

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 23-0984.01 Nicole Myers x4326

SENATE BILL 23-278

SENATE SPONSORSHIP

Simpson and Mullica, Hinrichsen, Bridges, Buckner, Gonzales, Sullivan

HOUSE SPONSORSHIP

Lindsay and Story, Catlin

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING A MODIFICATION TO THE REQUIREMENT THAT A PORTION**
102 **OF EVERY CAPITAL CONSTRUCTION APPROPRIATION BE**
103 **ALLOCATED FOR THE ACQUISITION OF WORKS OF ART.**

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/>.)

Capital Development Committee. Current law requires a state agency or institution of higher education that receives an appropriation for a capital construction project to allocate not less than one percent of the state funded portion of the project for the acquisition of works of art. In the 2022-23 fiscal year, the general assembly appropriated money from

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

HOUSE
2nd Reading Unamended
May 3, 2023

SENATE
3rd Reading Unamended
April 24, 2023

SENATE
2nd Reading Unamended
April 21, 2023

the revenue loss restoration cash fund to state agencies and institutions of higher education for capital construction projects. The bill clarifies that the state funded portion of a capital construction project includes money appropriated from the revenue loss restoration cash fund.

In addition, for appropriations for capital construction projects made for the 2022-23 fiscal year only, the bill makes the allocation for the acquisition of works of art discretionary rather than mandatory and allows a state agency or institution of higher education that opts not to make such an allocation to use the money that would otherwise be used for works of art for any other costs associated with the capital construction project.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-48.5-312, **amend**
3 (3)(a)(I)(A); and **add** (3)(a)(IV) as follows:

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

6 (3) (a) (I) (A) Except as provided in ~~subparagraph (III) of this paragraph~~
7 ~~(a)~~ SUBSECTIONS (3)(a)(III) AND (3)(a)(IV) OF THIS SECTION, each
8 appropriation for a capital construction project must include as a
9 nondeductible item an allocation of not less than one percent of the state
10 funded portion of the total construction costs to be used for the
11 acquisition of works of art.

12 (IV) FOR PURPOSES OF THIS SECTION, THE STATE FUNDED PORTION
13 OF THE TOTAL CONSTRUCTION COSTS FOR A CAPITAL CONSTRUCTION
14 PROJECT INCLUDES APPROPRIATIONS FROM THE REVENUE LOSS
15 RESTORATION CASH FUND CREATED IN SECTION 24-75-227 (2)(a) TO A
16 STATE AGENCY OR INSTITUTION OF HIGHER EDUCATION FOR THE CAPITAL
17 CONSTRUCTION PROJECT. FOR APPROPRIATIONS MADE FOR THE 2022-23
18 FISCAL YEAR ONLY, A STATE AGENCY OR INSTITUTION OF HIGHER
19 EDUCATION THAT RECEIVED AN APPROPRIATION FOR A CAPITAL
20 CONSTRUCTION PROJECT IS NOT REQUIRED TO ALLOCATE NOT LESS THAN

1 ONE PERCENT OF THE STATE FUNDED PORTION OF THE TOTAL COSTS OF A
2 CAPITAL CONSTRUCTION PROJECT FOR THE ACQUISITION OF WORKS OF ART
3 IN ACCORDANCE WITH SUBSECTION (3)(a)(I)(A) OF THIS SECTION. A STATE
4 AGENCY OR AN INSTITUTION OF HIGHER EDUCATION THAT OPTS NOT TO
5 ALLOCATE A PORTION OF THE TOTAL CONSTRUCTION COSTS FOR THE
6 ACQUISITION OF WORKS OF ART IN ACCORDANCE WITH SUBSECTION
7 (3)(a)(I)(A) OF THIS SECTION MAY USE THE MONEY THAT WOULD
8 OTHERWISE BE ALLOCATED FOR SUCH PURPOSES FOR ANY OTHER COSTS
9 ASSOCIATED WITH THE CAPITAL CONSTRUCTION PROJECT.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.