

CHAPTER 312

GOVERNMENT - STATE

HOUSE BILL 18-1371

BY REPRESENTATIVE(S) Esgar and Becker J., Hansen, Becker K., Gray, Hooton, Pettersen, Roberts, Rosenthal, Valdez, Young, Duran;
also SENATOR(S) Kefalas and Baumgardner, Sonnenberg, Guzman, Tate.

AN ACT

CONCERNING CAPITAL CONSTRUCTION BUDGET ITEMS, AND, IN CONNECTION THEREWITH, CODIFYING THE THREE-YEAR PERIOD THAT CAPITAL CONSTRUCTION BUDGET ITEMS REMAIN AVAILABLE AND CLARIFYING 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.

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

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

24-75-303. Appropriation for capital construction. (5) (a) EXCEPT FOR AN APPROPRIATION FOR A LEASE-PURCHASE PAYMENT, EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, AND UNLESS OTHERWISE NOTED IN A FOOTNOTE IN AN APPROPRIATION ACT, AN APPROPRIATION FOR A CAPITAL CONSTRUCTION BUDGET ITEM OR AN INFORMATION TECHNOLOGY CAPITAL PROJECT, INCLUDING CAPITAL CONSTRUCTION, CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL PROJECTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-30-1301, INCLUDED IN:

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

(II) A SUPPLEMENTAL APPROPRIATION ACT AUTHORIZED OR REQUIRED BY SECTION 2-3-208, 24-37-304, 24-75-111 (5), OR 24-75-111.5 (5) IS AVAILABLE FOR EXPENDITURE UPON ENACTMENT OF THE SUPPLEMENTAL APPROPRIATION ACT AND REMAINS AVAILABLE FOR EXPENDITURE OR ENCUMBRANCE FOR THREE FULL FISCAL

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

YEARS COMMENCING WITH THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL APPROPRIATION ACT WAS ENACTED, OR UNTIL THE PROJECT IS COMPLETED, WHICHEVER IS FIRST; EXCEPT THAT EXPENDITURES AND NONMONETARY ADJUSTMENTS ALLOWED UNDER SECTION 24-75-111 OR 24-75-111.5 ARE AVAILABLE FOR EXPENDITURE AS SPECIFIED IN SUCH SECTIONS.

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

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

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

2-3-208. Budget requests - amendments - supplemental appropriation requests - deadlines - definitions. (5) A STATE AGENCY OR THE OFFICE OF STATE PLANNING AND BUDGETING ACTING ON BEHALF OF A STATE AGENCY SHALL MEET THE DEADLINES AND REQUIREMENTS SET FORTH IN SECTION 24-37-304 (1)(c.3) AND (1)(c.5) FOR A CAPITAL CONSTRUCTION, CAPITAL RENEWAL, CONTROLLED MAINTENANCE, OR INFORMATION TECHNOLOGY BUDGET REQUEST OR BUDGET REQUEST AMENDMENT, INCLUDING A BUDGET REQUEST AMENDMENT THAT IS RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION, PRIOR TO THE SUBMISSION OF ANY SUCH BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE PURSUANT TO THIS SECTION.

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

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

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

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

(II) All new ~~or amended~~ capital construction, capital renewal, or controlled maintenance budget requests, AND ALL CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED MAINTENANCE BUDGET REQUEST AMENDMENTS OR BUDGET REQUEST AMENDMENTS THAT ARE RELATED TO A REQUEST FOR SUPPLEMENTAL APPROPRIATIONS, submitted by a state agency or state institution of higher education

for the upcoming fiscal year after the deadlines specified in ~~sub-subparagraphs (A), (B), (C), or (D) of subparagraph (I) of this paragraph (c.3)~~ SUBSECTION (1)(c.3)(I)(A) TO (1)(c.3)(I)(D) OF THIS SECTION as a result of circumstances unknown to, and not reasonably foreseeable by, the state agency or the state institution of higher education must be submitted no later than December 10 of each year.

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

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

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

Approved: May 29, 2018