

CHAPTER 129

GOVERNMENT - STATE

HOUSE BILL 12-1318

BY REPRESENTATIVE(S) Brown, Sonnenberg, Vigil, Coram, Gerou, Kerr J., Looper, Nikkel, Pace, Priola;
also SENATOR(S) Schwartz, Bacon, Renfroe, Nicholson, Roberts.

AN ACT

**CONCERNING THE DEVELOPMENT OF GUIDELINES REGARDING THE ELIGIBILITY OF CONTROLLED
MAINTENANCE FUNDING FOR STATE FACILITIES.**

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

SECTION 1. In Colorado Revised Statutes, **add** 24-30-1303.9 as follows:

24-30-1303.9. Eligibility for state controlled maintenance funding - legislative declaration. (1) THE OFFICE OF THE STATE ARCHITECT SHALL DEVELOP GUIDELINES IN ORDER TO ESTABLISH WHEN A STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY IS ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING. THE GUIDELINES SHALL ADDRESS THE TIMING OF SUCH ELIGIBILITY WITH RESPECT TO THE DATES ON WHICH ACQUISITION, CONSTRUCTION, ADDITIONS, RENOVATIONS, OR CORRECTIVE REPAIRS OF A STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY OCCURRED.

(2) THE GUIDELINES SHALL BE ANNUALLY REVIEWED AND APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE.

(3) THE GUIDELINES SHALL PROVIDE FOR A WAIVER OF ELIGIBILITY REQUIREMENTS THAT A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION MAY REQUEST IN WRITING. IF THE STATE ARCHITECT DETERMINES THAT SPECIAL CONSIDERATION IS APPROPRIATE, HE OR SHE SHALL SEEK APPROVAL FROM THE CAPITAL DEVELOPMENT COMMITTEE.

(4) THE GUIDELINES SHALL BE POSTED ON THE WEB SITE OF THE OFFICE OF THE STATE ARCHITECT.

(5) NOTWITHSTANDING THE ELIGIBILITY REQUIREMENTS SPECIFIED IN THIS

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

SECTION, IF A NEED ARISES FOR EMERGENCY CONTROLLED MAINTENANCE FUNDING, THE STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION SHALL COMMUNICATE SUCH NEED TO THE STATE ARCHITECT IN WRITING, AND THE STATE ARCHITECT, IN HIS OR HER DISCRETION, MAY USE MONEYS IN THE EMERGENCY CONTROLLED MAINTENANCE ACCOUNT CREATED IN SECTION 24-75-302 (3.2) TO FUND SUCH EMERGENCY CONTROLLED MAINTENANCE NEED. THE STATE ARCHITECT SHALL ANNUALLY PROVIDE AN EMERGENCY CONTROLLED MAINTENANCE FUNDING STATUS REPORT TO THE CAPITAL DEVELOPMENT COMMITTEE THAT SHOWS SPENDING FOR EMERGENCY CONTROLLED MAINTENANCE PROJECTS FROM THE EMERGENCY CONTROLLED MAINTENANCE ACCOUNT.

SECTION 2. In Colorado Revised Statutes, 24-75-302, **add** (3.2) as follows:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(3.2) THERE IS HEREBY CREATED A SPECIAL ACCOUNT WITHIN THE CAPITAL CONSTRUCTION FUND ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO BE KNOWN AS THE EMERGENCY CONTROLLED MAINTENANCE ACCOUNT. THE ACCOUNT SHALL CONSIST OF ANY MONEYS APPROPRIATED TO THE ACCOUNT BY THE GENERAL ASSEMBLY. THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL APPROPRIATION AND SHALL BE USED ONLY TO FUND ANY UNPLANNED AND IMMEDIATE CONTROLLED MAINTENANCE NEEDS PURSUANT TO SECTION 24-30-1303.9 (5). ALL MONEYS UNEXPENDED OR UNENCUMBERED IN ANY FISCAL YEAR SHALL REMAIN IN THE ACCOUNT.

SECTION 3. 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 (August 8, 2012, if adjournment sine die is on May 9, 2012); 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 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 23, 2012