

CHAPTER 411

GOVERNMENT - STATE

SENATE BILL 22-239

BY SENATOR(S) Moreno and Simpson, Donovan, Hansen;
 also REPRESENTATIVE(S) Esgar and McKean, Bennett, Bird, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet,
 Valdez A.

AN ACT

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

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

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

24-30-1310. Funding for capital construction, controlled maintenance, or capital renewal - definitions. (2) Except for the 2020-21 annual general appropriation act, for every appropriation in the capital construction section of the 2015-16 annual general appropriation act and every appropriation in the capital construction section of each annual general appropriation act thereafter, not including appropriations for information technology projects, additional funding must be set aside as follows:

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

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

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

(b) (I) If the funding source for the appropriation is from the general fund, the capital construction fund, or the controlled maintenance trust fund, the general assembly shall include an annual depreciation-lease equivalent payment line item payable from the general fund in the operating section of the annual general appropriation act for each state agency, including the department of higher education. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b)(II) OF THIS SECTION, ON JUNE 30 THE STATE CONTROLLER SHALL CREDIT THE ANNUAL DEPRECIATION-LEASE EQUIVALENT PAYMENT LINE ITEM TO THE CAPITAL CONSTRUCTION FUND; EXCEPT THAT, OF SUCH PAYMENT, AN AMOUNT EQUAL TO ONE PERCENT OF THE PROJECT COST WILL BE DEDUCTED FROM THE PAYMENT AND CREDITED TO THE PRINCIPAL OF THE CONTROLLED MAINTENANCE TRUST FUND.

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

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

(I) (A) From a cash fund, then the state agency shall annually calculate an amount equal to one percent of the project cost and the general assembly shall include an annual controlled maintenance line item payable from the cash fund in the operating section of the annual general appropriation act for each state agency equal to such amount. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c)(I)(B) OF THIS SECTION, ON JUNE 30 THE STATE CONTROLLER SHALL CREDIT SUCH AMOUNT TO A CAPITAL RESERVE ACCOUNT ESTABLISHED BY THE STATE AGENCY IN THE CASH FUND AS SPECIFIED IN SECTION 24-75-403 (2).

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

(2)(c)(I)(A) OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313;

(II) (A) From the general fund, the capital construction fund, or the controlled maintenance trust fund, then the general assembly shall include an annual controlled maintenance line item payable from the general fund in the operating section of the annual general appropriation act for each state agency, including the department of higher education, equal to one percent of the project cost, as calculated by the state agency or the state institution of higher education, which calculation the state institution of higher education shall report to the department of higher education. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c)(II)(B) OF THIS SECTION, ON JUNE 30 THE STATE CONTROLLER SHALL CREDIT SUCH AMOUNT TO THE CONTROLLED MAINTENANCE TRUST FUND.

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

(d) If the funding source for the appropriation is a combination of the funding sources described in paragraphs (a), (b), and (c) of this subsection (2) SUBSECTIONS (2)(a), (2)(b), AND (2)(c) OF THIS SECTION, THEN THE ANNUAL SET ASIDE MUST BE MADE IN PROPORTION TO THE FUNDING SOURCE.

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

SECTION 2. In Colorado Revised Statutes, **add** 24-30-1313 and 24-30-1314 as follows:

24-30-1313. Capitol complex renovation fund - created - repeal. (1) THE CAPITOL COMPLEX RENOVATION FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION 24-30-1310 (2), MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 24-75-307 (4), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

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

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

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

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

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

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

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

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

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

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

(6) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2030, TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

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

24-30-1314. Capitol complex renovation - report - repeal. (1) BEGINNING JULY 1, 2023, THE DEPARTMENT OF PERSONNEL SHALL REPORT QUARTERLY TO THE CAPITAL DEVELOPMENT COMMITTEE REGARDING THE STATUS OF THE CAPITOL COMPLEX RENOVATIONS FUNDED WITH MONEY FROM THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313. AT A MINIMUM, THE REPORT SHALL INCLUDE:

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

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

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

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

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

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

24-75-114. Appropriations for utilities - roll-forward spending authority - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "UTILITIES" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-75-112 (1)(q).

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

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

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

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

SECTION 5. In Colorado Revised Statutes, 24-82-101, **amend** (1) 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. (1) In accordance with the provisions of section 2-2-321 C.R.S., concerning space for the legislative department, subject to appropriations made by the general assembly and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building, the legislative department, acting through the executive committee of the legislative council:

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

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

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

SECTION 7. Act subject to petition - effective date. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2022