

## CHAPTER 255

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**GOVERNMENT - STATE**

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## SENATE BILL 15-208

BY SENATOR(S) Kefalas, Heath, Merrifield, Newell, Steadman;  
also REPRESENTATIVE(S) Brown, Becker K., Vigil, Coram.

**AN ACT**

**CONCERNING CAPITAL-RELATED EXPENDITURES, AND, IN CONNECTION THEREWITH, GRANTING THE CONTROLLER AUTHORITY TO ALLOW EXPENDITURES FOR CAPITAL CONSTRUCTION BUDGET APPROPRIATIONS IF NONMONETARY ADJUSTMENTS ARE NEEDED WHEN THE LEGISLATURE IS NOT IN SESSION, ADDING A CAPITAL DEVELOPMENT COMMITTEE-APPROVED WAIVER FOR THE ARTS IN PUBLIC PLACES REQUIREMENT, AND CLARIFYING THE TYPES OF CAPITAL CONSTRUCTION PROJECTS TO WHICH THE ARTS IN PUBLIC PLACES REQUIREMENT APPLIES.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 24-75-111.5 as follows:

**24-75-111.5. Additional authority for controller to allow expenditures for capital construction items in certain circumstances - definition.** (1) FOR PURPOSES OF THIS SECTION, "NONMONETARY ADJUSTMENT" MEANS A CHANGE THAT DOES NOT AFFECT THE AMOUNT OF THE APPROPRIATION, INCLUDING A NAME CHANGE, AN EXTENSION OF TIME FOR COMPLETION, A SCOPE CHANGE, A TRANSFER BETWEEN DEPARTMENTS, OR OTHER SUCH SIMILAR CHANGES.

(2) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2015, THE CONTROLLER MAY ALLOW ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE, INCLUDING ANY INSTITUTION OF HIGHER EDUCATION, TO EXPEND MONEYS DIFFERENTLY FROM THE AUTHORITY GRANTED BY AN ITEM OF APPROPRIATION FOR A CAPITAL CONSTRUCTION BUDGET ITEM IF THE CAPITAL CONSTRUCTION, CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL PROJECT THAT THE APPROPRIATION WAS FOR REQUIRES A NONMONETARY ADJUSTMENT FOR ITS TIMELY CONTINUATION AND THE NONMONETARY ADJUSTMENT IS DUE TO UNFORESEEN CIRCUMSTANCES ARISING WHILE THE GENERAL ASSEMBLY IS NOT MEETING IN REGULAR OR SPECIAL SESSION DURING WHICH SUCH NONMONETARY ADJUSTMENT WOULD BE LEGISLATIVELY ADDRESSED, UNDER THE FOLLOWING CIRCUMSTANCES:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(a) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO A CAPITAL CONSTRUCTION BUDGET ITEM AND IS REQUESTED BY A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE OTHER THAN THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

(I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING FOR APPROVAL AND THE OFFICE OF STATE PLANNING AND BUDGETING HAS APPROVED THE NONMONETARY ADJUSTMENT, IN WHOLE OR IN PART; AND

(II) UPON APPROVAL BY THE OFFICE OF STATE PLANNING AND BUDGETING, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE CAPITAL DEVELOPMENT COMMITTEE FOR CONSIDERATION; AND

(III) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE NONMONETARY ADJUSTMENT BY THE CAPITAL DEVELOPMENT COMMITTEE, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR APPROVAL; AND

(IV) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE; OR

(b) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO A CAPITAL CONSTRUCTION BUDGET ITEM AND IS REQUESTED BY THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

(I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE CAPITAL DEVELOPMENT COMMITTEE FOR CONSIDERATION; AND

(II) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE NONMONETARY ADJUSTMENT BY THE CAPITAL DEVELOPMENT COMMITTEE, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR APPROVAL; AND

(III) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE.

(3) ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE REQUESTING A NONMONETARY ADJUSTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL MAKE THE REQUEST IN SUCH FORM AND SHALL INCLUDE IN THE REQUEST SUCH INFORMATION AS MAY BE REQUIRED BY THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE, AS APPLICABLE.

(4) NONMONETARY ADJUSTMENTS MUST BE CONSISTENT WITH THE ORIGINAL PURPOSE FOR WHICH THE APPROPRIATION WAS MADE AND MAY NOT CHANGE THE AMOUNT OF THE APPROPRIATION.

(5) THE JOINT BUDGET COMMITTEE SHALL INTRODUCE A SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR IN WHICH THE NONMONETARY ADJUSTMENT OCCURRED THAT REFLECTS THE NONMONETARY ADJUSTMENT.

**SECTION 2.** In Colorado Revised Statutes, 24-48.5-312, **amend** (2) (b.5), (3) (a) (III) (F), and (3) (a) (III) (G); and **add** (3) (a) (III) (H) and (3) (a.5) as follows:

**24-48.5-312. Art in public places program - allocations from capital construction costs - guidelines - fund created - definitions.** (2) As used in this section, unless the context otherwise requires:

(b.5) "Capital construction" has the same meaning as in ~~section 24-30-1301 (2)~~ SECTION 24-30-1301 (2) (a), (2) (b), AND (2) (c).

(3) (a) (III) The requirements specified in this paragraph (a) do not apply to:

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

(G) Capital construction appropriations for capital renewal as defined in section 24-30-1301 (3); AND

(H) ANY CAPITAL CONSTRUCTION PROJECTS THAT THE CAPITAL DEVELOPMENT COMMITTEE, IN CONSULTATION WITH THE COUNCIL, AGREES DO NOT MEET THE ORIGINAL PURPOSE OF THE REQUIREMENT SPECIFIED IN THIS PARAGRAPH (a), AND DETERMINES BY AFFIRMATIVE VOTE THAT THE PROJECT MEETS ONE OF THE EXCEPTIONS ALLOWED IN SUB-SUBPARAGRAPHS (A) TO (G) OF THIS SUBPARAGRAPH (III).

(a.5) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT EXCEPTIONS FROM THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) MUST BE DETERMINED BY THE GENERAL ASSEMBLY, THROUGH THE CAPITAL DEVELOPMENT COMMITTEE, NOT BY INDIVIDUAL STATE AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, OR THE COUNCIL.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2015