

Dome Rock SWA Campbell Inholding Fee Title Acquisition

Capital Development Committee

November 12, 2019—Property Transaction Proposal

Department of Natural Resources Division of Parks and Wildlife

Action Required	Pursuant to C.R.S. 33-1-105(3)(a) and C.R.S. 33-10-107(2) recommend to the Colorado Parks and Wildlife Commission support for the Division of Parks and Wildlife’s proposal to acquire a fee title interest.
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General Information	
Name	Dome Rock SWA- Campbell
Number of acres	0.3
Location	Approximately 7 miles south of the town of Divide and 20 miles west of Colorado Springs.
County	Teller

Costs / Source of Funding			
Purchase Price	\$0.00	Funding Source	N/A
<i>Spending authority has already been approved for this project in the Long Bill.</i>			
	Fiscal Year		N/A
	Line Item		N/A
	Appropriation		N/A
	Remaining Unexpended Balance		N/A
Annual Monitoring and Operation Costs	\$0.24/acre	Funding for the monitoring and operation costs of the property will come from the Wildlife Operations Line Item under the Division Operations Group in the Long Bill. This cost includes an annual estimated Impact Assistance Grant payment for this property.	
Development Costs	\$0.00		N/A
* The Division may alter the source of funds for individual acquisitions based on circumstances that arise in the time period prior to closing.			

Summary of Proposal:

CPW will acquire a fee title interest in the property totaling 0.3 acres for no monetary consideration. This property is an inholding, located within Dome Rock SWA. This property was acquired by the landowner on November 12, 1999 by tax lien auction, for the purchase price of \$87.51. The acquisition increases the important mule deer and elk winter range acreage on the SWA, which is ideal elk and mule deer habitat. Dome Rock SWA also provides important habitat for Rocky Mountain bighorn sheep, as well as turkey hunting and recreational trail access to the public. The SWA is adjacent to Mueller State Park, and the trails on the wildlife area connect to the trail system of the State Park. These properties are both very popular with hikers and equestrians.

According to a review of the first map referenced below, the property lies outside the scope of regions of known or potential geothermal resources. Also, according to a review of the second map referenced below, the property lies outside the Central Solar Power and the Wind Resource Generation Development areas.

Geothermal: November, 2003 US Department of Energy, Office of Energy Efficiency and Renewable Energy, Geothermal Technologies Program.

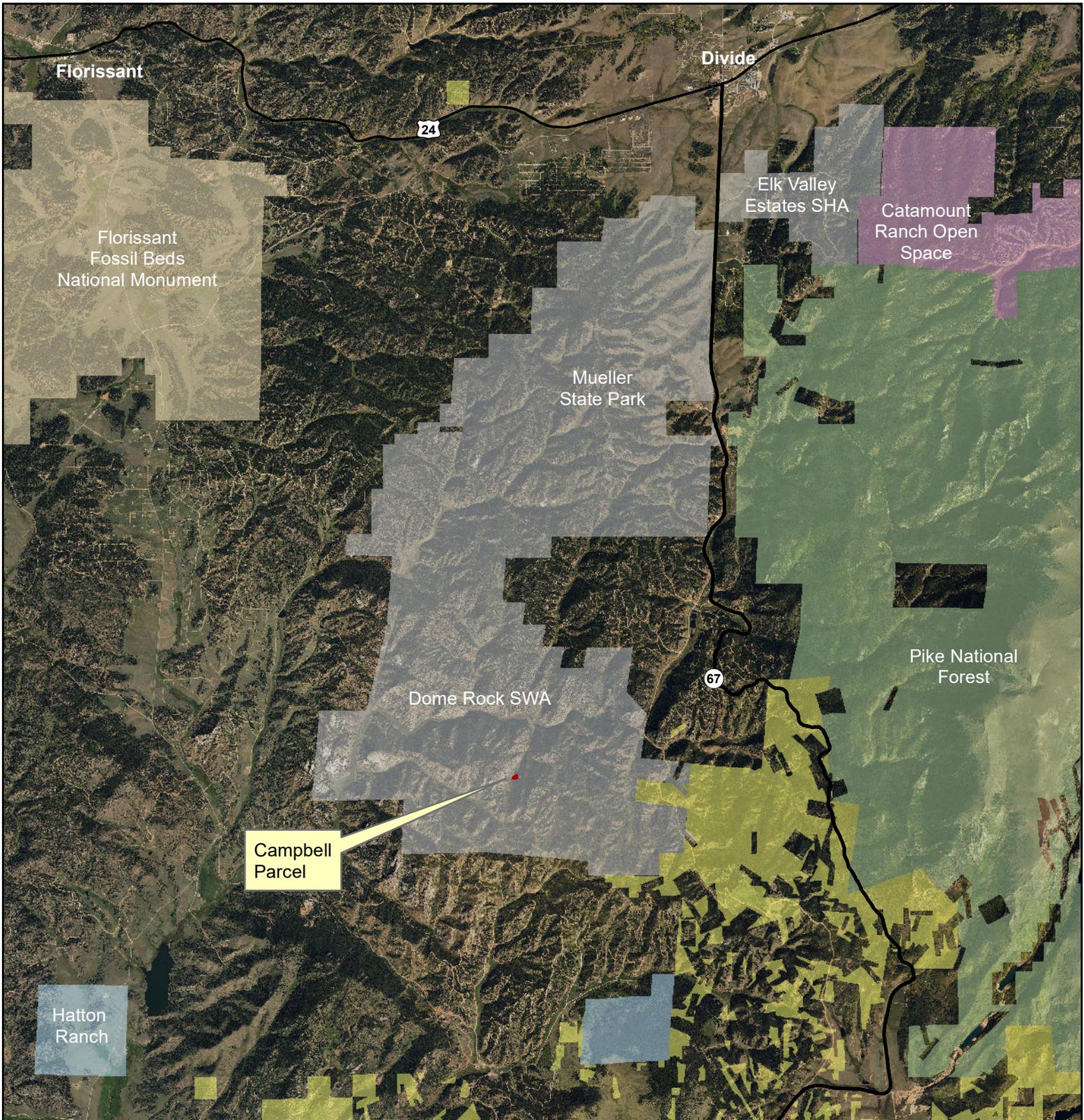
Wind and Solar: A map entitled “SB07-91 Renewable Resource Generation Development Areas” from “Renewable Energy Development Structure,” a report of the Colorado Governor’s Energy Office dated December 2009.

Mineral Interest Ownership:

Title work indicates that minerals have not been severed from the property, so CPW will acquire the mineral interest.

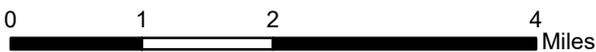
Attachments:

- Map
- Concurrence letters



Dome Rock SWA - Campbell Parcel Project # 19-007 Teller County

- | | | | |
|---|---------------------------|---|----------------------|
|  | Campbell Parcel |  | US Forest Service |
|  | CPW Properties |  | NPS |
|  | Other State |  | City/County Property |
|  | Bureau of Land Management | | |





COLORADO

Parks and Wildlife

Department of Natural Resources

Area 14, Southeast Region
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5297

September 23rd, 2019

Representative Mark Baisley
200 East Colfax
Denver, CO 80203

Re: Donation of inholding within the Dome Rock State Wildlife Area

Dear Representative Baisley,

I am writing to request your support for a project in your district that CO Parks & Wildlife (CPW) is presenting to the Capital Development Committee. William Campbell is interested in donating his .3 acre parcel to Colorado Parks and Wildlife.

The Campbell parcel is completely surrounded by the Dome Rock State Wildlife Area. Mr. Campbell acquired the parcel in a tax lien auction, and would now like to donate the property to Colorado Parks and Wildlife.

The Dome Rock State Wildlife Area provides important habitat for rocky mountain bighorn sheep, and also provides deer, elk, and turkey hunting and recreational trail access for the public. The State Wildlife Area is also adjacent to Mueller State Park, and the trails on the wildlife area connect to the trail system of the State Park.

Colorado Parks & Wildlife respectfully requests your support of CPW's acceptance of the .3 acre donation. If you either support, or do not object to, this transaction, please sign at the bottom of this letter and return it to me at my address below or email it to me (frank.mcgee@state.co.us) as soon as it is convenient. If you have any questions, or wish to discuss this matter further, please do not hesitate to call me at 719-227-5218 or my cell phone, 719-439-9634. Thank you for your time in considering this matter.

Sincerely,

Frank McGee
Area Wildlife Manager
4255 Sinton Road
Colorado Springs, CO 80907

I support / do not oppose this proposal.

Representative Mark Baisley

Date: October 6, 2019, 2019





COLORADO

Parks and Wildlife

Department of Natural Resources

Area 14, Southeast Region
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5297

September 23rd, 2019

Senator Dennis Hisey
200 East Colfax
Denver, CO 80203

Re: Donation of inholding within the Dome Rock State Wildlife Area

Dear Senator Hisey,

I am writing to request your support for a project in your district that CO Parks & Wildlife (CPW) is presenting to the Capital Development Committee. William Campbell is interested in donating his .3 acre parcel to Colorado Parks and Wildlife.

The Campbell parcel is completely surrounded by the Dome Rock State Wildlife Area. Mr. Campbell acquired the parcel in a tax lien auction, and would now like to donate the property to Colorado Parks and Wildlife.

The Dome Rock State Wildlife Area provides important habitat for rocky mountain bighorn sheep, and also provides deer, elk, and turkey hunting and recreational trail access for the public. The State Wildlife Area is also adjacent to Mueller State Park, and the trails on the wildlife area connect to the trail system of the State Park.

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Sincerely,

Frank McGee
Area Wildlife Manager
4255 Sinton Road
Colorado Springs, CO 80907

I support this proposal.

Senator Dennis Hisey

Date: Oct. 6, 2019





COLORADO

Parks and Wildlife

Department of Natural Resources

Area 14, Southeast Region
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5297

September 23rd, 2019

Teller County Board of County Commissioners
112 North A Street
Cripple Creek CO 80813

Re: Donation of inholding within the Dome Rock State Wildlife Area

Dear Commissioners,

I am writing to request your support for a project in your district that CO Parks & Wildlife (CPW) is presenting to the Capital Development Committee. William Campbell is interested in donating his .3 acre parcel to Colorado Parks and Wildlife.

The Campbell parcel is completely surrounded by the Dome Rock State Wildlife Area. Mr. Campbell acquired the parcel in a tax lien auction, and would now like to donate the property to Colorado Parks and Wildlife.

The Dome Rock State Wildlife Area provides important habitat for rocky mountain bighorn sheep, and also provides deer, elk, and turkey hunting and recreational trail access for the public. The State Wildlife Area is also adjacent to Mueller State Park, and the trails on the wildlife area connect to the trail system of the State Park.

Colorado Parks & Wildlife respectfully requests your support of CPW's acceptance of the .3 acre donation. If you either support, or do not object to, this transaction, please sign at the bottom of this letter and return it to me at my address below or email it to me (frank.mcgee@state.co.us) as soon as it is convenient. If you have any questions, or wish to discuss this matter further, please do not hesitate to call me at 719-227-5218 or my cell phone, 719-439-9634. Thank you for your time in considering this matter.

Sincerely,

Frank McGee
Area Wildlife Manager
4255 Sinton Road
Colorado Springs, CO 80907

We support / do not oppose this proposal.

Teller County Board of County
Commissioners

Date: Oct 22, 2019



ASU Replace Boilers Waiver Request

WAIVER REQUEST -- November 12, 2019

FY 2019-20 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

Adams State University *Replace Campus Boilers, Five Buildings*

MOTION Approve the waiver request for the FY 2019-20 appropriation to the Adams State University Replace Campus Boilers, Five Buildings project (\$1,037,625 CCF).

SUMMARY

2019-070

The controlled maintenance project replaces boilers in five buildings that experience a variety of maintenance issues. Each boiler was installed between 1996 and 2001 and boiler failure is a concern during subzero winter conditions. The affected buildings are McDaniel Hall, Performing Arts, Library, Facilities, and Business and Economics.

REASON FOR WAIVER

The university explains that delays in gaining authority for contract execution, and challenges experienced during contract negotiations, delayed the procurement of architectural and engineering services. Specifically, staff turnover at Adams State required the delegation of a new campus official for contract execution authority, and turnover at the Office of the State Architect further delayed the transfer of authority, resulting in the contract not being executed by the six-month deadline. The university says it is ready to execute the contract once the six-month waiver is in place.

FY 2019-20 APPROPRIATION AMOUNT

Fund Source	Appropriation
CCF	\$1,037,625
Total	\$1,037,625

STAFF QUESTIONS

None.

CPW Property Acquisition Waiver

WAIVER REQUEST -- November 12, 2019

FY 2019-20 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

Natural Resources — Parks and Wildlife *Property Acquisition and Improvements*

MOTION Approve the waiver request for the FY 2019-20 appropriation to the Department of Natural Resources, Division of Parks and Wildlife, Property Acquisition and Improvements project (\$11,000,000 CF).

SUMMARY

2020-041

The ongoing project allows Colorado Parks and Wildlife (CPW) to acquire interests in real property through a competitive bidding process. In addition to protecting critical wildlife habitat for game species, CPW's efforts also include protecting the habitat of species of concern, preserving wildlife diversity, and acquiring public access for wildlife-related recreation. When the division identifies specific parcels to acquire, it provides a more detailed justification to the Capital Development Committee through its request to review and comment on the proposal pursuant to Section 33-1-105 (3)(a), C.R.S.

REASON FOR WAIVER

CPW explains that the request-for-proposal process and prioritization take several months to generate a project list that is presented to the Parks and Wildlife Commission in November of each year. Subsequently, the due diligence and negotiations with landowners can take six months to over a year.

FY 2019-20 APPROPRIATION AMOUNT

Fund Source	Appropriation
CF	\$11,000,000
Total	\$11,000,000

STAFF QUESTIONS

None.

LCC Campuswide Building Access Control Waiver

WAIVER REQUEST -- November 12, 2019

FY 2019-20 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

Lamar Community College *Upgrade Interior and Exterior Building Access Control, Campuswide*

MOTION Approve the waiver request for the FY 2019-20 appropriation to the Lamar Community College Upgrade Interior and Exterior Building Access Control, Campuswide project (\$1,301,245 CCF).

SUMMARY 2019-046

The two-phase controlled maintenance project upgrades interior and exterior doors and locks for three buildings on campus. The existing building access controls are almost 50 years old. This year's request for Phase I replaces the exterior doors and locks with an electronic locking system. Phase II will replace interior doors and locks.

REASON FOR WAIVER

The university explains that it was unable to encumber the funds by the October 18 deadline, because university officials thought that the six-month period began on the first day of the fiscal year rather than the day the Long Bill was signed. The university expects to encumber the funds before the end of December.

FY 2019-20 APPROPRIATION AMOUNT

Fund Source	Appropriation
CCF	\$1,301,245
Total	\$1,301,245

STAFF QUESTIONS

None.

State Fair Event Center HVAC Waiver

WAIVER REQUEST -- November 12, 2019

FY 2019-20 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

Colorado State Fair *Replace HVAC Systems, Event Center*

MOTION Approve the waiver request for the FY 2019-20 appropriation to the Colorado State Fair Replace HVAC Systems, Event Center project (\$1,527,448 CCF).

SUMMARY

2019-127

The controlled maintenance project replaces five rooftop air handlers to address HVAC systems that are past their useful life. One unit is inoperable and the remaining units do not provide adequate heating, cooling, or ventilation of dust and vehicle exhaust. The new system will be programmable so it can operate on a limited schedule when the facility is unoccupied.

REASON FOR WAIVER

The Department of Agriculture, which oversees the Colorado State Fair, explains that it was unable to adequately determine the appropriate system for the Event Center that corresponds to the building's uses, and subsequently could not select a vendor by the October 18 deadline. Further impacting the decision timeline was the need to wait for the State Fair to conclude in August before project initiation could be a priority. The department expects to be able to select a vendor within the next several months.

FY 2019-20 APPROPRIATION AMOUNT

Fund Source	Appropriation
CCF	\$1,527,448
Total	\$1,527,448

STAFF QUESTIONS

None.

UCCS Engineering Building Chillers Waiver

WAIVER REQUEST -- November 12, 2019

FY 2019-20 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

University of Colorado at Colorado Springs *Replace Chillers, Engineering Building*

MOTION Approve the waiver request for the FY 2019-20 appropriation to the University of Colorado at Colorado Springs Replace Chillers, Engineering Building project (\$870,802 CCF).

SUMMARY

2019-050

The controlled maintenance project replaces the existing chillers in the 35-year-old Engineering and Applied Sciences Building with quieter, water-cooled centrifugal chillers. The project also replaces associated piping and electrical controls. The existing chillers, with typical life cycles of 20 years, are no longer reliable because of normal deterioration and they contain R-22 refrigerant, a banned substance due to its ozone-depleting properties.

REASON FOR WAIVER

The university explains that it was unable to encumber the funds by the October 18 deadline, because university officials thought that six-month period began on the first day of the fiscal year rather than the day the Long Bill was signed, and due to turnover in the university's Planning, Design, and Construction Department. The university was able to encumber funds on October 23.

FY 2019-20 APPROPRIATION AMOUNT

Fund Source	Appropriation
CCF	\$870,802
Total	\$870,802

STAFF QUESTIONS

None.

Accessibility Signage Legislation

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
11.7.19

DRAFT

LLS NO. 20-0583.01 Esther van Mourik x4215

COMMITTEE BILL

Capital Development Committee

BILL TOPIC: "Update Accessibility Signage State-owned Facility"

A BILL FOR AN ACT

101 **CONCERNING UPDATED ACCESSIBILITY SIGNAGE IN A STATE-OWNED**
102 **FACILITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Capital Development Committee. The bill requires any state-owned facility constructed, renovated, or remodeled and any state-owned facility acquired to use updated accessibility signage that depicts an accessible icon with a more dynamic character who leans forward in the wheelchair and who shows a sense of movement.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) A grassroots effort in Boston, Massachusetts, in the early
5 2010s, resulted in supporters placing stickers with an updated design over
6 the most recognizable symbol of access, the white wheelchair with a head
7 icon. As a result, people all over the world started advocating for an
8 improvement to the symbol by depicting instead an accessible icon with
9 a more dynamic character who leans forward in the wheelchair and who
10 shows a sense of movement.

11 (b) The forward head indicates the forward motion of the person
12 through space and shows the person as the driver or decision-maker about
13 his or her mobility;

14 (c) The arm angle that points backwards suggests dynamic
15 mobility of a chair user, one who actively navigates the world;

16 (d) By including white angled knockouts of the wheel, the symbol
17 presents the wheel as being in motion;

18 (e) The leg has been moved forward to allow for more space
19 between it and the wheel, which allows for better readability and cleaner
20 application of the icon as a stencil;

21 (f) In order to avoid a confusion with established and widely used
22 icons, the human depiction in the accessible icon is still consistent with
23 other body representations found in the International Organization for
24 Standardization's pictograms;

25 (g) An example of the accessible icon can be obtained for free at
26 <http://www.accessibleicon.org>;

1 (h) The accessible icon has been adopted by the National Football
2 League's Jacksonville Jaguars, the state of New York, and other localities,
3 businesses, and schools in the United States and abroad; and

4 (i) Because history shows that the shape and form of what people
5 see and hear works on a person's cognitive understanding of the world, it
6 is important for the state to start using the accessible icon for accessibility
7 signage in any newly acquired, newly built, or newly renovated facility.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 24-30-1312 as
9 follows:

10 **24-30-1312. Accessibility signage for facilities.** INSTEAD OF THE
11 INTERNATIONAL SYMBOL OF ACCESSIBILITY ICON OF A CHARACTER IN A
12 WHEELCHAIR, ANY REQUIRED ACCESSIBILITY SIGNAGE IN A FACILITY MUST
13 DEPICT AN ACCESSIBLE ICON WITH A MORE DYNAMIC CHARACTER WHO
14 LEANS FORWARD IN THE WHEELCHAIR AND WHO SHOWS A SENSE OF
15 MOVEMENT.

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 5, 2020, if adjournment sine die is on May 6,
20 2020); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2020 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

26 (2) This act applies to:

27 (a) Any facility constructed, renovated, or remodeled with a date

- 1 of completion on or after the applicable effective date of this act; and
- 2 (b) Any facility acquired after the applicable effective date of this
- 3 act.

Section 23-106 C.R.S._ Two Year Lists Conform to Process

C.R.S. 23-1-106

Current through all laws passed during the 2019 Legislative Session.

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

- (1) Except as permitted by subsection (9) of this section, it is declared to be the policy of the general assembly not to authorize any activity requiring capital construction or capital renewal for state institutions of higher education unless approved by the commission.
- (2) The commission shall, after consultation with the appropriate governing boards of the state institutions of higher education and the appropriate state agencies, have authority to prescribe uniform policies, procedures, and standards of space utilization for the development and approval of capital construction or capital renewal programs by institutions.
- (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) 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) of this section, no capital construction or capital renewal shall commence except in accordance with an approved facility master plan and program plan.
- (4) The commission shall ensure conformity of facilities master planning with approved educational master plans and facility program plans with approved facilities master plans.
- (5) (a) The commission shall approve plans for any capital construction or capital renewal project at any state institution of higher education regardless of the source of funds; except that the commission need not approve plans for any capital construction or capital renewal project at a local district college or area technical college or for any capital construction or capital renewal project described in subsection (9) of this section.
- (b) The commission may except from the requirements for program and physical planning any project that requires two million dollars or less if the capital construction project is for new construction and funded solely from cash funds held by the institution or the project is funded through the higher education revenue bond intercept program established pursuant to section 23-5-139, or ten million dollars or less if the project is not for new construction and is funded solely from cash funds held by the institution.
- (6) (a) The commission shall request annually from each governing board of each state institution of higher education a five-year projection of capital construction or capital renewal projects to be constructed but not including those projects described in subsection (9) of this section. The projection must include the estimated cost, the method of funding, a schedule for project completion, and the governing board-approved priority for each project. The commission shall determine whether a proposed project is consistent with the role and mission and master planning of the institution and conforms to standards recommended by the commission.
- (b) The commission shall [review, at its next available meeting, any request annually from the governing board of each state institution of higher education](#) a two-year projection of capital construction projects [submitted by a state institution of higher education](#) to be undertaken

pursuant to subsection (9) of this section and estimated to require total project expenditures exceeding two million dollars if the capital construction project is for new acquisitions of real property or new construction and funded solely from cash funds held by the institution or the project is funded through the higher education revenue bond intercept program established pursuant to section 23-5-139, or exceeding ten million dollars if the project is not for new acquisitions of real property or new construction and is funded solely from cash funds held by the institution. The projection must include the estimated cost, the method of funding, and a schedule for project completion for each project. ~~A state institution of higher education shall amend the projection prior to commencing a project that is not included in the institution's most recent projection.~~

(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) of this section, coordinated with education plans. Notwithstanding section 24-1-136 (11)(a)(I), the commission shall transmit the report to the office of state planning and budgeting, the 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.

(b) Except as provided in subsections (5) and (15) of this section, it is the policy of the general assembly to appropriate funds only for capital construction or capital renewal projects approved by the commission.

~~(c) (I) (A) The commission annually shall prepare a unified, two-year report for capital construction or capital renewal projects described in subsection (9) of this section that are not for new acquisitions of real property or new construction and are estimated to require total project expenditures exceeding ten million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, the capital development committee, and the joint budget committee, consistent with the executive budget timetable.~~

~~(B) The commission annually shall prepare a unified, two-year report for capital construction projects for new acquisitions of real property or for new construction, estimated to require total project expenditures exceeding two million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, the capital development committee, and the joint budget committee, consistent with the executive budget timetable.~~

~~(II) (A) The commission shall submit the two-year projections prepared by each a state institution of higher education for each two-year period to the office of state planning and budgeting and the capital development committee. The capital development committee shall conduct a hearing in each regular legislative session on the projections and either approve the projections or return the projections to the state institution of higher education for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each projection.~~

~~(B) A state institution of higher education may submit to the staff of the capital development committee, the commission, and the office of state planning and budgeting an amendment to its approved two-year projection. The capital development committee shall conduct a hearing on the~~

~~amendment~~ within thirty days after submission during a regular legislative session of the general assembly or within forty-five days after submission during any period that the general assembly is not in regular legislative session. The capital development committee shall either approve the projections or return the projections to the state institution of higher education for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each ~~projection amendment~~.

(8) Repealed.

(9) (a) Except as provided in paragraph (d) of this subsection (9), a capital construction or capital renewal project for an auxiliary facility initiated by the governing board of a state institution of higher education that ~~has been approved by the capital development committee as part of a two-year projection within the last two calendar years is contained in the most recent two-year projection approved pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this section, as the projection may be amended from time to time,~~ and that is to be acquired or constructed and operated and maintained solely from cash funds held by the institution is not subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee; except that, if the capital construction or capital renewal project for an auxiliary facility is to be acquired or constructed in whole or in part using moneys subject to the higher education revenue bond intercept program established pursuant to section 23-5-139, then the governing board of a state institution of higher education must obtain approval from the general assembly as specified in that section.

(b) Except as provided in paragraph (d) of this subsection (9), a capital construction or capital renewal project for an academic facility initiated by the governing board of a state institution of higher education that ~~has been approved by the capital development committee as part of a two-year projection within the last two calendar years is contained in the most recent two-year projection approved pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this section, as the projection may be amended from time to time,~~ and that is to be acquired or constructed solely from cash funds held by the institution and operated and maintained from such funds or from state moneys appropriated for such purpose, or both, is not subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee; except that, if the capital construction or capital renewal project for an academic facility is to be acquired or constructed in whole or in part using moneys subject to the higher education revenue bond intercept program established pursuant to section 23-5-139, then the governing board of a state institution of higher education must obtain approval from the general assembly as specified in that section. Any capital construction or capital renewal project subject to this paragraph (b) must comply with the high performance standard certification program established pursuant to section 24-30-1305.5, C.R.S.

(c) Each governing board shall ensure, consistent with its responsibilities as set forth in section 5 (2) of article VIII of the state constitution, that a capital construction or capital renewal project initiated pursuant to this subsection (9) is in accordance with its institution's mission, be of a size and scope to provide for the defined program needs, and be designed in accordance with all applicable building codes and accessibility standards.

(d)

(I) (Deleted by amendment, L. 2016.)

(II) A plan for a capital construction or capital renewal project is not subject to review or approval by the commission if such project is:

(A) Estimated to require total expenditures of two million dollars or less if the capital construction project is for new acquisitions of real property or for new construction and funded solely from cash funds held by the institution or the project is funded through the higher education revenue bond intercept program established pursuant to section 23-5-139; or

(B) Estimated to require total expenditures of ten million dollars or less if the project is not for new acquisitions of real property or for new construction and is funded solely from cash funds held by the institution.

~~(e) A capital construction or acquisition project approved and appropriated prior to January 1, 2010, may be contained in the most recent unified two-year capital improvements project projection approved pursuant to subparagraph (II) of paragraph (e) of subsection (7) of this section. The projection may be amended from time to time and is not subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee.~~

(f) The governing board of a state institution of higher education that enters into an agreement to lease a building from a school district, as authorized in section 22-32-110 (1)(f.5), C.R.S., shall notify the capital development committee of the existence of the agreement and provide to the committee a summary of the terms of the agreement.

(10) Repealed.

(10.2) (a) (I) Notwithstanding any law to the contrary and except as provided in subsection (10.2)(a)(III) of this section, all academic facilities acquired or constructed, or an auxiliary facility repurposed for use as an academic facility, solely from cash funds held by the state institution of higher education and operated and maintained from such cash funds or from state money appropriated for such purpose, or both, including, but not limited to, those facilities described in subsection (9)(b) of this section, that did not previously qualify for state controlled maintenance funding will qualify for state controlled maintenance funding, subject to funding approval by the capital development committee and the eligibility guidelines described in section 24-30-1303.9.

(II) For purposes of this subsection (10.2)(a), the eligibility for state controlled maintenance funding commences on the date of the acceptance of the construction or repurposing of the facility or the closing date of any acquisition. The date of the acceptance of construction or repurposing shall be determined by the office of the state architect.

(III) If an academic facility is acquired or constructed, or if an auxiliary facility is repurposed for use as an academic facility, solely from cash funds held by the state institution of higher education and operated and maintained from such cash funds, then as of the date of the acceptance of construction or repurposing that occurs on or after July 1, 2018, the facility is not eligible for controlled maintenance funding.

(b) (I) The general assembly hereby finds, determines, and declares that the classification of facilities as academic facilities or auxiliary facilities can be difficult, and such classifications often change as academic needs, student needs, and new construction and design practices emerge. Therefore, the office of the state architect, in collaboration with the department of higher education and the office of state planning and budgeting, shall develop guidelines in order to assist such classification. **The guidelines shall be annually reviewed and approved by the capital development committee.** The guidelines must address the following two factors that have historically been considered when classifying academic facilities and auxiliary facilities:

(A) The funding source for the facility; and

(B) The nature and use of the facility.

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(II) The guidelines established pursuant to this paragraph (b) must use the definitions set forth in subsection (10.3) of this section.

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

(a) "Academic facility" means any facility, including any supporting utility infrastructure and site improvements, that is central to the role and mission of each state institution of higher education as set forth in this title. Examples include, but are not limited to, classrooms, libraries, and administrative buildings.

(b) "Auxiliary facility" means any facility, including any supporting utility infrastructure and site improvements, funded from an auxiliary source such as housing or parking revenue or any facility that has been historically managed as an auxiliary facility and is accounted for in financial statements of state institutions of higher education as a self-supporting facility. Examples include, but are not limited to, housing facilities, dining facilities, recreational facilities, and student activities facilities.

(c) "Capital construction" has the same meaning as set forth in section 24-30-1301 (2), C.R.S.

(d) "Capital renewal" has the same meaning as set forth in section 24-30-1301 (3), C.R.S.

(e) "Facility" has the same meaning as set forth in section 24-30-1301 (8), C.R.S.

(e.5) "Real property" has the same meaning as set forth in section 24-30-1301 (15), C.R.S.

(f) "State institution of higher education" means a state institution of higher education as defined in section 23-18-102 (10), and the Auraria higher education center created in article 70 of this title.

(10.5) **(a)** For any project subject to subsection (9) of this section, if, after commencement of construction, the governing board of the state institution of higher education receives an additional gift, grant, or donation for the project, the governing board may amend the project without the approval of the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee so long as the governing board notifies the commission, the office of state planning and budgeting, the capital development committee, and the joint budget committee in writing, explaining how the project has been amended and verifying the receipt of the additional gift, grant, or donation.

(b) For any project subject to subsection (9) of this section, the governing board may enhance the project in an amount not to exceed fifteen percent of the original estimate of the cost of the project without the approval of the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee so long as the governing board notifies the commission, the office of state planning and budgeting, the capital development committee, and the joint budget committee in writing, explaining how the project has been enhanced and the source of the moneys for the enhancement.

(c) For any project subject to subsection (9) of this section, the governing board of the state institution of higher education implementing the project is not required to submit for the project quarterly expenditure reports as described in section 24-30-204 (2), C.R.S. The governing board shall submit for the project annual expenditure reports as required in section 24-30-204 (1), C.R.S.

(11) **(a)** Each state institution of higher education shall submit to the commission on or before September 1 of each year a list and description of each project for which an expenditure was made during the immediately preceding fiscal year that:

(I) Was not subject to review by the commission pursuant to subsection (9) of this section;

(II) Repealed.

(III) Was estimated to require total expenditures of two million dollars or less if the capital construction project is for new acquisitions of real property or for new construction and was funded solely from cash funds held by the institution or the project was funded through the higher education revenue bond intercept program established pursuant to section 23-5-139, or was estimated to require total expenditures of ten million dollars or less if the project was not for new acquisitions of real property or for new construction and was funded solely from cash funds held by the institution; or

(IV) Was amended or enhanced after commencement of construction pursuant to subsection (10.5) of this section.

(b) Notwithstanding section 24-1-136 (11)(a)(I), 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 office of the state architect.

(13) (Deleted by amendment, L. 2014.)

(14) With the commission's approval, beginning July 1, 2017, a state institution of higher education is not subject to facility master plan approval described in subsections (3) and (4) of this section, so long as the governing board of the institution approves each plan, notifies the commission of its approval, and makes the plan available to the commission. Such institution is also exempt from the provisions of subsection (5) of this section for a project the cost of which does not exceed two million dollars.

(15) With the commission's approval, beginning July 1, 2017, and notwithstanding the provisions of subsection (7)(b) of this section, a state institution of higher education is not required to submit projects for facilities to the commission for approval pursuant to subsection (6)(b) of this section so long as the institution annually submits a report to the capital development committee that is substantially similar in content to the report concerning capital construction projects described in subsection (6)(b) of this section.

History

Source:

L. 85: Entire article R&RE, p. 754, Section 1, effective July 1.L. 92: (9) added, p. 583, Section 2, effective June 1.L. 93: (9) amended, p. 1825, Section 8, effective June 6.L. 94: (5) amended, p. 1795, Section 3, effective May 31.L. 2001: (5) and (9) amended and (10) and (11) added, p. 664, Section 1, effective August 8; (7)(a) amended, p. 492, Section 1, effective August 8.L. 2003: (12) added, p. 962, Section 1, effective July 1.L. 2005: (5)(a), (9)(a), and (10) amended, p. 1016, Section 9, effective June 2.L. 2008: (5)(b), (9)(a), (9)(c), and (10) amended, p. 260, Section 1, effective March 31; (8) amended, p. 1471, Section 5, effective May 28.L. 2009: (1), (3), (6), (7), (8), and (11) amended and (10.5) and (13) added, (SB 09-290), ch. 374, p. 2035, Section 1, effective August 5; (9) and (10)(a) amended, (SB 09-290), ch. 374, p. 2038, Section 2, effective

January 1, 2010. L. 2010: (3), (5)(a), (6), (7)(a), (7)(c)(I), (9), (10), (10.5)(a), and (11)(a)(IV) amended and (8) repealed, (SB 10-003), ch. 391, p. 1854, 1853, Sections 35, 34, effective June 9. L. 2011: (9)(e) and (10)(c) added and (10.5) amended, (HB 11-1301), ch. 297, p. 1429, Sections 25, 26, 27, effective August 10. L. 2012: (9)(a), (9)(b), (10)(a)(I), and (10)(a)(II) amended and (10.2) and (10.3) added, (SB 12-040), ch. 118, p. 401, Section 2, effective April 16; (1) amended, (HB 12-1081), ch. 210, p. 902, Section 2, effective August 8. L. 2014: Entire section amended, (HB 14-1387), ch. 378, p. 1829, Section 34, effective June 6; (10.3)(c) amended, (HB 14-1395), ch. 309, p. 1309, Section 7, effective June 6. L. 2015: (3), (7)(a), (11)(b), and (12) amended, (SB 15-270), ch. 296, p. 1216, Section 15, effective June 5. L. 2016: (1), (3), (5)(a), (6), (7)(a), (7)(c)(I), (9), (10.2)(a)(I), and (10.5) amended and (10) and (11)(a)(II) repealed, (SB 16-204), ch. 222, p. 848, Section 2, effective June 6; (5)(a) amended, (HB 16-1082), ch. 58, p. 142, Section 9, effective August 10; (5)(b), (6)(b), (7)(c)(I), (9)(d)(II), and (11)(a)(III) amended and (10.3)(e.5) added, (HB 16-1459), ch. 317, p. 1279, Section 1, effective August 10; (9)(f) added, (SB 16-209), ch. 235, p. 951, Section 4, effective August 10. L. 2017: (7)(b) amended and (14) and (15) added, (SB 17-297), ch. 210, p. 816, Section 2, effective May 18; (10.2)(a) amended, (SB 17-267), ch. 267, p. 1439, Section 5, effective May 30; (7)(a) and (11)(b) amended, (HB 17-1251), ch. 253, p. 1057, Section 2, effective August 9. L. 2018: (7)(c)(I)(B) amended, (HB 18-1375), ch. 274, p. 1704, Section 31, effective May 29.

▼Annotations

Notes

Editor's note: (1) This section is similar to former Section 23-1-106 as it existed prior to 1985.

(2) (a) Amendments to subsection (5)(a) by SB 16-204 and HB 16-1082 were harmonized.

(b) Amendments to subsections (6), (6)(b), (7)(c)(I), (9), and (9)(d)(II) by SB 16-204 and HB 16-1459 were harmonized.

Cross references: For the legislative declaration in the 2010 act amending subsections (3), (5)(a), (6), (7)(a), (7)(c)(I), (9), (10), (10.5)(a), and (11)(a)(IV) and repealing subsection (8), see section 1 of chapter 391, Session Laws of Colorado 2010. For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014. For the legislative declaration in SB 17-267, see section 1 of chapter 267, Session Laws of Colorado 2017.