

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 18-1009.02 Esther van Mourik x4215

**HOUSE BILL 18-1371**

**HOUSE SPONSORSHIP**

**Esgar and Becker J.**, Hansen

**SENATE SPONSORSHIP**

**Kefalas and Baumgardner**, Sonnenberg

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**House Committees**  
Finance

**Senate Committees**  
Finance

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**A BILL FOR AN ACT**

101      **CONCERNING CAPITAL CONSTRUCTION BUDGET ITEMS, AND, IN**  
102            **CONNECTION THEREWITH, CODIFYING THE THREE-YEAR PERIOD**  
103            **THAT CAPITAL CONSTRUCTION BUDGET ITEMS REMAIN**  
104            **AVAILABLE AND CLARIFYING THE DEADLINES FOR THE**  
105            **SUBMISSION OF CAPITAL CONSTRUCTION BUDGET REQUESTS,**  
106            **BUDGET REQUEST AMENDMENTS, AND BUDGET REQUEST**  
107            **AMENDMENTS THAT ARE RELATED TO A REQUEST FOR A**  
108            **SUPPLEMENTAL APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
April 26, 2018

SENATE  
2nd Reading Unamended  
April 25, 2018

HOUSE  
3rd Reading Unamended  
April 18, 2018

HOUSE  
Amended 2nd Reading  
April 17, 2018

[http://leg.colorado.gov/.](http://leg.colorado.gov/))

**Capital Development Committee.** The bill:

- ! Codifies the 3-year period that capital construction appropriations remain available; and
- ! Clarifies the deadlines for the submission of capital construction budget requests, budget request amendments, and budget request amendments that are related to a request for a supplemental appropriation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-303, **add** (5)  
3 as follows:

4 **24-75-303. Appropriation for capital construction.**

5 (5)(a) EXCEPT FOR AN APPROPRIATION FOR A LEASE-PURCHASE PAYMENT,  
6 EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, AND UNLESS  
7 OTHERWISE NOTED IN A FOOTNOTE IN AN APPROPRIATION ACT, AN  
8 APPROPRIATION FOR A CAPITAL CONSTRUCTION BUDGET ITEM OR AN  
9 INFORMATION TECHNOLOGY CAPITAL PROJECT, INCLUDING CAPITAL  
10 CONSTRUCTION, CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL  
11 PROJECTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-30-1301,  
12 INCLUDED IN:

13 (I) THE ANNUAL GENERAL APPROPRIATION ACT IS AVAILABLE FOR  
14 EXPENDITURE UPON ENACTMENT OF THE ACT AND REMAINS AVAILABLE  
15 FOR EXPENDITURE OR ENCUMBRANCE FOR THREE FULL FISCAL YEARS  
16 COMMENCING WITH THE FISCAL YEAR FOR WHICH THE ANNUAL GENERAL  
17 APPROPRIATION ACT IS ENACTED, OR UNTIL THE PROJECT IS COMPLETED,  
18 WHICHEVER IS FIRST; AND

19 (II) A SUPPLEMENTAL APPROPRIATION ACT AUTHORIZED OR  
20 REQUIRED BY SECTION 2-3-208, 24-37-304, 24-75-111 (5), OR 24-75-111.5

1 (5) IS AVAILABLE FOR EXPENDITURE UPON ENACTMENT OF THE  
2 SUPPLEMENTAL APPROPRIATION ACT AND REMAINS AVAILABLE FOR  
3 EXPENDITURE OR ENCUMBRANCE FOR THREE FULL FISCAL YEARS  
4 COMMENCING WITH THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL  
5 APPROPRIATION ACT WAS ENACTED, OR UNTIL THE PROJECT IS COMPLETED,  
6 WHICHEVER IS FIRST; EXCEPT THAT EXPENDITURES AND NONMONETARY  
7 ADJUSTMENTS ALLOWED UNDER SECTION 24-75-111 OR 24-75-111.5 ARE  
8 AVAILABLE FOR EXPENDITURE AS SPECIFIED IN SUCH SECTIONS.

9 (b) IF A PORTION OF AN APPROPRIATION FOR A CAPITAL  
10 CONSTRUCTION BUDGET ITEM OR AN INFORMATION TECHNOLOGY CAPITAL  
11 PROJECT, INCLUDING CAPITAL CONSTRUCTION, CONTROLLED  
12 MAINTENANCE, OR CAPITAL RENEWAL PROJECTS, IS NOT EXPENDED IN THE  
13 FIRST FISCAL YEAR, THEN THE APPROPRIATION DOES NOT REMAIN  
14 AVAILABLE FOR EXPENDITURE OR ENCUMBRANCE AS DESCRIBED IN  
15 SUBSECTION (5)(a) OF THIS SECTION.

16 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING  
17 AFTER THE PERIODS SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION  
18 REVERTS TO THE FUND FROM WHICH IT WAS APPROPRIATED.

19 **SECTION 2.** In Colorado Revised Statutes, 2-3-208, **add** (5) as  
20 follows:

21 **2-3-208. Budget requests - amendments - supplemental**  
22 **appropriation requests - deadlines - definitions.** (5) A STATE AGENCY  
23 OR THE OFFICE OF STATE PLANNING AND BUDGETING ACTING ON BEHALF  
24 OF A STATE AGENCY SHALL MEET THE DEADLINES AND REQUIREMENTS SET  
25 FORTH IN SECTION 24-37-304 (1)(c.3) AND (1)(c.5) FOR A CAPITAL  
26 CONSTRUCTION, CAPITAL RENEWAL, CONTROLLED MAINTENANCE, OR  
27 INFORMATION TECHNOLOGY BUDGET REQUEST OR BUDGET REQUEST

1 AMENDMENT, INCLUDING A BUDGET REQUEST AMENDMENT THAT IS  
2 RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION, PRIOR TO  
3 THE SUBMISSION OF ANY SUCH BUDGET REQUEST TO THE JOINT BUDGET  
4 COMMITTEE PURSUANT TO THIS SECTION.

5 **SECTION 3.** In Colorado Revised Statutes, 24-37-304, **amend**  
6 (1)(c.3)(I)(E), (1)(c.3)(II), and (1)(c.3)(IV) as follows:

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

10 (c.3) (I) Ensure submission to the capital development committee  
11 of:

12 (E) All ~~requests for supplemental appropriations for capital~~  
13 ~~construction, capital renewal, and controlled maintenance requests~~  
14 BUDGET REQUEST AMENDMENTS AND BUDGET REQUEST AMENDMENTS  
15 THAT ARE RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION  
16 for the current or previous fiscal year by each state agency or state  
17 institution of higher education no later than December 10 of each year.

18 (II) All new ~~or amended~~ capital construction, capital renewal, or  
19 controlled maintenance budget requests, AND ALL CAPITAL  
20 CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED MAINTENANCE  
21 BUDGET REQUEST AMENDMENTS OR BUDGET REQUEST AMENDMENTS THAT  
22 ARE RELATED TO A REQUEST FOR SUPPLEMENTAL APPROPRIATIONS,  
23 submitted by a state agency or state institution of higher education for the  
24 upcoming fiscal year after the deadlines specified in ~~sub-subparagraphs~~  
25 ~~(A), (B), (C), or (D) of subparagraph (I) of this paragraph (c.3)~~  
26 SUBSECTION (1)(c.3)(I)(A) TO (1)(c.3)(I)(D) OF THIS SECTION as a result  
27 of circumstances unknown to, and not reasonably foreseeable by, the state

1 agency or the state institution of higher education must be submitted no  
2 later than December 10 of each year.

3 (IV) In the event of an emergency, the office may submit a capital  
4 construction, capital renewal, or controlled maintenance budget request,  
5 BUDGET REQUEST AMENDMENT, OR BUDGET REQUEST AMENDMENT THAT  
6 IS RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION for a  
7 state agency or state institution of higher education after the deadlines  
8 specified in ~~subparagraphs (I) and (II) of this paragraph (c.3)~~ SUBSECTION  
9 (1)(c.3)(I) AND (1)(c.3)(II) OF THIS SECTION if the office, as soon as  
10 possible but no later than thirty days after determining the emergency,  
11 makes a presentation to the capital development committee explaining the  
12 nature of the emergency and the estimated time for submission of such  
13 budget request, BUDGET REQUEST AMENDMENT, OR BUDGET REQUEST  
14 AMENDMENT THAT IS RELATED TO A REQUEST FOR A SUPPLEMENTAL  
15 APPROPRIATION.

16 **SECTION 4. Act subject to petition - effective date -**  
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
18 the expiration of the ninety-day period after final adjournment of the  
19 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
20 2018); except that, if a referendum petition is filed pursuant to section 1  
21 (3) of article V of the state constitution against this act or an item, section,  
22 or part of this act within such period, then the act, item, section, or part  
23 will not take effect unless approved by the people at the general election  
24 to be held in November 2018 and, in such case, will take effect on the  
25 date of the official declaration of the vote thereon by the governor.

1           (2) This act applies to capital construction, capital renewal, or  
2 controlled maintenance budget requests and appropriations made and  
3 enacted on or after the effective date of this act.