradepartmental transfers between**
26 **appropriations - repeal.** (2) None of the following transfers shall be
27 deemed to be between like purposes within the meaning of subsection (1)

1 of this section:

2 (e) Transfers between capital construction projects; except that
3 transfers between specific maintenance projects ~~or between controlled~~
4 ~~maintenance projects~~ may be made as authorized in the general
5 appropriation act;

6 **SECTION 5.** In Colorado Revised Statutes, 24-75-302, **amend**
7 (1)(a) and (3.2) as follows:

8 **24-75-302. Capital construction fund - capital assessment fees**
9 **- calculation - information technology capital account.** (1) (a) There
10 is hereby created the capital construction fund. The fund consists of
11 moneys transferred to the fund by the general assembly and moneys
12 credited to the fund pursuant to section 24-30-1310. Moneys in the capital
13 construction fund may be appropriated for capital construction, capital
14 renewal, controlled maintenance, or state highway reconstruction, repair,
15 and maintenance projects as requested pursuant to section 43-1-113 (2.5);
16 ~~C.R.S.~~; except that any moneys transferred to the capital construction
17 fund for state highway reconstruction, repair, and maintenance projects
18 may only be appropriated for such projects. The appropriation for projects
19 must be set forth in a single line item as a total sum. All unappropriated
20 balances in the fund at the close of any fiscal year must remain in the fund
21 and may not revert to the general fund. All unexpended or unencumbered
22 moneys from a capital construction fund appropriation to a state agency
23 or state institution of higher education for any fiscal year reverts to the
24 capital construction fund at the end of the period for which the moneys
25 are appropriated. Except as provided in ~~sections 2-3-1304 (1)(a.5) and~~
26 ~~24-30-1303.7 (1), C.R.S.~~ SECTION 2-3-1304 (1)(a.5), no portion of the
27 unexpended balance of a state agency's or state institution of higher

1 education's capital construction fund appropriation may be used by the
2 state agency or the state institution of higher education for any additional
3 projects that are beyond the scope or design of the original project
4 without further approval by the capital development committee of such
5 additional project. Anticipation warrants or checks may be issued against
6 the revenues of the fund as provided by law. Except as provided in
7 subsection (7) of this section, all interest earned from the investment of
8 moneys in the capital construction fund must remain in the fund and
9 become a part thereof.

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

19 **SECTION 6. 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.