

## CHAPTER 140

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**GOVERNMENT - STATE**

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## HOUSE BILL 14-1342

BY REPRESENTATIVE(S) Duran, May, Gerou, Becker, Buckner, Court, Exum, Fields, Fischer, Foote, Garcia, Gardner, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Landgraf, Lawrence, Lebsack, McLachlan, Melton, Mitsch Bush, Moreno, Murray, Navarro, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Scott, Singer, Sonnenberg, Stephens, Szabo, Vigil, Waller, Williams, Wright, Young, Ferrandino, Lee, Pabon, Priola, Tyler;  
also SENATOR(S) Steadman, Hodge, Lambert, Heath, Jahn, Schwartz, Todd.

## AN ACT

## CONCERNING TRANSFERS OF MONEYS RELATED TO CAPITAL CONSTRUCTION.

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

**SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend** (2) introductory portion, (2) (z), (2.5) introductory portion, (2.5) (g), and (2.5) (h); and **add** (2) (aa), (2.5) (i), and (2.7) as follows:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**  
(2) On July 1 of each year through ~~July 1, 2013~~ JULY 1, 2014, the state treasurer and the controller shall transfer a sum as specified in this subsection (2) out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) are not appropriations subject to the limitations of section 24-75-201.1. The amounts transferred pursuant to this subsection (2) are as follows:

(z) On July 1, 2013, one hundred eighty-six million two hundred fifteen thousand four hundred ninety-three dollars; AND

(aa) ON JULY 1, 2014, TWO HUNDRED TWENTY-FOUR MILLION NINE HUNDRED NINETY-THREE THOUSAND FOUR HUNDRED SIXTY-FIVE DOLLARS.

(2.5) In addition to the sums accrued pursuant to subsection (2) of this section, on July 1 of each year through ~~July 1, 2013~~ JULY 1, 2014, the state treasurer and the controller shall transfer a sum as specified in this subsection (2.5) from the general

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

fund exempt account of the general fund created pursuant to section 24-77-103.6 to the capital construction fund as moneys become available in the general fund exempt account during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2.5) are not appropriations subject to the limitations of section 24-75-201.1. The amounts transferred pursuant to this subsection (2.5) are as follows:

(g) On July 1, 2012, five hundred thousand dollars; ~~and~~

(h) On July 1, 2013, five hundred thousand dollars; AND

(i) ON JULY 1, 2014, FIVE HUNDRED THOUSAND DOLLARS.

(2.7) (a) IF THE AMOUNT TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT TO SECTION 24-75-220(4)(a)(IV) FOR THE FISCAL YEAR 2013-14 EQUALS ONE HUNDRED THIRTY-FIVE MILLION THREE HUNDRED THIRTY-FIVE THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS, THEN THE AMOUNTS TRANSFERRED ARE AVAILABLE FOR APPROPRIATION IN THE FOLLOWING ORDER OF PRIORITY:

(I) FIVE MILLION DOLLARS TO THE AURARIA HIGHER EDUCATION CENTER FOR THE SECOND PHASE OF A TWO-PHASE PROJECT TO RENOVATE THE AURARIA LIBRARY;

(II) TEN MILLION EIGHT HUNDRED TWENTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS TO FORT LEWIS COLLEGE FOR PHASE TWO OF A THREE-PHASE PROJECT TO CONSTRUCT A NEW FACILITY FOR THE GEOSCIENCES, PHYSICS, AND ENGINEERING DEPARTMENTS, KNOWN AS BERNDT HALL;

(III) FIFTEEN MILLION DOLLARS TO COLORADO STATE UNIVERSITY FOR THE FIRST PHASE OF A THREE-PHASE PROJECT TO CONSTRUCT A CHEMISTRY BUILDING ADDITION;

(IV) ELEVEN MILLION FIVE HUNDRED NINETY-TWO THOUSAND SEVEN HUNDRED TWELVE DOLLARS TO THE UNIVERSITY OF COLORADO, BOULDER CAMPUS, FOR PHASE TWO OF A TWO-PHASE PROJECT TO UPGRADE THE KETCHUM ARTS AND SCIENCES BUILDING;

(V) FIVE MILLION TWO HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS TO THE METROPOLITAN STATE UNIVERSITY OF DENVER FOR THE FIRST PHASE OF A THREE-PHASE PROJECT TO CONSTRUCT A NEW FACILITY TO SUPPORT THE DEVELOPMENT OF AN AVIATION, AEROSPACE, AND ADVANCED MANUFACTURING DEGREE PROGRAM;

(VI) EIGHTEEN MILLION FOUR HUNDRED SIXTY-TWO THOUSAND ONE HUNDRED TWO DOLLARS TO COLORADO MESA UNIVERSITY FOR THE CONSTRUCTION OF ADDITIONS TO AND RENOVATION OF THE TOMLINSON LIBRARY;

(VII) FIVE MILLION EIGHT HUNDRED FORTY-THREE THOUSAND TWO HUNDRED EIGHTEEN DOLLARS TO ADAMS STATE UNIVERSITY FOR RENOVATIONS OF A NEWLY PURCHASED BUILDING ON ITS EAST CAMPUS TO ADDRESS ACCESSIBILITY, CODE, AND LIFE-SAFETY DEFICIENCIES;

(VIII) TWENTY-FIVE MILLION SEVEN HUNDRED SEVENTY-NINE THOUSAND EIGHT HUNDRED FIFTY-THREE DOLLARS TO WESTERN STATE COLORADO UNIVERSITY FOR RENOVATIONS OF QUIGLEY HALL TO ADDRESS CODE-COMPLIANCE ISSUES IN THE TWO-STORY ACADEMIC BUILDING;

(IX) SIXTEEN MILLION SEVENTY THOUSAND DOLLARS TO THE OFFICE OF INFORMATION TECHNOLOGY FOR ITS STATEWIDE LEAVE, TIME TRACKING, AND HUMAN RESOURCES MANAGEMENT SYSTEMS MODERNIZATION; AND

(X) TWENTY-ONE MILLION FOUR HUNDRED EIGHTY THOUSAND NINE HUNDRED EIGHTY DOLLARS TO FUND LEVEL TWO CONTROLLED MAINTENANCE PROJECTS THROUGH SCORE FOURTEEN AS PRIORITIZED BY THE OFFICE OF THE STATE ARCHITECT.

(b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), IF THE AMOUNT TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT TO SECTION 24-75-220 (4) (a) (IV) FOR THE FISCAL YEAR 2013-14 IS LESS THAN ONE HUNDRED THIRTY-FIVE MILLION THREE HUNDRED THIRTY-FIVE THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS, THEN THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT TRANSFERRED IN THE ORDER OF THE PRIORITIZED LIST SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2.7), BUT ONLY INsofar AS THE TRANSFER CAN COMPLETELY FUND A PRIORITIZED PROJECT. IF THE TRANSFER IS NOT SUFFICIENT TO COMPLETELY FUND THE FIRST PRIORITIZED PROJECT, THEN THE APPROPRIATION MUST BE MADE FOR THE NEXT OR FOLLOWING PROJECT IN THE PRIORITIZED LIST THAT COULD BE COMPLETELY FUNDED, AND SO FORTH; EXCEPT THAT IF THERE ARE NO NEXT OR FOLLOWING PROJECTS IN THE PRIORITIZED LIST THAT COULD BE COMPLETELY FUNDED, THEN THE GENERAL ASSEMBLY SHALL WAIT TO MAKE ANY FURTHER APPROPRIATIONS UNTIL ADDITIONAL AMOUNTS ARE TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT TO SECTION 24-75-220 (4) (b). IF ADDITIONAL AMOUNTS ARE TRANSFERRED PURSUANT TO SECTION 24-75-220 (4) (b), THEN THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT TRANSFERRED IN ORDER OF THE NEXT OR FOLLOWING PRIORITIZED PROJECT THAT CAN BE COMPLETELY FUNDED.

(II) IF THE AMOUNT TRANSFERRED IS NOT SUFFICIENT TO COVER ALL LEVEL TWO CONTROLLED MAINTENANCE PROJECTS THROUGH SCORE FOURTEEN AS PRIORITIZED BY THE OFFICE OF THE STATE ARCHITECT, PURSUANT TO SUBPARAGRAPH (IX) OF PARAGRAPH (a) OF THIS PARAGRAPH (2.7), THEN THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNTS NECESSARY TO FULLY FUND EACH SCORE UP TO SCORE FOURTEEN.

(c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2016.

**SECTION 2.** In Colorado Revised Statutes, 12-47.1-1201, **add** (6) as follows:

**12-47.1-1201. State historical fund - administration - legislative declaration - state museum cash fund - capitol dome restoration fund.** (6) FOR THE FISCAL YEAR COMMENCING JULY 1, 2014, THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS FROM THE STATE HISTORICAL FUND AT THE BEGINNING OF THE FISCAL YEAR TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., FOR HISTORIC RENOVATION OF THE STATE HOUSE OF REPRESENTATIVES'

CHAMBERS AND THE STATE SENATE'S CHAMBERS.

**SECTION 3.** In Colorado Revised Statutes, 24-75-220, **recreate and reenact, with amendments,** (4) as follows:

**24-75-220. State education fund - transfers - surplus - legislative declaration.**

(4) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOLLOWING THE RELEASE OF THE PRELIMINARY CERTIFICATION BY THE STATE CONTROLLER FOR THE FISCAL YEAR 2013-14 AS SPECIFIED IN SECTION 24-77-106.5 (1) (b), THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL WORK WITH THE STATE CONTROLLER TO DETERMINE A PRELIMINARY FIGURE REPRESENTING THE ESTIMATED GENERAL FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1) FOR THE FISCAL YEAR 2013-14. THE STATE CONTROLLER SHALL PROVIDE SUCH PRELIMINARY FIGURE TO THE STATE TREASURER, THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE DIRECTOR OF THE JOINT BUDGET COMMITTEE BEFORE SEPTEMBER 15, 2014. ON SEPTEMBER 15, 2014, AN AMOUNT EQUAL TO NINETY PERCENT OF THAT PRELIMINARY FIGURE IS ALLOCATED IN THE FOLLOWING ORDER OF PRIORITY:

(I) THE STATE TREASURER SHALL TRANSFER THIRTY MILLION DOLLARS FROM THE GENERAL FUND TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121, C.R.S.;

(II) THE STATE TREASURER SHALL TRANSFER TWENTY MILLION DOLLARS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION;

(III) TWENTY-FIVE MILLION DOLLARS SHALL REMAIN IN THE GENERAL FUND;

(IV) THE STATE TREASURER SHALL TRANSFER UP TO ONE HUNDRED THIRTY-FIVE MILLION THREE HUNDRED THIRTY-FIVE THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS FROM THE GENERAL FUND TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, FOR THE PURPOSE OF FUNDING CERTAIN CAPITAL CONSTRUCTION PROJECTS IN THE FISCAL YEAR 2014-15 AS SPECIFIED IN SECTION 24-75-302 (2.7); AND

(V) THE STATE TREASURER SHALL TRANSFER ANY REMAINING AMOUNT TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) (I) ON THE DATE ON WHICH THE STATE CONTROLLER PUBLISHES THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE STATE FOR THE FISCAL YEAR 2013-14, THE AMOUNT OF THE REMAINING GENERAL FUND SURPLUS, NOT INCLUDING THE AMOUNT REMAINING IN THE GENERAL FUND AS SPECIFIED IN SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (4), IS ALLOCATED AS FOLLOWS:

(A) IF THE TRANSFER SPECIFIED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (4) WAS NOT FULLY FUNDED, THE STATE TREASURER SHALL TRANSFER AN AMOUNT TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 EQUAL TO THE LESSER OF THE AMOUNT OF THE REMAINING GENERAL FUND SURPLUS OR THE AMOUNT REQUIRED TO FULLY FUND THE TRANSFER.

(B) IF THERE IS EXCESS REMAINING GENERAL FUND SURPLUS OVER AND ABOVE THE TOTAL TRANSFER SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL TRANSFER SUCH EXCESS REMAINING GENERAL FUND SURPLUS TO THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(c) IN CALCULATING THE GENERAL FUND SURPLUS DESCRIBED IN THIS SUBSECTION (4), THE STATE CONTROLLER SHALL ACCOUNT FOR OVEREXPENDITURES, EXPECTED ACCRUAL ADJUSTMENTS, AND THE STATUTORY RESERVE SPECIFIED IN SECTION 24-75-201.1 (1) (d) (XIV).

(d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2016.

**SECTION 4.** In Colorado Revised Statutes, **repeal** 24-75-223.

**SECTION 5. 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: May 2, 2014