

CHAPTER 88

**GOVERNMENT - STATE**

HOUSE BILL 94-1272

BY REPRESENTATIVES Chlouber, Piffner, Taylor, and Tucker;  
also SENATORS Wham, Johnson, and Norton.

**AN ACT**

**CONCERNING PLANNING FOR STATE DEPARTMENTS, AND, IN CONNECTION THEREWITH, REQUIRING THAT CAPITAL CONSTRUCTION PROJECTS BE IN ACCORDANCE WITH DEPARTMENTAL PROGRAM PLANS.**

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

**SECTION 1.** Part 13 of article 3 of title 2, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**2-3-1304.6. Capital construction and long-range planning by state departments, divisions, and agencies with capital construction requests and requests for capital asset acquisitions - policy.** IT IS DECLARED TO BE THE POLICY OF THE GENERAL ASSEMBLY NOT TO ACQUIRE SITES OR AUTHORIZE OR INITIATE ANY PROGRAM OR ACTIVITY REQUIRING CAPITAL CONSTRUCTION OR ACQUISITION OF A CAPITAL ASSET, EXCEPT PROGRAMS OR ACTIVITIES FOR CONTROLLED MAINTENANCE, FOR ANY STATE DEPARTMENT OR SUBDIVISION THEREOF UNLESS THE PROGRAM OR ACTIVITY IS AN ELEMENT OF THE FACILITIES PROGRAM PLAN FOR THE DEPARTMENT.

**SECTION 2.** Article 1 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-1-136.5. Capital construction and long-range planning - 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, SHALL HAVE 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 PROJECTS FOR THE DEPARTMENT. NOTHING

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

IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO ALTER THE AUTHORITY OF THE DEPARTMENT OF ADMINISTRATION 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 PROJECTS OF THE DEPARTMENT ON STATE-OWNED OR STATE-CONTROLLED LAND, REGARDLESS OF THE SOURCE OF FUNDS, AND NO CAPITAL CONSTRUCTION SHALL COMMENCE EXCEPT IN ACCORDANCE WITH AN APPROVED FACILITIES MASTER PLAN, FACILITIES PROGRAM PLAN, AND PHYSICAL PLAN.

(3) THE EXECUTIVE DIRECTOR SHALL ENSURE CONFORMITY OF FACILITIES MASTER PLANNING WITH APPROVED DEPARTMENT OPERATIONAL MASTER PLANS, FACILITIES PROGRAM PLANS WITH APPROVED FACILITIES MASTER PLANS, AND PHYSICAL PLANS WITH APPROVED FACILITIES PROGRAM PLANS.

(4) PLANS FOR ANY CAPITAL CONSTRUCTION PROJECT FOR THE DEPARTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, REGARDLESS OF THE SOURCE OF FUNDS. THE EXECUTIVE DIRECTOR MAY EXEMPT ANY PROJECT WHICH REQUIRES LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS OF STATE MONEYS FROM THE REQUIREMENTS FOR MASTER PLANNING AND PROGRAM PLANNING.

(5) THE EXECUTIVE DIRECTOR SHALL ANNUALLY REQUEST FROM THE DIRECTOR OF EACH SUBORDINATE AGENCY, DIVISION, OR OFFICE WITHIN THE DEPARTMENT A FIVE-YEAR PROJECTION OF CAPITAL DEVELOPMENT PROJECTS. THE PROJECTION SHALL INCLUDE THE ESTIMATED COST, THE METHOD OF FUNDING, A SCHEDULE FOR PROJECT COMPLETION, AND THE DIRECTOR'S PRIORITY FOR EACH PROJECT. THE EXECUTIVE DIRECTOR SHALL DETERMINE WHETHER A PROPOSED PROJECT IS CONSISTENT WITH OPERATIONAL MASTER PLANNING AND FACILITIES MASTER PLANNING OF THE DEPARTMENT AND CONFORMS TO SPACE UTILIZATION STANDARDS ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION 24-30-1303 (1) (h).

(6) (a) THE EXECUTIVE DIRECTOR SHALL ANNUALLY ESTABLISH A DEPARTMENT FIVE-YEAR CAPITAL IMPROVEMENTS PLAN COORDINATED WITH DEPARTMENT OPERATIONAL MASTER PLANS AND FACILITIES MASTER PLANS AND SHALL TRANSMIT TO THE OFFICE OF STATE PLANNING AND BUDGETING, THE GOVERNOR, AND THE GENERAL ASSEMBLY, CONSISTENT WITH THE EXECUTIVE BUDGET TIMETABLE, A RECOMMENDED PRIORITY OF FUNDING OF CAPITAL CONSTRUCTION PROJECTS FOR THE DEPARTMENT.

(b) 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.

(7) ANY ACQUISITION OR UTILIZATION OF REAL PROPERTY BY A DEPARTMENT WHICH IS CONDITIONAL UPON OR REQUIRES EXPENDITURES OF STATE-CONTROLLED FUNDS OR FEDERAL FUNDS SHALL BE SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, 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 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 SHALL 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.

(9) THIS SECTION SHALL NOT APPLY TO THE DEPARTMENT OF HIGHER EDUCATION, NOR SHALL IT BE CONSTRUED TO ALTER THE DUTIES OF THE COLORADO COMMISSION ON HIGHER EDUCATION SET FORTH IN SECTION 23-1-106, C.R.S.

**SECTION 3.** 17-1-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-103. Duties of executive director.** (2) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER DUTIES AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**SECTION 4.** 17-1-105, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-105. Powers of executive director.** (1.5) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**SECTION 5.** 22-2-106 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-2-106. State board - duties.** (1) It is the duty of the state board:

(f.5) TO COMPLY WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS, AS IF THE STATE BOARD WERE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

**SECTION 6.** 22-2-107 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-2-107. State board - powers.** (1) The state board has the power:

(r) TO TAKE THE ACTIONS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS.

**SECTION 7.** 24-1-121 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-1-121. Department of labor and employment - creation.** (1) There is hereby created the department of labor and employment, the head of which shall be the executive director of the department of labor and employment, which office is hereby created. The governor shall appoint said executive director, with the consent of the senate, and the executive director shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109. THE EXECUTIVE DIRECTOR SHALL HAVE THE POWERS, DUTIES, AND FUNCTIONS PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 8.** 24-1-125 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-1-125. Department of local affairs - creation.** (1) There is hereby created a department of local affairs, the head of which shall be the executive director of the department of local affairs, which office is hereby created. The executive director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109. THE EXECUTIVE DIRECTOR SHALL HAVE THOSE POWERS, DUTIES, AND FUNCTIONS PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 9.** 24-21-101, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-21-101. Office at capitol - duties - bond.** (1) The secretary of state shall keep ~~his~~ office at the seat of government and perform all the duties which may be required of ~~him~~ THE SECRETARY OF STATE by law. ~~He~~ THE SECRETARY OF STATE shall have charge of and keep all the acts and resolutions of the territorial legislature and of the general assembly of the state, the enrolled copy of the constitution of the state, and all bonds, books, records, maps, registers, and papers of a public character which may be deposited, to be kept in ~~his~~ THE office. ~~He~~ THE SECRETARY OF STATE shall give a bond to the state of Colorado in the sum of ten thousand dollars, conditioned for the faithful discharge of the duties of ~~his~~ THE office, said bond to be approved by the governor and attorney general and to be deposited in the office of the state treasurer.

(2) THE SECRETARY OF STATE SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 10.** 24-22-107, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-22-107. Duties and powers of state treasurer.** (7) THE STATE TREASURER SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR

HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 11.** 24-31-101, Colorado Revised Statutes, 1988 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-31-101. Powers and duties of attorney general.** (6) THE ATTORNEY GENERAL SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 12.** 24-33-102, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-33-102. Powers and duties of the executive director and deputy director.** (5.5) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

**SECTION 13.** 25-1-108 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-1-108. Powers and duties of the state board of health.** (1) In addition to all other powers and duties conferred and imposed upon the state board of health by the provisions of this part 1, the board has the following specific powers and duties:

(h) TO COMPLY WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS, AS IF THE STATE BOARD OF HEALTH WERE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

**SECTION 14.** 27-1-103, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**27-1-103. Duties of executive director - governor acquire water rights.** (1.5) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**SECTION 15.** 28-3-106 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**28-3-106. Powers and duties of adjutant general.** (1) The adjutant general has the following powers and duties:

(v) THE ADJUTANT GENERAL SHALL ENSURE THAT THE DEPARTMENT COMPLIES WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS FOR THE DEPARTMENT.

**SECTION 16.** 35-1-106 (1), Colorado Revised Statutes, 1984 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**35-1-106. Powers and duties of commission.** (1) In addition to all other powers and duties conferred upon the commission by the provisions of this article, the commission has the following specific powers and duties:

(n) TO COMPLY WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS, AS IF THE COMMISSION WERE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

**SECTION 17.** 39-21-112, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-21-112. Duties and powers of executive director.** (9) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**SECTION 18.** 43-1-105, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-1-105. Powers and duties of the executive director.** (3) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**SECTION 19.** 43-1-106 (8), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**43-1-106. Transportation commission - powers and duties.** (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(r) SUBJECT TO SECTION 2-3-1307, C.R.S., TO COOPERATE WITH THE EXECUTIVE DIRECTOR IN COMPLYING WITH THE REQUIREMENTS OF SECTION 24-1-136.5, C.R.S., CONCERNING THE PREPARATION OF OPERATIONAL MASTER PLANS, FACILITIES MASTER PLANS, AND FACILITIES PROGRAM PLANS FOR THE DEPARTMENT.

**SECTION 20.** 24-30-1303 (1) (h), (1) (n), and (1) (o), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1303. Department of administration - responsibilities.** (1) The department shall:

(h) Develop, or cause to be developed, with the approval of the governor, specific standards relating to OFFICE space, to architectural, structural, mechanical, and electrical systems IN SUCH OFFICE SPACE, and to energy conservation IN SUCH OFFICE SPACE, except in higher education as provided in section 23-1-106, C.R.S., which shall be the basis for approving facilities master plans, facility program plans, schematic designs, design development phases, and construction documents RELATING TO THE LEASE, ACQUISITION, OR CONSTRUCTION OF OFFICE SPACE; except that such standards shall be approved by the president of the senate and the speaker of the

house of representatives when they concern space, systems, or energy conservation in that portion of the capitol buildings group which is under the jurisdiction of the general assembly;

~~(n) (I) Develop, or cause to be developed, methods of control on a standardized basis for all state agencies, except state schools, colleges, and universities as provided in section 23-1-106, C.R.S., to ensure conformity of facilities master planning with approved operational master plans, and facility program plans with approved facilities master plans, and physical planning with approved facility program plans, and construction with approved physical planning;~~

(II) Develop, or cause to be developed, methods of control on a standardized basis for all state agencies to ensure conformity of physical planning with approved ~~state construction standards~~ and building codes and of construction with approved physical planning.

~~(o) Provide technical assistance to state departments, institutions, and agencies which lack employees with technical expertise at the request of such department, institution, or agency, during the initial planning phases of a capital construction project, and evaluate such projects in their initial planning stages, and make recommendations to the governor or any state institution, agency, board, or committee involved in the proposed project;~~

**SECTION 21. 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: April 6, 1994