

CHAPTER 82

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 08-1205

BY REPRESENTATIVE(S) Riesberg, Marostica, McFadyen, Buescher, Garza-Hicks, Kerr A., Labuda, Merrifield, Middleton, Mitchell V., Stephens, Summers, and Todd;
also SENATOR(S) Windels, Bacon, Penry, Tupa, and Williams.

AN ACT

CONCERNING PROCEDURES FOR CAPITAL CONSTRUCTION PROJECTS AT INSTITUTIONS OF HIGHER EDUCATION.

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

SECTION 1. 23-1-106 (5) (b), (9) (a), (9) (c), and (10), Colorado Revised Statutes, are amended to read:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (5) (b) The commission may except from the requirements for program and physical planning any project that shall require less than ~~five hundred thousand~~ TWO MILLION dollars of state moneys.

(9) (a) The commission shall review and approve any plan for a capital construction project that is estimated to require total expenditures exceeding ~~one~~ TWO million dollars and that is to be constructed, operated, and maintained solely from student fees, auxiliary facility funds, wholly endowed gifts and bequests, research building revolving funds, or a combination of such sources, as provided in sections 23-5-102, 23-5-103, 23-5-112, 23-20-124, 23-31-129, and 23-41-117 and section 24-75-303 (3), C.R.S. Any such plan for a capital construction project that is estimated to require total expenditures of ~~one~~ TWO million dollars or less shall not be subject to review or approval by the commission.

(c) The commission, the capital development committee, and the joint budget committee shall by agreement adopt procedures governing the capital development committee and joint budget committee review of projects subject to this subsection (9) AND SUBSECTION (10) OF THIS SECTION, which agreement shall provide that, whenever possible, the capital development committee shall submit

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

recommendations to the joint budget committee and the joint budget committee shall submit recommendations to the commission within thirty days after each committee receives the information prescribed in the agreement as necessary for its review.

(10) (a) The commission shall review and approve any plan for a capital construction project that is estimated to require total expenditures exceeding ~~five hundred thousand~~ TWO MILLION dollars and that is to be constructed solely from cash funds held by the institution other than those funds specified in paragraph (a) of subsection (9) of this section and operated and maintained from such cash funds or from state moneys appropriated for such purpose, or both. Any plan for any such capital construction project that is estimated to require total expenditures of ~~five hundred thousand~~ TWO MILLION dollars or less shall not be subject to review or approval by the commission.

(b) UPON APPROVAL OF A PLAN FOR A CAPITAL CONSTRUCTION PROJECT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE COMMISSION SHALL SUBMIT THE PLAN TO THE CAPITAL DEVELOPMENT COMMITTEE. THE CAPITAL DEVELOPMENT COMMITTEE SHALL MAKE A RECOMMENDATION REGARDING THE PROJECT TO THE JOINT BUDGET COMMITTEE. FOLLOWING THE RECEIPT OF THE RECOMMENDATION, THE JOINT BUDGET COMMITTEE SHALL REFER ITS RECOMMENDATIONS REGARDING THE PROJECT, WITH WRITTEN COMMENTS, TO THE COMMISSION.

SECTION 2. 24-30-1404 (7) (a), Colorado Revised Statutes, is amended, and the said 24-30-1404 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-30-1404. Contracts. (7) (a) Except as provided in paragraphs ~~(b), (c), (e), and (f)~~, (b), (c), (e), (f), AND (g) of this subsection (7), any professional services contract entered into pursuant to the provisions of this part 14 shall be executed and encumbered within six months after the date on which the appropriation that includes the project for which the professional services are required becomes law. If no professional services contract is required for a particular project, the contract with the contractor for the project shall be entered into within six months after the appropriation. If a state agency determines that the nature of a particular project is such that the deadlines imposed by this section cannot be met, the state agency may request the capital development committee to recommend to the controller that the deadline be waived for that project. The controller, in consultation with the capital development committee, may grant a waiver from such deadlines. This subsection (7) shall not apply to projects under the supervision of the department of transportation. This subsection (7) shall not affect any priority established pursuant to section 24-35-210 (11) in the general appropriation act for expenditures for projects to be financed from net lottery proceeds appropriated for capital construction.

(g) THIS SUBSECTION (7) SHALL NOT APPLY TO A CAPITAL CONSTRUCTION PROJECT AT AN INSTITUTION OF HIGHER EDUCATION THAT IS TO BE CONSTRUCTED SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION.

SECTION 3. 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: March 31, 2008