

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 22-0984.01 Nicole Myers x4326

SENATE BILL 22-239

SENATE SPONSORSHIP

Moreno and Simpson, Donovan, Hansen

HOUSE SPONSORSHIP

Esgar and McKean, Bernett, Bird, Lindsay, Lontine, McCluskie, McCormick, Michaelson
Jenet, Valdez A.

Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
May 11, 2022

A BILL FOR AN ACT

101 **CONCERNING BUILDINGS IN THE CAPITOL COMPLEX, AND, IN**
102 **CONNECTION THEREWITH, FUNDING CERTAIN CAPITAL**
103 **CONSTRUCTION PROJECTS FOR STATE-OWNED BUILDINGS AND**
104 **MAKING AN APPROPRIATION.**

HOUSE
2nd Reading Unamended
May 10, 2022

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>.)

SENATE
3rd Reading Unamended
May 9, 2022

Current law states that for every appropriation in the capital construction section of the annual general appropriation act, the general assembly is required to provide funding for annual depreciation-lease

SENATE
Amended 2nd Reading
May 6, 2022

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.

equivalent payments. Currently, the annual depreciation-lease equivalent payments are credited to the fund that was the source of the original capital construction appropriation. For the 2021-22 fiscal year through the 2028-29 fiscal year, **section 1** of the bill requires the annual depreciation-lease equivalent payments to be credited to the capitol complex renovation fund. **Section 1** also requires each state agency that terminates a lease for private space to calculate the annual reduction in its costs for leased space. For specified fiscal years, the general assembly is required to transfer an amount equal to each state agency's annual reduction in lease costs to the capital construction fund.

Section 2 creates the capitol complex renovation fund (fund) and specifies that the money in the fund is appropriated to the department of personnel for certain capital construction needs for existing state-owned buildings in the capitol complex. **Section 2** also requires money in the fund to be set aside for use by the legislative department for improvements to legislative spaces in the capitol complex. In addition, **section 2** requires the department of personnel to submit a quarterly report to the capital development committee regarding the status of the capitol complex renovations funded with money in the fund.

Section 3 requires that any unexpended and unencumbered money appropriated to a department in a specific line item for utilities in a fiscal year remains available for expenditure in the next fiscal year without further appropriation for the department to purchase utilities conservation equipment or services.

Current law specifies that the legislative department has control of and is responsible for supervising the maintenance of legislative spaces in certain buildings in the capitol complex and the grounds adjacent to the capitol building. **Section 4** includes 2 floors of the capitol building annex at 1375 Sherman street in the spaces over which the general assembly has control and is responsible for the supervision of maintenance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-1310, **amend**
3 (2); and **add** (3) as follows:

4 **24-30-1310. Funding for capital construction, controlled**
5 **maintenance, or capital renewal - definitions.** (2) Except for the
6 2020-21 annual general appropriation act, for every appropriation in the
7 capital construction section of the 2015-16 annual general appropriation
8 act and every appropriation in the capital construction section of each

1 annual general appropriation act thereafter, not including appropriations
2 for information technology projects, additional funding must be set aside
3 as follows:

4 (a) (I) If the funding source for the appropriation is from a cash
5 fund, the state agency shall annually calculate an amount equal to the
6 recorded depreciation of the capital asset or capital assets acquired,
7 repaired, improved, replaced, renovated, or constructed with the
8 appropriation based on the depreciation period, the general assembly shall
9 include an annual depreciation-lease equivalent payment line item
10 payable from the cash fund in the operating section of the annual general
11 appropriation act for the state agency, and, EXCEPT AS OTHERWISE
12 PROVIDED IN SUBSECTION (2)(a)(II) OF THIS SECTION, on June 30 the state
13 controller shall credit such amount from the cash fund that was the source
14 of the funding for the appropriation to a capital reserve account
15 established by the state agency in such cash fund as specified in section
16 24-75-403 (2).

17 (II) ON SEPTEMBER 1, 2022, THE STATE TREASURER SHALL
18 TRANSFER ANY AMOUNTS CREDITED ON JUNE 30, 2022, TO STATE AGENCY
19 CAPITAL RESERVE ACCOUNTS PURSUANT TO SUBSECTION (2)(a)(I) OF THIS
20 SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN
21 SECTION 24-30-1313. ON JUNE 30, 2023, AND ON EACH JUNE 30
22 THEREAFTER THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL
23 CREDIT THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a)(I) OF
24 THIS SECTION FROM THE CASH FUND THAT WAS THE SOURCE OF THE
25 FUNDING FOR THE APPROPRIATION TO THE CAPITOL COMPLEX RENOVATION
26 FUND CREATED IN SECTION 24-30-1313.

27 (b) (I) If the funding source for the appropriation is from the

1 general fund, the capital construction fund, or the controlled maintenance
2 trust fund, the general assembly shall include an annual depreciation-lease
3 equivalent payment line item payable from the general fund in the
4 operating section of the annual general appropriation act for each state
5 agency, including the department of higher education. EXCEPT AS
6 OTHERWISE PROVIDED IN SUBSECTION (2)(b)(II) OF THIS SECTION, on June
7 30 the state controller shall credit the annual depreciation-lease equivalent
8 payment line item to the capital construction fund; except that, of such
9 payment, an amount equal to one percent of the project cost will be
10 deducted from the payment and credited to the principal of the controlled
11 maintenance trust fund.

12 (II) ON SEPTEMBER 1, 2022, THE STATE TREASURER SHALL
13 TRANSFER ANY AMOUNTS CREDITED ON JUNE 30, 2022, TO THE CAPITAL
14 CONSTRUCTION FUND AND THE CONTROLLED MAINTENANCE TRUST FUND
15 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION TO THE CAPITOL
16 COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313. ON JUNE
17 30, 2023, AND ON EACH JUNE 30 THEREAFTER THROUGH JUNE 30, 2029,
18 THE STATE CONTROLLER SHALL CREDIT THE ANNUAL DEPRECIATION-LEASE
19 EQUIVALENT PAYMENT CALCULATED PURSUANT TO SUBSECTION (2)(b)(I)
20 OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED
21 IN SECTION 24-30-1313;

22 (c) If the funding source for the appropriation is a financing
23 arrangement, including a financed purchase of an asset or certificate of
24 participation agreement allowed pursuant to section 24-82-802, and the
25 source of the funding for the financing payment is:

26 (I) (A) From a cash fund, then the state agency shall annually
27 calculate an amount equal to one percent of the project cost and the

1 general assembly shall include an annual controlled maintenance line item
2 payable from the cash fund in the operating section of the annual general
3 appropriation act for each state agency equal to such amount. EXCEPT AS
4 OTHERWISE PROVIDED IN SUBSECTION (2)(c)(I)(B) OF THIS SECTION, on
5 June 30 the state controller shall credit such amount to a capital reserve
6 account established by the state agency in the cash fund as specified in
7 section 24-75-403 (2).

8 (B) ON SEPTEMBER 1, 2022, THE STATE TREASURER SHALL
9 TRANSFER ANY AMOUNTS CREDITED ON JUNE 30, 2022, TO STATE AGENCY
10 CAPITAL RESERVE ACCOUNTS PURSUANT TO SUBSECTION (2)(c)(I)(A) OF
11 THIS SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN
12 SECTION 24-30-1313. ON JUNE 30, 2023, AND ON EACH JUNE 30
13 THEREAFTER THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL
14 CREDIT THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(c)(I)(A)
15 OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED
16 IN SECTION 24-30-1313;

17 (II) (A) From the general fund, the capital construction fund, or
18 the controlled maintenance trust fund, then the general assembly shall
19 include an annual controlled maintenance line item payable from the
20 general fund in the operating section of the annual general appropriation
21 act for each state agency, including the department of higher education,
22 equal to one percent of the project cost, as calculated by the state agency
23 or the state institution of higher education, which calculation the state
24 institution of higher education shall report to the department of higher
25 education. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c)(II)(B)
26 OF THIS SECTION, on June 30 the state controller shall credit such amount
27 to the controlled maintenance trust fund.

1 (B) ON SEPTEMBER 1, 2022, THE STATE TREASURER SHALL
2 TRANSFER ANY AMOUNTS CREDITED ON JUNE 30, 2022, TO THE
3 CONTROLLED MAINTENANCE TRUST FUND PURSUANT TO SUBSECTION
4 (2)(c)(II)(B) OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION
5 FUND CREATED IN SECTION 24-30-1313. ON JUNE 30, 2023, AND ON EACH
6 JUNE 30 THEREAFTER THROUGH JUNE 30, 2029, THE STATE CONTROLLER
7 SHALL CREDIT THE AMOUNT CALCULATED PURSUANT TO SUBSECTION
8 (2)(c)(II)(A) OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION
9 FUND CREATED IN SECTION 24-30-1313;

10 (d) If the funding source for the appropriation is a combination of
11 the funding sources described in ~~paragraphs (a), (b), and (c) of this~~
12 ~~subsection (2)~~ SUBSECTIONS (2)(a), (2)(b), AND (2)(c) OF THIS SECTION,
13 then the annual set aside must be made in proportion to the funding
14 source.

15 (3) EACH STATE AGENCY THAT TERMINATES A LEASE FOR PRIVATE
16 SPACE ON OR AFTER JULY 1, 2023, SHALL CALCULATE THE ANNUAL
17 REDUCTION IN ITS COSTS FOR LEASED SPACE. BEGINNING IN THE 2023-24
18 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER TO THE CAPITAL
19 CONSTRUCTION FUND AN AMOUNT EQUAL TO EACH STATE AGENCY'S
20 ANNUAL REDUCTION IN LEASE COSTS. SUCH AMOUNT SHALL BE FROM THE
21 FUND THAT WAS THE SOURCE OF THE FUNDING FOR THE LEASE. THE
22 ANNUAL TRANSFER REQUIRED IN THIS SUBSECTION (3) SHALL CONTINUE IN
23 EACH FISCAL YEAR UNTIL THE STATE TREASURER DETERMINES THAT THE
24 AMOUNT TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT
25 TO THIS SUBSECTION (3) EQUALS THE AMOUNT TRANSFERRED TO THE
26 CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 24-30-1313 and

1 24-30-1314 as follows:

2 **24-30-1313. Capitol complex renovation fund - created -**

3 **repeal.** (1) THE CAPITOL COMPLEX RENOVATION FUND, REFERRED TO IN
4 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
5 FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION
6 24-30-1310 (2), MONEY TRANSFERRED TO THE FUND PURSUANT TO
7 SECTION 24-75-307 (4), AND ANY OTHER MONEY THAT THE GENERAL
8 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

9 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
10 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
11 FUND TO THE FUND.

12 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
13 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND.

14 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF
15 THIS SECTION, MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO THE
16 DEPARTMENT OF PERSONNEL FOR CAPITAL CONSTRUCTION NEEDS FOR
17 EXISTING STATE-OWNED BUILDINGS IN THE CAPITOL COMPLEX AS
18 SPECIFIED IN SUBSECTION (5) OF THIS SECTION. ANY UNEXPENDED AND
19 UNENCUMBERED MONEY FROM AN APPROPRIATION MADE FROM THE FUND
20 REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT FOR THE
21 PURPOSES SPECIFIED IN SUBSECTION (5) OF THIS SECTION FOR THE NEXT
22 TWO FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

23 (b) OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE FUND
24 PURSUANT TO THIS SECTION, UP TO TWENTY-THREE MILLION DOLLARS
25 SHALL BE AVAILABLE FOR THE GENERAL ASSEMBLY TO USE FOR
26 IMPROVEMENT PROJECTS IN LEGISLATIVE SPACES IN THE CAPITOL
27 COMPLEX, SUBJECT TO APPROVAL OF THE EXECUTIVE COMMITTEE OF THE

1 LEGISLATIVE COUNCIL.

2 (5) (a) THE MONEY IN THE FUND SHALL BE USED TO FUND CERTAIN
3 CAPITAL CONSTRUCTION NEEDS FOR EXISTING STATE-OWNED BUILDINGS
4 IN THE CAPITOL COMPLEX, INCLUDING:

5 (I) RENOVATIONS TO THE CAPITOL BUILDING ANNEX AT 1375
6 SHERMAN STREET, THE CENTENNIAL BUILDING AT 1313 SHERMAN STREET,
7 AND THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

8 (II) INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS AT
9 THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

10 (III) LEED CERTIFICATION FOR THE CAPITOL BUILDING ANNEX AT
11 1375 SHERMAN STREET, THE CENTENNIAL BUILDING AT 1313 SHERMAN
12 STREET, AND THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

13 (IV) SECURITY IMPROVEMENTS TO THE CAPITOL COMPLEX,
14 INCLUDING SECURITY ELEMENTS IN THE GOVERNOR'S OFFICE AND THE
15 CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET AND WEDGE
16 BARRIERS AT THE CAPITOL BUILDING PARKING CIRCLE ENTRANCE
17 LOCATIONS; AND

18 (V) IMPROVEMENT PROJECTS TO THE LEGISLATIVE SPACES IN THE
19 CAPITOL BUILDING AT THE DISCRETION OF THE GENERAL ASSEMBLY.

20 (b) ANY PROJECT PURSUANT TO SUBSECTION (5)(a)(IV) OR
21 (5)(a)(V) OF THIS SECTION THAT WILL OCCUR WITHIN THE PUBLIC AND
22 CEREMONIAL AREAS OF THE STATE CAPITOL BUILDING OR THE
23 SURROUNDING GROUNDS OF THE STATE CAPITOL BUILDING IS SUBJECT TO
24 REVIEW BY THE CAPITOL BUILDING ADVISORY COMMITTEE PURSUANT TO
25 SECTION 24-82-108 AND APPROVAL BY THE CAPITAL DEVELOPMENT
26 COMMITTEE CREATED IN SECTION 2-3-1302.

27 (6) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED

1 AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2030, TO THE
2 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

3 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

4 **24-30-1314. Capitol complex renovation - report - repeal.**

5 (1) BEGINNING JULY 1, 2023, THE DEPARTMENT OF PERSONNEL SHALL
6 REPORT QUARTERLY TO THE CAPITAL DEVELOPMENT COMMITTEE
7 REGARDING THE STATUS OF THE CAPITOL COMPLEX RENOVATIONS FUNDED
8 WITH MONEY FROM THE CAPITOL COMPLEX RENOVATION FUND CREATED
9 IN SECTION 24-30-1313. AT A MINIMUM, THE REPORT SHALL INCLUDE:

10 (a) A LIST OF PRIVATE OFFICE SPACES THAT STATE AGENCIES ARE
11 LEASING AT THE TIME OF THE REPORT, THE REMAINING DURATION OF EACH
12 LEASE, AND THE ESTIMATED COSTS OF TERMINATING EACH LEASE EARLY;

13 (b) THE ANNUAL REDUCTION IN EACH STATE AGENCY'S COSTS FOR
14 LEASED PRIVATE OFFICE SPACE, AS CALCULATED PURSUANT TO SECTION
15 24-30-1310 (3); AND

16 (c) A PROJECT UPDATE FOR EACH BUILDING RENOVATION PROJECT
17 IN THE CAPITOL COMPLEX THAT IS FUNDED WITH MONEY FROM THE
18 CAPITOL COMPLEX RENOVATION FUND.

19 (2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
20 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN
21 SUBSECTION (1) OF THIS SECTION CONTINUES INDEFINITELY.

22 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 24-75-114 as
24 follows:

25 **24-75-114. Appropriations for utilities - roll-forward spending**
26 **authority - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES, "UTILITIES" HAS THE SAME MEANING AS

1 SET FORTH IN SECTION 24-75-112 (1)(q).

2 (2) SUBJECT TO FISCAL RULES PROMULGATED BY THE STATE
3 CONTROLLER, ANY UNEXPENDED AND UNENCUMBERED MONEY
4 APPROPRIATED TO A DEPARTMENT IN A SPECIFIC LINE ITEM FOR UTILITIES
5 IN A FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2021, REMAINS
6 AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT
7 FURTHER APPROPRIATION FOR THE DEPARTMENT TO PURCHASE UTILITIES
8 CONSERVATION EQUIPMENT OR SERVICES. AT THE END OF THE NEXT
9 FISCAL YEAR, MONEY THAT IS UNEXPENDED OR UNENCUMBERED REVERTS
10 TO THE FUND FROM WHICH IT WAS APPROPRIATED.

11 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A LINE
12 ITEM FROM WHICH UTILITY EXPENSES ARE PAID BUT THAT IS NOT
13 SPECIFICALLY IDENTIFIED AS "UTILITIES".

14 **SECTION 4. In Colorado Revised Statutes, 24-75-307, add (4)**
15 **as follows:**

16 **24-75-307. Capitol complex master plan implementation fund**
17 **- creation - transfers for fund. (4) ON SEPTEMBER 1, 2022, THE STATE**
18 **TREASURER SHALL TRANSFER EIGHTEEN MILLION SIX HUNDRED THOUSAND**
19 **DOLLARS FROM THE CAPITOL COMPLEX MASTER PLAN IMPLEMENTATION**
20 **FUND TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION**
21 **24-30-1313.**

22 **SECTION 5.** In Colorado Revised Statutes, 24-82-101, **amend**
23 **(1) as follows:**

24 **24-82-101. Control of legislative space in the capitol, the**
25 **legislative services building, and the state office building at 1525**
26 **Sherman street - responsibility of department of personnel for**
27 **supervision of maintenance in capitol buildings group - exception -**

1 **capitol complex master plan.** (1) In accordance with the provisions of
2 section 2-2-321 ~~C.R.S.~~, concerning space for the legislative department,
3 subject to appropriations made by the general assembly and subject to the
4 provisions of section 24-82-108, concerning preservation of the state
5 capitol building, the legislative department, acting through the executive
6 committee of the legislative council:

7 (a) Shall have control of legislative spaces in the capitol, the
8 legislative services building, ~~and~~ the state office building at 1525
9 Sherman street, TWO FLOORS OF THE CAPITOL BUILDING ANNEX AT 1375
10 SHERMAN STREET, and the grounds adjacent to the capitol within the area
11 bounded on the north by east Colfax avenue, on the west by Lincoln
12 street, on the south by Fourteenth avenue, and on the east by Grant street,
13 as shown on the official maps of the city and county of Denver, the
14 state-owned grounds adjacent to the legislative services building at
15 Fourteenth avenue and Sherman street, and the tunnels connecting the
16 subbasements of the capitol, the legislative services building, and the state
17 office building at 1525 Sherman street, together with all furniture,
18 fixtures, furnishings, and equipment and all exhibits placed in and about
19 said buildings; and

20 (b) Shall be responsible for the supervision of the provision of
21 maintenance for legislative spaces in the capitol, the legislative services
22 building, ~~and~~ the state office building at 1525 Sherman street, TWO
23 FLOORS OF THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET, and
24 the grounds and tunnels specified in ~~paragraph (a) of this subsection (1)~~
25 SUBSECTION (1)(a) OF THIS SECTION if the executive committee of the
26 legislative council adopts a resolution assuming such responsibility. The
27 executive committee shall deliver a copy of any resolution it adopts

1 pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b) to the executive director
2 of the department of personnel.

3 **SECTION 6. Capital construction appropriation.** For the
4 2022-23 state fiscal year, \$26,721,314 is appropriated to the department
5 of personnel. This appropriation is from the capitol complex renovation
6 fund created in section 24-30-1313 (1), C.R.S. To implement this act, the
7 department may use this appropriation for capital construction related to
8 capitol complex renovation projects pursuant to S.B. 22-239.

9 **SECTION 7. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.