

1 **SECTION 3. Capital construction appropriation.** (1) (a) The
2 sums in this section, or so much thereof as may be necessary for the
3 purposes specified, are hereby appropriated out of any funds accrued or
4 accruing to the capital construction fund not otherwise appropriated and
5 out of the cash funds and federal funds specified for construction projects
6 at the respective institutions and agencies enumerated in this section.

7 Except as otherwise provided in particular line items of appropriation, the
8 appropriations made in this section shall become available upon passage
9 and approval of this act and, if any appropriated project is initiated within
10 the fiscal year, the appropriation therefor shall remain available until
11 completion of the project or for a period of three years, whichever comes
12 first, at which time unexpended and unencumbered balances shall revert
13 to the funds from which they were appropriated.

14 (b) For purposes of section 20 of article X of the state constitution
15 and pursuant to section 24-75-302 (1) (b), Colorado Revised Statutes, the
16 unrestricted year-end balance of the capital construction fund for the
17 1991-92 fiscal year shall constitute a reserve. Consequently, any moneys
18 credited to the capital construction fund constitute a reserve increase and
19 therefore constitute state fiscal year spending, as defined in section
20 24-77-102 (17) (a), Colorado Revised Statutes, and any moneys
21 transferred or expended from the capital construction fund constitutes a

1 reserve transfer or expenditure which is excluded from state fiscal year
2 spending, as defined in section 24-77-102 (17) (b), Colorado Revised
3 Statutes.

4 (c) Moneys appropriated in this section from the capital
5 construction fund include:

6 (I) Sums transferred pursuant to section 24-75-302, Colorado
7 Revised Statutes, which sums constitute state fiscal year spending as
8 defined in section 24-77-102 (17) (a), Colorado Revised Statutes;

9 (II) Nine hundred thousand dollars (\$900,000) in interest earnings
10 for the 2010-11 fiscal year in the capital construction fund pursuant to
11 section 24-75-302 (1), Colorado Revised Statutes, which sum does not
12 constitute state fiscal year spending as defined in section 24-77-102 (17)
13 (a), Colorado Revised Statutes.

14 (d) Moneys appropriated in this section from cash funds shall
15 constitute state fiscal year spending as defined in section 24-77-102 (17)
16 (a), Colorado Revised Statutes.

17 (2) Except as otherwise specifically noted, appropriations from
18 state funds shall be reduced by the amount of any funds received from
19 federal, local, private, or other state sources and not appropriated in this
20 act. This restriction shall not apply to any funds received by a state
21 agency or institution of higher education or the Council on the Arts from

1 any state or nonstate source for use in the Art in Public Places program.

2 (3) Operating and maintenance costs shall be a major
3 consideration in the design and construction of any project involving
4 renovation.

5 (4) A construction project for which the lowest bid is in excess of
6 the appropriation shall be redesigned to conform to the appropriation and
7 may be commenced if approved under the procedures set forth in this
8 subsection (4). The agency shall submit the redesigned project to the
9 state buildings division of the department of personnel or, for higher
10 education projects, to the Colorado commission on higher education,
11 which shall assure that the redesigned project meets the program needs
12 of the agency and the necessary quality of the building. The state
13 buildings division and the Colorado commission on higher education
14 shall report all such analyses to the joint budget committee and to the
15 capital development committee on a regular basis. If the redesigned
16 project is approved by the state buildings division or the Colorado
17 commission on higher education, the project may commence. If the
18 redesigned project is not approved, it shall not be commenced until
19 further action is taken by the general assembly to reauthorize the project.

20 (5) Expenditures of funds appropriated for capital construction
21 shall be in accord with section 17-24-111, Colorado Revised Statutes,

1 which requires institutions, agencies, and departments to purchase such
2 goods and services as are produced by the division of correctional
3 industries from said division.

4 (6) **Definitions.** As used in this section:

5 (a) "Physical planning" includes all fees for survey and site
6 investigation and architectural and engineering services, but no contract
7 for architectural/engineering services shall commit the state to physical
8 planning expenses greater than those which are provided in the
9 appropriation. No funds appropriated for any other purpose shall be
10 expended for physical planning.

11 (b) "Program plan" or "program planning" relates to a specific
12 project or facility and shall include, but is not limited to, an inventory of
13 amounts and types of space currently available; an analysis of amounts,
14 types, and relative locations of space required for current programs as
15 determined by use of accepted state space standards; an analysis of
16 projected programs and space required; and, if a change in facilities is
17 justified based on analysis, recommendations for demolition, remodeling,
18 or construction, including a detailed budget which relates to a realistic
19 timetable for implementation.