

CHAPTER 130

GOVERNMENT - STATE

SENATE BILL 03-034

BY SENATOR(S) Arnold, Anderson, Cairns, Evans, Fitz-Gerald, Hanna, Jones, Keller, Lamborn, May R., Nichol, Sandoval, Tapia, and Windels;
also REPRESENTATIVE(S) Rippy, Frangas, Fritz, Larson, May M., Schultheis, and Weissmann.

AN ACT

CONCERNING THE MANAGEMENT OF VACANT FACILITIES OWNED BY THE STATE.

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

SECTION 1. 23-1-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (12) EACH INSTITUTION SHALL SUBMIT TO THE COMMISSION A FACILITY MANAGEMENT PLAN OR UPDATE REQUIRED BY SECTION 24-30-1303.5 (3.5), C.R.S. THE COMMISSION SHALL REVIEW THE FACILITY MANAGEMENT PLAN OR UPDATE AND MAKE RECOMMENDATIONS REGARDING IT TO THE DEPARTMENT OF PERSONNEL.

SECTION 2. 24-30-1303 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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

(bb) DEVELOP AND MAINTAIN A LIST OF THE INFORMATION REQUIRED TO BE INCLUDED IN FACILITY MANAGEMENT PLANS AND UPDATES SUBMITTED PURSUANT TO SECTION 24-30-1303.5 (3.5);

(cc) DEVELOP PROCEDURES FOR THE SUBMISSION OF FACILITY MANAGEMENT PLANS AND UPDATES PURSUANT TO SECTION 24-30-1303.5 (3.5); AND

(dd) REVIEW FACILITY MANAGEMENT PLANS AND UPDATES SUBMITTED PURSUANT

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

TO SECTION 24-30-1303.5 (3.5), AND SUBMIT A REPORT REGARDING SUCH PLANS AND UPDATES TO THE OFFICE OF STATE PLANNING AND BUDGETING AND THE CAPITAL DEVELOPMENT COMMITTEE.

SECTION 3. 24-30-1303.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1303.5. Department to prepare and maintain inventory of state property - vacant facilities. (3.5) (a) WITH RESPECT TO ALL REAL PROPERTY OWNED BY OR HELD IN TRUST FOR THE STATE OF COLORADO OR ANY STATE DEPARTMENT, AGENCY, OR INSTITUTION, INCLUDING STATE INSTITUTIONS OF HIGHER EDUCATION, EACH STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL IDENTIFY ANY VACANT FACILITY UNDER ITS CONTROL. AS USED IN THIS SECTION, "VACANT" MEANS:

(I) UNOCCUPIED;

(II) UNUSED IN WHOLE OR IN PART FOR THE PURPOSES FOR WHICH THE IMPROVEMENT WAS DESIGNED, INTENDED, OR REMODELED; OR

(III) WITHOUT CURRENT DEFINED PLANS BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION FOR THE NEXT FISCAL YEAR.

(b) FOR ANY FACILITY THAT BECOMES VACANT AFTER JULY 1, 2003, THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL BE REQUIRED TO SUBMIT FOR THE APPROVAL OF THE DEPARTMENT A FACILITY MANAGEMENT PLAN CONSISTENT WITH THE PROCEDURES ESTABLISHED BY THE DEPARTMENT. THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL SUBMIT THE FACILITY MANAGEMENT PLAN TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER THE FACILITY BECOMES VACANT. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT, THE FACILITY MANAGEMENT PLAN SHALL INCLUDE THE FOLLOWING:

(I) A FINANCIAL ANALYSIS OF THE POSSIBLE USES OF THE FACILITY;

(II) ANY PLANS FOR THE DISPOSAL OF THE FACILITY THROUGH SALE, LEASE, DEMOLITION, OR OTHERWISE;

(III) IF THE STATE DEPARTMENT, AGENCY, OR INSTITUTION DOES NOT INTEND TO DISPOSE OF THE FACILITY DURING THE NEXT FISCAL YEAR, A PLAN FOR THE PROPOSED CONTROLLED MAINTENANCE, IF ANY, NECESSARY TO AVOID THE DETERIORATION OF THE VACANT FACILITY; AND

(IV) WHETHER THE FACILITY HAS OR IS ELIGIBLE TO RECEIVE A NATIONAL, STATE, OR LOCAL HISTORIC DESIGNATION OR LISTING.

(c) (I) FOR EACH YEAR AFTER THE DEPARTMENT APPROVES A FACILITY MANAGEMENT PLAN, THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL SUBMIT AN ANNUAL FACILITY MANAGEMENT PLAN UPDATE CONSISTENT WITH THE PROCEDURES ESTABLISHED BY THE DEPARTMENT. THE UPDATE SHALL BE SUBMITTED ON OR BEFORE NOVEMBER 1 OF THE YEAR FOLLOWING THE APPROVAL OF A FACILITY MANAGEMENT PLAN AND EACH NOVEMBER 1 THEREAFTER UNTIL SUCH TIME THAT THE

FACILITY IS NO LONGER VACANT. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT, THE UPDATE SHALL IDENTIFY ALL ACTIONS TAKEN BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION WITHIN THE LAST YEAR CONSISTENT WITH THE FACILITY MANAGEMENT PLAN. IF BASED ON THE UPDATE OR ON ANY OTHER INFORMATION KNOWN BY THE DEPARTMENT, THE DEPARTMENT DETERMINES THAT THE STATE DEPARTMENT, AGENCY, OR INSTITUTION HAS FAILED TO COMPLY WITH THE PROVISIONS OF AN APPROVED FACILITY MANAGEMENT PLAN, THE DEPARTMENT MAY REVOKE THE APPROVAL OF THE FACILITY MANAGEMENT PLAN. IF THE DEPARTMENT REVOKES APPROVAL OF THE FACILITY MANAGEMENT PLAN, A STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL BE REQUIRED TO SUBMIT A NEW FACILITY MANAGEMENT PLAN FOR THE VACANT FACILITY SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (3.5).

(II) IN ADDITION TO ANY OTHER REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE FACILITY MANAGEMENT PLAN UPDATE SHALL DESCRIBE ANY CHANGES PROPOSED BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION TO THE FACILITY MANAGEMENT PLAN. ANY PROPOSED CHANGES TO THE FACILITY MANAGEMENT PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT, AND ANY APPROVED CHANGES SHALL BECOME PART OF THE FACILITY MANAGEMENT PLAN FOR PURPOSES OF FUTURE UPDATES.

(d) ANY FACILITY MANAGEMENT PLAN OR UPDATE REQUIRED TO BE SUBMITTED BY A STATE INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS SUBSECTION (3.5) SHALL BE SUBMITTED TO THE COLORADO COMMISSION ON HIGHER EDUCATION INSTEAD OF THE DEPARTMENT. THE COMMISSION SHALL SUBMIT A COPY OF THE FACILITY MANAGEMENT PLAN OR UPDATE AND THE COMMISSION'S RECOMMENDATIONS REGARDING IT TO THE DEPARTMENT.

(e) THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT OF THE APPROVED AND UNAPPROVED FACILITY MANAGEMENT PLANS AND FACILITY MANAGEMENT PLAN UPDATES FOR ALL VACANT FACILITIES CONTROLLED BY A STATE DEPARTMENT, AGENCY, OR INSTITUTION AND MAKE THE REPORT AVAILABLE TO THE OFFICE OF STATE PLANNING AND BUDGETING AND THE CAPITAL DEVELOPMENT COMMITTEE. THE REPORT SHALL BE MADE AVAILABLE ON OR BEFORE DECEMBER 1, 2003, AND EACH DECEMBER 1 THEREAFTER, AND SHALL INCLUDE INFORMATION RELATING TO ALL FACILITY MANAGEMENT PLANS AND UPDATES SUBMITTED ON OR BEFORE NOVEMBER 1 OF THE SAME YEAR.

(f) NO STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL BE ELIGIBLE FOR ANY CAPITAL CONSTRUCTION APPROPRIATIONS UNTIL THE DEPARTMENT APPROVES A FACILITY MANAGEMENT PLAN FOR ALL VACANT FACILITIES CONTROLLED BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION; EXCEPT THAT THE CAPITAL DEVELOPMENT COMMITTEE MAY EXEMPT A STATE DEPARTMENT, AGENCY, OR INSTITUTION FROM THE PROVISIONS OF THIS PARAGRAPH (f).

SECTION 4. 24-75-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-303. Appropriation for capital construction. (2.5) NO APPROPRIATION FOR CAPITAL CONSTRUCTION SHALL BE MADE TO OR EXPENDED BY ANY DEPARTMENT, AGENCY, OR INSTITUTION OF THE STATE THAT HAS NOT RECEIVED APPROVAL OF A

FACILITY MANAGEMENT PLAN FOR A VACANT FACILITY CONTROLLED BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION PURSUANT TO SECTION 24-30-1303.5, UNLESS THE CAPITAL DEVELOPMENT COMMITTEE EXEMPTS THE STATE DEPARTMENT, AGENCY, OR INSTITUTION FROM THE PROVISIONS OF SECTION 24-30-1303.5 (3.5) (f).

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to all facilities that become vacant on or after said date.

SECTION 6. 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 17, 2003