

CHAPTER 296

GOVERNMENT - STATE

SENATE BILL 15-270

BY SENATOR(S) Lambert, Grantham, Steadman, Baumgardner, Kefalas, Heath, Jahn, Martinez Humenik, Newell, Scheffel, Sonnenberg, Todd, Cadman;
also REPRESENTATIVE(S) Rankin, Hamner, Young, Becker K., Brown, Vigil, Ryden.

AN ACT

CONCERNING THE CREATION OF THE OFFICE OF THE STATE ARCHITECT, AND, IN CONNECTION THEREWITH, ADDING STATEWIDE PLANNING RESPONSIBILITIES AND MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-30-1301, **add** (13.5) as follows:

24-30-1301. Definitions. As used in this part 13, unless the context otherwise requires:

(13.5) "OFFICE OF THE STATE ARCHITECT" OR "OFFICE" MEANS THE OFFICE OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.

SECTION 2. In Colorado Revised Statutes, **add** 24-30-1302.5 as follows:

24-30-1302.5. Office of the state architect. (1) THERE IS CREATED WITHIN THE DEPARTMENT AN OFFICE OF THE STATE ARCHITECT, THE HEAD OF WHICH IS THE STATE ARCHITECT. THE STATE ARCHITECT IS DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, SUBJECT TO THE PROVISIONS OF SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, AND THE STATE ARCHITECT MUST BE QUALIFIED BY TRAINING IN ARCHITECTURE AND PLANNING. THE STATE ARCHITECT SHALL APPOINT THE NECESSARY STAFF OF THE OFFICE OF THE STATE ARCHITECT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE STATE ARCHITECT SHALL EXERCISE ALL POWERS NECESSARY AND PROPER FOR THE DISCHARGE OF HIS OR HER DUTIES AS SPECIFIED IN THIS PART 13 AND PART

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

14 OF THIS ARTICLE.

SECTION 3. In Colorado Revised Statutes, 24-30-1303, **amend** (1) introductory portion, (1) (s) (II), (1) (t) (I), (1) (w), (1) (z), (3) (a), (4), and (5); **repeal** (1) (l); and **add** (1) (s.5) as follows:

24-30-1303. Office of the state architect - responsibilities. (1) The ~~department~~ OFFICE OF THE STATE ARCHITECT shall:

(l) ~~Develop, or cause to be developed, after consultation with the office of state planning and budgeting pursuant to section 24-37-201, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state agency, except state institutions of higher education as provided in section 23-1-106, C.R.S., for review and recommendation by the capital development committee;~~

(s) (II) In cooperation with the project architect, engineer, or consultant, be responsible for the administration of the bid procedure for state agencies and state institutions of higher education without staff capability and perform such additional functions as the ~~department~~ OFFICE may determine;

(s.5) WORK WITH THE OFFICE OF STATE PLANNING AND BUDGETING, THE COLORADO COMMISSION ON HIGHER EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, AND A REPRESENTATIVE FROM A STATE INSTITUTION OF HIGHER EDUCATION TO DEVELOP AND ESTABLISH CRITERIA FOR RECOMMENDING CAPITAL CONSTRUCTION PROJECTS;

(t) (I) ~~Review and Make recommendations on capital construction or AND capital renewal project requests if requested by~~ MADE BY EACH STATE AGENCY AFTER THE REQUESTS HAVE BEEN REVIEWED BY THE OFFICE AS SPECIFIED IN SECTION 24-30-1311, AND SUBMIT RECOMMENDATIONS FOR THE SAME TO the office of state planning and budgeting ~~or the capital development committee;~~ IN A TIMELY MANNER SO THAT THE OFFICE OF STATE PLANNING AND BUDGETING CAN MEET THE DEADLINES SET FORTH IN SECTION 24-37-304 (1) (c.3). THE STATE ARCHITECT MAY NOT RECOMMEND CAPITAL CONSTRUCTION PROJECT REQUESTS IF SUCH PROJECTS ARE NOT INCLUDED IN THE STATE AGENCY'S FACILITY PROGRAM PLAN THAT IS APPROVED AS REQUIRED IN SECTION 24-30-1311, UNLESS THE STATE ARCHITECT DETERMINES THAT THERE EXISTS A SOUND REASON WHY THE REQUESTED PROJECT IS NOT INCLUDED IN THE FACILITY PROGRAM PLAN.

(w) Develop and maintain, or cause to be developed and maintained, life-cycle cost analysis methods for real property and, prior to beginning construction, assure that such methods are reviewed by an independent third party to ensure compliance with sections 24-30-1304 and 24-30-1305. The ~~department~~ OFFICE shall review and approve specific exceptions to systems selected for construction, which systems are not found to be the best choice on a life-cycle basis.

(z) Establish minimum building codes, with the approval of the governor and the general assembly after the recommendations and review of the capital development committee, for all construction by state agencies and state institutions of higher

education on real property or state lease-purchased buildings. At the discretion of the ~~department~~ OFFICE, said codes may apply to state-leased buildings where local building codes may not exist.

(3) (a) All real property, except public roads and highways, projects under the supervision of the division of parks and wildlife, and real property under the supervision of the judicial department, erected for state purposes shall be constructed in conformity with a construction procedures manual for real property prepared by the ~~department~~ OFFICE and approved by the governor. Such construction shall be made only upon plans, designs, and construction documents that comply with approved state standards and rules promulgated pursuant to this section.

(4) When the principal representative is a legislative agency, the principal representative may request, and the ~~department~~ OFFICE shall provide to the principal representative within five working days of such request, a progress report of the ~~department's~~ OFFICE'S actions undertaken as of the date of the request towards completion of any of the ~~department's~~ OFFICE'S duties set forth in subsection (1) of this section.

(5) (a) The ~~department~~ OFFICE may delegate to state agencies or state institutions of higher education any or all of the responsibilities and functions outlined in this part 13 and the ~~department's~~ OFFICE'S responsibilities and functions under part 14 of this article, pursuant to rules and regulations promulgated by the department, when the state agency or state institution of higher education has the professional or technical capability on staff to perform such functions competently.

(b) The ~~department~~ OFFICE may authorize state agencies or state institutions of higher education to hire private construction managers to supervise the capital construction, controlled maintenance, or capital renewal projects. The cost of such construction manager shall be paid from moneys appropriated for the specific capital construction, controlled maintenance, or capital renewal projects. This paragraph (b) does not apply to projects under the supervision of the department of transportation.

(c) If the ~~executive director~~ STATE ARCHITECT determines that the governing board of a state institution of higher education has adopted procedures that adequately meet the safeguards set forth in the requirements of part 14 of this article and article 92 of this title, the ~~executive director~~ STATE ARCHITECT may exempt the institution from any of the procedural requirements of part 14 of this article and article 92 of this title in regard to a capital construction project to be constructed pursuant to the provisions of section 23-1-106 (9) or (10), C.R.S.; except that the selection of any contractor to perform professional services as defined in section 24-30-1402 (6) must be made in accordance with the criteria set forth in section 24-30-1403 (2).

(d) Upon application by any state agency or state institution of higher education that demonstrates internal expertise related to the leasing and acquisition of commercial real property, the ~~department~~ OFFICE may delegate an individual employed by the state agency or state institution of higher education to act on behalf of the ~~department~~ OFFICE in the performance of the responsibilities and functions described in paragraph (a) of subsection (1) of this section. The delegation

authorized pursuant to this paragraph (d) may include, with the consent of the ~~department~~ OFFICE, the authority to waive the use of the ~~department-approved~~ OFFICE-APPROVED real estate lease form or real estate lease amendment form.

SECTION 4. In Colorado Revised Statutes, 24-30-1303.5, **amend** (1), (2), (3), (3.5), (4), (5.5), and (6) as follows:

24-30-1303.5. Office of the state architect to prepare and maintain inventory of state property - vacant facilities. (1) The ~~department~~ OFFICE shall obtain and maintain a correct and current inventory of all real property owned by or held in trust for the state or any state agency or state institution of higher education, and, in cooperation with the attorney general, correct any defects in title to said real property necessary to vest marketable title in the state.

(2) Such inventory must include sufficient information to identify such real property with respect to which unit of the state has control thereof, where such real property is located, and when and from what source the real property was acquired, including subsequent improvements. The ~~department~~ OFFICE shall establish and maintain an accurate index system which will assure that inquiries as to the location and control of all such real property will be promptly answered.

(3) The ~~department~~ OFFICE shall establish procedures whereby each state agency and state institution of higher education is required to report all acquisitions of real property, including improvements, and all dispositions thereof to the ~~department~~ OFFICE to enable the inventory to be promptly and accurately maintained with respect to such changes. The report must include a copy of each purchase or sale agreement pertaining to the acquisition or disposition of real property, including improvements, or, if such agreements are not available, such other documents describing the terms and conditions of the transaction as the ~~department~~ OFFICE finds to be appropriate in order to maintain the information required by subsection (2) of this section. For each transaction involving the acquisition or disposition of real property, the state agency or the state institution of higher education shall also provide to the department a copy of the deed pertaining to the real property after the deed has been recorded.

(3.5) (a) With respect to all real property owned by or held in trust for the state or any state agency or state institution of higher education, each state agency or state institution of higher education shall identify any vacant facility under its control. As used in this section, "vacant" means:

(I) Unoccupied;

(II) Unused in whole or in part for the purposes for which the improvement was designed, intended, or remodeled; or

(III) Without current defined plans by the state agency or state institution of higher education for the next fiscal year.

(b) A state agency or state institution of higher education must submit for the approval of the ~~department~~ OFFICE a facility management plan for any vacant facility consistent with the procedures established by the ~~department~~ OFFICE. The state

agency or state institution of higher education must submit the facility management plan to the ~~department~~ OFFICE within thirty days after the facility becomes vacant. In addition to any other information required by the ~~department~~ OFFICE, the facility management plan must include the following:

(I) A financial analysis of the possible uses of the facility;

(II) Any plans for the disposal of the facility through sale, lease, demolition, or otherwise;

(III) If the state agency or state institution of higher education does not intend to dispose of the facility during the next fiscal year, a plan for the proposed controlled maintenance, if any, necessary to avoid the deterioration of the vacant facility; and

(IV) Whether the facility has or is eligible to receive a national, state, or local historic designation or listing.

(c) (I) For each year after the ~~department~~ OFFICE approves a facility management plan, the state agency or state institution of higher education shall submit an annual facility management plan update consistent with the procedures established by the ~~department~~ OFFICE. The update must be submitted on or before November 1 of the year following the approval of a facility management plan and each November 1 thereafter until such time that the facility is no longer vacant. In addition to any other information required by the ~~department~~ OFFICE, the update must identify all actions taken by the state agency or state institution of higher education within the last year consistent with the facility management plan. If based on the update or on any other information known by the ~~department~~ OFFICE, the ~~department~~ OFFICE determines that the state agency or state institution of higher education has failed to comply with the provisions of an approved facility management plan, the ~~department~~ OFFICE may revoke the approval of the facility management plan. If the ~~department~~ OFFICE revokes approval of the facility management plan, a state agency or state institution of higher education is required to submit a new facility management plan for the vacant facility subject to the provisions of this subsection (3.5).

(II) In addition to any other requirements of subparagraph (I) of this paragraph (c), the facility management plan update must describe any changes proposed by the state agency or state institution of higher education to the facility management plan. Any proposed changes to the facility management plan are subject to the approval of the ~~department~~ OFFICE, and any approved changes become part of the facility management plan for purposes of future updates.

(d) Any facility management plan or update required to be submitted by a state institution of higher education pursuant to this subsection (3.5) must be submitted to the Colorado commission on higher education instead of the ~~department~~ OFFICE. The commission shall submit a copy of the facility management plan or update and the commission's recommendations regarding it to the ~~department~~ OFFICE.

(e) Repealed.

(f) No state agency or state institution of higher education is eligible for any

capital construction appropriations until the ~~department~~ OFFICE approves a facility management plan for all vacant facilities controlled by the state agency or state institution of higher education; except that the capital development committee may exempt a state agency or state institution of higher education from the provisions of this paragraph (f).

(4) For purposes of maintaining a current inventory, no acquisition or disposition of real property may be made and no funds or other valuable consideration may be given by a state agency or state institution of higher education for such acquisition, nor may any final document of conveyance of real property be transmitted to a purchaser, until a complete report on such transaction as required pursuant to subsection (3) of this section has been filed with the ~~department~~ OFFICE and the ~~department~~ OFFICE has issued a written acknowledgment of the receipt of such report to the state agency or state institution of higher education. Such written acknowledgment must be issued without delay, and nothing in this section should be construed to give the ~~department~~ OFFICE any power to approve or disapprove any acquisition or disposition of real property, improvements thereon, or other capital assets.

(5.5) The ~~department~~ OFFICE shall cause to be developed performance criteria for real property. An analysis must be made upon selected real property against the performance criteria to assess whether the selected real property should be considered for sale or other disposition if such real property is not performing and is determined not to be of sound investment value, or should be held for an identified future state need. The ~~department~~ OFFICE may contract to maintain such inventories, develop such performance criteria, and perform such analysis and may enter exclusive brokerage agreements on behalf of state agencies and state institutions of higher education to the extent necessary to accomplish the maintenance of such inventory and such analysis. The ~~department~~ OFFICE shall make recommendations to the capital development committee regarding various real property management strategies resulting from such analysis. This subsection (5.5) does not apply to property that is subject to the provisions of section 43-1-106 (8) (n), C.R.S.

(6) The ~~department~~ OFFICE shall prepare an annual report of the acquisitions and dispositions of real property subject to this section and make the report available to the members of the capital development committee. Such report must include a description of the real property and its present use and value.

SECTION 5. In Colorado Revised Statutes, 24-30-1305, **amend** (3) (b) and (6) as follows:

24-30-1305. Life-cycle cost - application - definitions. (3) The life-cycle cost analysis performed for real property with a facility of twenty thousand or more gross square feet with significant energy demands must provide but not be limited to the following information:

(b) The estimated annual operating cost of all utility requirements, including consideration of possible escalating costs of energy. The ~~department~~ OFFICE may rely on any national or locally appropriate fuel escalating methodology approved by the ~~department~~ OFFICE OF THE STATE ARCHITECT in performing life-cycle cost

analyses.

(6) Selection of the optimum system or combination of systems to be incorporated into the design of real property must be based on the life-cycle cost analysis over the economic life of the real property, unless a request for an alternative system is made and approved by the ~~department~~ OFFICE prior to beginning construction.

SECTION 6. In Colorado Revised Statutes, 24-30-1305.5, **amend** (1), (3) (a), (3) (b), (7), and (8) (d) as follows:

24-30-1305.5. High performance standards - report - legislative declaration - definition. (1) The office of the state architect, or an analogous successor office ~~in the department~~, shall, in consultation with the Colorado commission on higher education, adopt and update from time to time a high performance standard certification program.

(3) (a) For all buildings that started the design process on or after January 1, 2010, each state agency or state institution of higher education shall monitor, track, and verify utility vendor bill data pertaining to the building and must annually report to the office. ~~of the state architect, or an analogous successor office in the department.~~ The annual report must also include information related to building performance based on the building's utility consumption.

(b) The general assembly hereby finds, determines, and declares that buildings that have achieved the highest performance certification attainable and started the design process prior to January 1, 2010, are strongly encouraged to monitor, track, and verify utility vendor bill data pertaining to such building in order to ensure that the increased initial costs to achieve the highest performance certification attainable are in fact recouped. If such data is monitored, tracked, and verified, then the state agency or state institution of higher education must annually report to the office. ~~of the state architect, or an analogous successor office in the department.~~ If such data is not monitored, tracked, and verified, then the state agency or state institution of higher education must provide the ~~state architect~~ OFFICE, in writing, a reasonable explanation and also must work with the ~~state architect~~ OFFICE to find a way to start monitoring, tracking, verifying, and reporting such data.

(7) The ~~department~~ OFFICE shall report annually to the capital development committee regarding contracting documents, project guidelines, and reporting and tracking procedures related to the implementation of this section.

(8) As used in this section, unless the context otherwise requires:

(d) "Utility vendor bill data" means information or data limited to the usage data measured by the state agency OR state institution of higher education, ~~or department~~ or the information or data required to meet minimum program standards by an independent third party pursuant to the high performance standard certification program.

SECTION 7. In Colorado Revised Statutes, **amend** 24-30-1306 as follows:

24-30-1306. Acceptance of gifts and grants. The department AND THE OFFICE, with the approval of the governor, ~~is~~ ARE specifically empowered to receive and expend all grants, gifts, and bequests, where such grants, gifts, or bequests involve no state funds for acquisition, construction, or operation, including federal funds available for the purposes for which the department exists, and to contract with the United States and all other legal entities with respect thereto. The department AND THE OFFICE may provide, where such funds are specifically appropriated, matching funds wherever funds, grants, gifts, bequests, and contractual assistance are available on such basis. The department AND THE OFFICE shall provide such information, reports, and services as may be necessary to secure such financial aid.

SECTION 8. In Colorado Revised Statutes, **amend** 24-30-1307 as follows:

24-30-1307. Legislative declaration. The purpose of this part 13 is to allow the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT to develop the policies and standards for state agencies and state institutions of higher education to follow for the major renovation or new construction of real property and to allow the ~~department of personnel~~ OFFICE to delegate the authority to implement such policies and standards to the individual state agencies or state institutions of higher education. It is not the purpose of this part 13 to require state agencies or state institutions of higher education to add FTEs or incur additional expenditures to implement the provisions of this part 13.

SECTION 9. In Colorado Revised Statutes, **add** 24-30-1311 as follows:

24-30-1311. Statewide planning function - responsibilities.

(1) (a) COMMENCING WITH THE 2017-18 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER, AND IN ACCORDANCE WITH THE OFFICE OF STATE PLANNING AND BUDGETING'S BUDGET INSTRUCTIONS, A STATE AGENCY SHALL ANNUALLY SUBMIT ALL CAPITAL CONSTRUCTION BUDGET REQUESTS, INCLUDING ANY AMENDED REQUESTS, TO THE OFFICE FOR REVIEW.

(b) COMMENCING WITH THE 2016-17 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER, AND PRIOR TO THE SUBMISSION OF A SUPPLEMENTAL APPROPRIATIONS REQUEST TO THE OFFICE OF STATE PLANNING AND BUDGETING, EVERY STATE AGENCY SHALL SUBMIT SUPPLEMENTAL APPROPRIATIONS REQUESTS FOR CAPITAL CONSTRUCTION TO THE OFFICE FOR REVIEW.

(2) THE OFFICE SHALL REVIEW ALL THE SUBMISSIONS IT RECEIVES PURSUANT TO SUBSECTION (1) OF THIS SECTION AND MAKE THE RECOMMENDATIONS REQUIRED IN SECTION 24-30-1303 (1) (t) (I) IN A TIMELY MANNER TO ALLOW THE OFFICE OF STATE PLANNING AND BUDGETING TO MEET THE DEADLINES SPECIFIED IN SECTION 24-37-304 (1) (c.3).

(3) (a) EACH STATE AGENCY SHALL FORWARD OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, FACILITIES PROGRAM PLANS, AND FIVE-YEAR PLANS TO THE OFFICE. THE OFFICE SHALL REVIEW OPERATIONAL MASTER PLANS AND APPROVE THE FACILITIES MASTER PLANS, FACILITIES PROGRAM PLANS, AND FIVE-YEAR PLANS DESCRIBED IN SECTION 24-1-136.5.

(b) THE OFFICE SHALL ANNUALLY PROVIDE THE CAPITAL DEVELOPMENT

COMMITTEE WITH A REPORT ON APPROVED FACILITY MANAGEMENT PLANS AND FACILITY PROGRAM PLANS, AND SHALL ALSO PROVIDE THE COMMITTEE WITH COPIES OF APPROVED FIVE-YEAR PLANS FOR EACH STATE AGENCY.

(4) THE OFFICE SHALL DEVELOP, OR CAUSE TO BE DEVELOPED, AFTER CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING PURSUANT TO SECTION 24-37-201, STANDARDS FOR THE PREPARATION OF CURRENT FACILITIES MASTER PLANS COORDINATED WITH OPERATIONAL MASTER PLANS, AND FACILITY PROGRAM PLANS COORDINATED WITH OPERATIONAL PROGRAM PLANS FOR EACH STATE AGENCY, EXCEPT STATE INSTITUTIONS OF HIGHER EDUCATION AS PROVIDED IN SECTION 23-1-106, C.R.S.

(5) THE OFFICE SHALL COORDINATE THE PREPARATION AND MAINTENANCE OF LONG-RANGE MASTER PLANS PURSUANT TO SECTION 24-1-136.5 THAT RECOMMEND EXECUTIVE AND LEGISLATIVE ACTIONS FOR ACHIEVING DESIRED STATE OBJECTIVES AND THAT INCLUDE RECOMMENDED METHODS FOR EVALUATION.

(6) THE OFFICE IS AUTHORIZED TO ACCEPT AND RECEIVE GRANTS AND SERVICES RELEVANT TO STATE PLANNING FROM THE FEDERAL GOVERNMENT, OTHER STATE AGENCIES, LOCAL GOVERNMENTS, AND PRIVATE AND CIVIC SOURCES.

(7) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE OFFICE CONSULT WITH ALL STAKEHOLDERS IN ESTABLISHING NEW PROCEDURES RELATED TO ITS STATEWIDE PLANNING FUNCTIONS AND THAT THE CURRENT PROCESS FOR REVIEW OF ANY CAPITAL CONSTRUCTION OR CAPITAL RENEWAL REQUEST FOR STATE INSTITUTIONS OF HIGHER EDUCATION, ASIDE FROM THE CHANGES SET FORTH IN SENATE BILL 15-270, REMAIN THE SAME.

SECTION 10. In Colorado Revised Statutes, 2-3-1304, **amend** (1) (a.3) (I) and (2); and **repeal** (1) (e) as follows:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee has the following powers and duties:

(a.3) To review and make required recommendations on reports from state agencies and state institutions of higher education, including reports from:

(I) ~~The department of personnel~~ OFFICE OF THE STATE ARCHITECT on the approved and unapproved facility management plans and facility management plan updates pursuant to section 24-30-1303.5 (3.5), C.R.S., and acquisitions and dispositions pursuant to sections 24-30-1303.5 (6) and 24-82-102, C.R.S.;

(e) ~~To review facilities program plans of the department of corrections for correctional facilities pursuant to section 17-1-104.8, C.R.S., and facilities program plans of the department of human services for juvenile facilities pursuant to section 27-90-106, C.R.S., and make recommendations regarding those plans to the joint budget committee;~~

(2) Nothing in this section shall in any way limit or reduce the powers of the governor, through the office of state planning and budgeting AND THE OFFICE OF THE STATE ARCHITECT, to establish executive branch priorities and procedures.

SECTION 11. In Colorado Revised Statutes, **amend** 2-3-1304.6 as follows:

2-3-1304.6. Capital construction and long-range planning by state agencies and state institutions of higher education - policy. It is declared to be the policy of the general assembly not to acquire a capital asset or authorize or initiate any program or activity requiring capital construction, except programs or activities for controlled maintenance or capital renewal, for any state agency or state institution of higher education unless the program or activity is an element of the facilities program plan for the agency or institution AND SUCH FACILITIES PROGRAM PLAN HAS BEEN APPROVED BY THE STATE ARCHITECT AS SET FORTH IN SECTION 24-30-1311, C.R.S., OR BY THE COLORADO COMMISSION ON HIGHER EDUCATION AS SET FORTH IN SECTION 23-1-106, C.R.S.

SECTION 12. In Colorado Revised Statutes, **repeal** 17-1-104.8 as follows:

17-1-104.8. Legislative review of facilities program plans for correctional facilities. (1) ~~Prior to any appropriation by the general assembly for the construction of a new, expanded, renovated, or improved correctional facility, and no later than November 1 prior to the beginning of the budget year for which the appropriation is made, the department shall submit a proposed facility program plan, for each proposed new, expanded, renovated, or improved correctional facility to the capital development committee. The capital development committee shall make a recommendation regarding the facility program plan to the joint budget committee. The general assembly may contract with a consultant to provide assistance to the capital development committee and the joint budget committee in the review of facilities program plans submitted by the department.~~

~~(2) For the purposes of this section, "facility program plan" means a pre-architectural design program, as that term is understood in the architectural profession. A facility program plan shall include but need not be limited to the number of beds proposed to be included in the new correctional facility or the addition to an existing correctional facility, the primary security level of the proposed facility or addition, the staffing plan of the proposed facility or addition, and a description of any educational or ancillary support facilities required for the proposed facility or addition.~~

SECTION 13. In Colorado Revised Statutes, 22-54-124, **amend** (1) (f.6) (I) (C) and (1) (f.6) (II) (C) as follows:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (1) As used in this section:

(f.6) (I) For the budget years commencing on or after July 1, 2003, "qualified charter school" means:

(C) A charter school that is operating or will operate in the next budget year in a facility that is listed on the state inventory of real property and improvements and other capital assets maintained by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that is obligated to make lease payments for use of the facility.

(II) For budget years commencing on or after July 1, 2003, "qualified charter school" does not include:

(C) A charter school that is operating or will operate in the next budget year in a facility that is listed on the state inventory of real property and improvements and other capital assets maintained by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that is not obligated to make lease payments for use of the facility.

SECTION 14. In Colorado Revised Statutes, 22-54.5-309, **amend** (1) (e) (I) (C), (1) (e) (II) (C), and (3) (a) (II) (C) as follows:

22-54.5-309. State assistance for charter schools - use of state education fund moneys - definitions. (1) As used in this section, unless the context otherwise requires:

(e) (I) "Qualified charter school" means:

(C) A charter school that is operating or will operate in the next budget year in a facility that is listed on the state inventory of real property and improvements and other capital assets maintained by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that is obligated to make lease payments for use of the facility.

(II) "Qualified charter school" does not include:

(C) A charter school that is operating or will operate in the next budget year in a facility that is listed on the state inventory of real property and improvements and other capital assets maintained by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that is not obligated to make lease payments for use of the facility;

(3) (a) (II) The department shall distribute the moneys appropriated for eligible districts and eligible institute charter schools as follows:

(C) Each qualified charter school that operates during the applicable budget year in a facility that is owned by a district or that is listed on the state inventory of real property and improvements and other capital assets maintained by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that has demonstrable capital construction costs receives an amount equal to one hundred dollars multiplied by the qualified charter school's average daily membership for the applicable budget year.

SECTION 15. In Colorado Revised Statutes, 23-1-106, **amend** (3), (7) (a), (11) (b), and (12) as follows:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning - legislative declaration - definitions.

(3) The commission shall review and approve facility master plans for all state institutions of higher education on land owned or controlled by the state or an institution and capital construction or capital renewal program plans for projects

other than those projects described in subsection (9) or (10) of this section. THE COMMISSION SHALL FORWARD THE APPROVED FACILITY MASTER PLANS TO THE OFFICE OF THE STATE ARCHITECT. Except for those projects described in subsection (9) or (10) of this section, no capital construction or capital renewal shall commence except in accordance with an approved facility master plan and program plan.

(7) (a) The commission annually shall prepare a unified, five-year capital improvements report of projects to be constructed, but not including those capital construction or capital renewal projects to be undertaken pursuant to subsection (9) or (10) of this section, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the ~~governor~~ OFFICE OF THE STATE ARCHITECT, the capital development committee, and the joint budget committee, consistent with the executive budget timetable, together with a recommended priority of funding of capital construction or capital renewal projects for the system of public higher education. The commission shall annually transmit the recommended priority of funding of capital construction or capital renewal projects to the capital development committee no later than November 1 of each year.

(11) (b) The commission shall submit a compilation of the projects to THE OFFICE OF THE STATE ARCHITECT AND the capital development committee on or before December 1 of each year.

(12) Each state institution of higher education shall submit to the commission a facility management plan or update required by section 24-30-1303.5 (3.5), C.R.S. The commission shall review the facility management plan or update and make recommendations regarding it to the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT.

SECTION 16. In Colorado Revised Statutes, 24-1-136.5, **amend** (1), (2), (6), (7), and (8) as follows:

24-1-136.5. Long-range planning for capital construction, controlled maintenance, capital renewal - policy - heads of principal departments. (1) The executive director of each department, after consultation with the directors of the subordinate agencies, divisions, or offices within the department, has the authority to prescribe uniform policies, procedures, and standards of space utilization in department facilities, except for office space, for the development and approval of capital construction, controlled maintenance, and capital renewal projects for the department. Nothing in this subsection (1) should be construed to alter the authority of the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT to prescribe uniform standards for office space pursuant to section 24-30-1303 (1) (h).

(2) The executive director shall review ~~and, with the approval of the governor,~~ **approve** facilities master planning and facilities program planning for all capital construction, controlled maintenance, and capital renewal projects on department real property, regardless of the source of funds and SHALL SUBMIT FOR APPROVAL ALL SUCH FACILITIES MASTER PLANS AND FACILITIES PROGRAM PLANS TO THE OFFICE OF THE STATE ARCHITECT FOR APPROVAL AS SPECIFIED IN SECTION 24-30-1311. No capital construction, controlled maintenance, or capital renewal shall commence except in accordance with an approved facilities master plan, facilities program

plan, and physical plan.

(6) (a) The executive director shall annually establish a department five-year capital construction, controlled maintenance, and capital renewal plan coordinated with department operational master plans and facilities master plans and FORWARD THE FIVE-YEAR PLAN TO THE OFFICE OF THE STATE ARCHITECT FOR REVIEW AS REQUIRED IN SECTION 24-30-1311.

(b) ~~THE EXECUTIVE DIRECTOR shall transmit to the office of state planning and budgeting, the governor, and the general assembly~~ THE OFFICE OF THE STATE ARCHITECT, consistent with the executive budget timetable, a recommended priority of funding of capital construction, controlled maintenance, and capital renewal projects for the department.

(b) (c) Except as provided in subsection (4) of this section, it is the policy of the general assembly to appropriate funds only for projects approved by the ~~executive director~~ OFFICE OF THE STATE ARCHITECT.

(7) Any acquisition or utilization of real property by a department ~~which~~ THAT is conditional upon or requires expenditures of state funds or federal funds is subject to the approval of the executive director AND THE OFFICE OF THE STATE ARCHITECT, regardless of whether the acquisition is by lease, lease-purchase, purchase, gift, or otherwise.

(8) Prior to approving the facilities master plan and facilities program plan for any capital construction, controlled maintenance, or capital renewal project to be constructed, operated, and maintained solely from fees, gifts and bequests, grants, revolving funds, or a combination of such sources, the executive director shall request and consider recommendations from the ~~capital development committee and the joint budget committee. The executive director, the capital development committee, and the joint budget committee shall by agreement adopt procedures for the review of such projects by the capital development committee and joint budget committee. The agreement must provide that, whenever possible, the capital development committee and joint budget committee will submit their recommendations to the executive director within thirty days after each committee receives the information prescribed in the agreement as necessary for its review~~ OFFICE OF THE STATE ARCHITECT.

SECTION 17. In Colorado Revised Statutes, 24-30-1403, **amend** (1) and (2) (a) as follows:

24-30-1403. Professional services - listings - preliminary selections. (1) Any person desiring to provide professional services to a state agency or a state institution of higher education shall annually submit to the ~~department~~ OFFICE OF THE STATE ARCHITECT a statement of qualifications and performance data and such other information as may be required by the ~~department~~ OFFICE. The ~~department~~ OFFICE may request such person to update such statement before the anniversary date in order to reflect changed conditions in the status of such person.

(2)(a) For each proposed project for which professional services are required and where the fee for such professional services is estimated to equal or exceed

twenty-five thousand dollars, the principal representative of the state agency or state institution of higher education for which the project is to be done shall evaluate current statements of qualifications and performance data on file with the ~~department~~ OFFICE OF THE STATE ARCHITECT and shall conduct discussions with no less than three persons regarding their qualifications, approaches to the project, abilities to furnish the required professional services, anticipated design concepts, and use of alternative methods of approach for furnishing the required professional services. The principal representative shall then select, in order of preference, no less than three persons ranked in order and deemed to be most highly qualified to perform the required professional services after considering, and based upon, such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, current and projected work loads, the volume of work previously awarded to the person by the state agency or state institution of higher education, and the extent to which said persons have and will involve minority subcontractors, with the object of effecting an equitable distribution of contracts among qualified persons as long as such distribution does not violate the principle of selection of the most highly qualified person. In selection pursuant to this section, Colorado firms shall be given preference when qualifications appear to be equal. All selections are subject to approval by the principal representative, and all contracts between the principal representative and such selected professionals shall be consistent with appropriation and legislative intent.

SECTION 18. In Colorado Revised Statutes, 24-37-201, **amend** (1) (b) and (1) (d); and **repeal** (1) (a) as follows:

24-37-201. State planning - responsibilities. (1) The office of state planning and budgeting shall:

(a) ~~Coordinate the preparation and maintenance of long-range master plans which recommend executive and legislative actions for achieving desired state objectives and which include recommended methods for evaluation;~~

(b) ~~Stimulate, encourage, and assist~~ STIMULATE AND ENCOURAGE state agencies to engage in long-range and short-range planning in their respective areas of responsibility WITH THE ASSISTANCE OF THE OFFICE OF THE STATE ARCHITECT;

(d) Furnish THE OFFICE OF THE STATE ARCHITECT AND THE state agencies with data, projections, and other technical assistance needed to discharge ~~their~~ THE STATE AGENCIES' planning responsibilities and coordinate the exchange of relevant reports, data, and projections among state agencies;

SECTION 19. In Colorado Revised Statutes, 24-37-304, **amend** (1) (a) and (1) (c.3) (I) (D) 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:

(a) Annually evaluate plans, policies, programs, and budget requests of all departments, institutions, and agencies of the executive branch of state government.

The office of state planning and budgeting shall develop a financial plan encompassing all sources of revenue and expenditure. It shall propose this plan for the budget, consisting of operating expenditures, capital construction expenditures, estimated revenues, and special surveys, BUT THE PLAN FOR CAPITAL CONSTRUCTION EXPENDITURES MUST CONSIDER RECOMMENDATIONS MADE BY THE OFFICE OF THE STATE ARCHITECT FOR STATE AGENCIES, AND RECOMMENDATIONS MADE BY THE COLORADO COMMISSION ON HIGHER EDUCATION FOR STATE INSTITUTIONS OF HIGHER EDUCATION. Budget requests shall include a description of one or more measurable annual objectives in the areas of operational efficiency and effectiveness for each department, institution, and agency. Proposed expenditures in the budget shall not exceed estimated moneys available.

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

(D) All state-funded controlled maintenance budget requests by each state agency or state institution of higher education as recommended by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to section 24-30-1303 (1) (k.5) and (1) (t) (II) for the upcoming fiscal year no later than December 1 of each year; and

SECTION 20. In Colorado Revised Statutes, 24-82-101, **amend** (3) (c), (3) (d), and (3) (e) as follows:

24-82-101. Control of legislative space in the capitol, the legislative services building, and the state office building at 1525 Sherman street - responsibility of department of personnel for supervision of maintenance in capitol buildings group - exception - capitol complex master plan. (3) (c) Notwithstanding any law to the contrary, all real estate-related capital requests by executive branch departments or the legislative branch for the capitol complex shall be evaluated by THE OFFICE OF THE STATE ARCHITECT, the office of state planning and budgeting, and the capital development committee against the capitol complex master plan developed pursuant to paragraph (a) of this subsection (3).

(d) The capitol complex master plan shall be kept and maintained by the office of the state architect.

(e) (I) The capitol complex master plan may be modified by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT on an as-needed basis, subject to approval by the office of state planning and budgeting and the capital development committee.

(II) At a minimum, an updated capitol complex master plan must be completed by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT every ten years. Prior to completion of the updated master plan, the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT shall seek approval from the office of state planning and budgeting and the capital development committee of all amendments to the master plan.

SECTION 21. In Colorado Revised Statutes, **repeal** 27-90-106 as follows:

27-90-106. Legislative review of facilities program plans for juvenile

~~facilities. (1) Prior to any appropriation by the general assembly for the construction of a new, expanded, renovated, or improved juvenile facility, and no later than November 1 prior to the beginning of the budget year for which the appropriation is made, the department shall submit a proposed facility program plan for each proposed new, expanded, renovated, or improved juvenile facility to the capital development committee. The capital development committee shall make a recommendation regarding the facility program plan to the joint budget committee. The general assembly may contract with a consultant to provide assistance to the capital development committee and the joint budget committee in the review of facilities program plans submitted by the department.~~

~~(2) For the purposes of this section, "facility program plan" means a pre-architectural design program, as that term is understood in the architectural profession. A facility program plan shall include but need not be limited to the number of beds proposed to be included in the new juvenile facility or the addition to an existing juvenile facility, the primary security level of the proposed facility or addition, the staffing plan of the proposed facility or addition, and a description of any educational or ancillary support facilities required for the proposed facility or addition.~~

SECTION 22. In Colorado Revised Statutes, 36-1-118.5, **amend** (2) (a) (I) and (2) (a) (II) as follows:

36-1-118.5. Lease-purchase agreements for commercial real property - legislative declaration - definition - repeal. (2) (a) Notwithstanding the provisions of section 24-82-801, C.R.S., the state board of land commissioners may instruct the state treasurer to enter into lease-purchase agreements on behalf of the state school lands for the acquisition, construction, renovation, and improvement of commercial real property that the board will then offer as lease space for state agencies or other tenants only if:

(I) The state board of land commissioners has reviewed the leased space needs for state agencies with the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT;

(II) The state board of land commissioners has evaluated the project with the assistance of the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT and the office of state planning and budgeting against the capitol complex master plan if the project is related to capitol complex leased space needs;

SECTION 23. Appropriation - adjustment to 2015 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2015-16 state fiscal year to the department of personnel for statewide planning services in the office of the state architect is decreased by \$105,531.

(2) For the 2015-16 state fiscal year, \$105,531 is appropriated to the department of personnel for use by the office of the state architect. This appropriation is from the general fund. To implement this act, the office of the state architect may use this appropriation as follows:

- (a) \$99,878 for personal services, which amount is based on an assumption that the office of the state architect will require an additional 1.0 FTE; and
- (b) \$5,653 for operating expenses.

SECTION 24. 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: June 5, 2015