

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0772.01 Esther van Mourik x4215

SENATE BILL 15-270

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Rankin, Hamner, Young, Becker K., Brown, Vigil

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE OFFICE OF THE STATE
102 ARCHITECT, AND, IN CONNECTION THEREWITH, ADDING
103 STATEWIDE PLANNING RESPONSIBILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill statutorily creates the office of the state architect (office) within the department of personnel (department). The bill makes conforming amendments to replace the office as the responsible party for duties attributed in current law to the department. The office is already managing these responsibilities in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

practice. The bill adds a new responsibility to the office for statewide planning. With respect to the planning responsibilities, the office must:

- Work with the office of state planning and budgeting and the Colorado commission on higher education to develop and establish criteria for recommending capital construction projects;
- Review and make recommendations to the office of state planning and budgeting regarding all capital construction budget requests and supplemental budget requests submitted by a state agency;
- Review and make recommendations to the office of state planning and budgeting regarding all capital construction budget requests and supplemental budget requests of a state institution of higher education received after the Colorado commission of higher education's review and approval as specified in current law;
- Review each state agency's operational master plan and approve each state agency's facilities master plans, facilities program plans, and 5-year plans;
- Provide the capital development committee with a report regarding the approved facilities master plans, facilities program plans, and 5-year plans of each state agency and state institution of higher education;
- Develop, after consultation with the office of state planning and budgeting, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state agency, except state institutions of higher education;
- Coordinate the preparation and maintenance of long-range master plans that recommend executive and legislative actions for achieving desired state objectives and that include recommended methods for evaluation.

The bill makes clear that the acquisition of a capital asset or a capital construction project for any state agency or state institution of higher education may not be authorized unless the facilities program plan has been approved by the state architect. The bill also clarifies that it is the policy of the General Assembly to only appropriate funds for capital construction projects if such projects have been approved by the office.

The bill also specifies that the office of state planning and budgeting's plan for capital construction expenditures must consider recommendations made by the office.

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

1 **SECTION 1.** In Colorado Revised Statutes, 24-30-1301, **add**
2 (13.5) as follows:

3 **24-30-1301. Definitions.** As used in this part 13, unless the
4 context otherwise requires:

5 (13.5) "OFFICE OF THE STATE ARCHITECT" OR "OFFICE" MEANS THE
6 OFFICE OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 24-30-1302.5 as
8 follows:

9 **24-30-1302.5. Office of the state architect.** (1) THERE IS
10 CREATED WITHIN THE DEPARTMENT AN OFFICE OF THE STATE ARCHITECT,
11 THE HEAD OF WHICH IS THE STATE ARCHITECT. THE STATE ARCHITECT IS
12 DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, SUBJECT
13 TO THE PROVISIONS OF SECTION 13 OF ARTICLE XII OF THE STATE
14 CONSTITUTION, AND THE STATE ARCHITECT MUST BE QUALIFIED BY
15 TRAINING IN ARCHITECTURE AND PLANNING. THE STATE ARCHITECT SHALL
16 APPOINT THE NECESSARY STAFF OF THE OFFICE OF THE STATE ARCHITECT
17 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 13 OF ARTICLE XII OF
18 THE STATE CONSTITUTION.

19 (2) THE STATE ARCHITECT SHALL EXERCISE ALL POWERS
20 NECESSARY AND PROPER FOR THE DISCHARGE OF HIS OR HER DUTIES AS
21 SPECIFIED IN THIS PART 13 AND PART 14 OF THIS ARTICLE.

22 **SECTION 3.** In Colorado Revised Statutes, 24-30-1303, **amend**
23 (1) introductory portion, (1) (s) (II), (1) (t) (I), (1) (w), (1) (z), (3) (a), (4),
24 and (5); **repeal** (1) (l); and **add** (1) (s.5) as follows:

25 **24-30-1303. Office of the state architect - responsibilities.**

26 (1) The ~~department~~ OFFICE OF THE STATE ARCHITECT shall:

27 (1) ~~Develop, or cause to be developed, after consultation with the~~

1 ~~office of state planning and budgeting pursuant to section 24-37-201;~~
2 ~~standards for the preparation of current facilities master plans coordinated~~
3 ~~with operational master plans, and facility program plans coordinated~~
4 ~~with operational program plans for each state agency, except state~~
5 ~~institutions of higher education as provided in section 23-1-106, C.R.S.;~~
6 ~~for review and recommendation by the capital development committee;~~

7 (s) (II) In cooperation with the project architect, engineer, or
8 consultant, be responsible for the administration of the bid procedure for
9 state agencies and state institutions of higher education without staff
10 capability and perform such additional functions as the ~~department~~ OFFICE
11 may determine;

12 (s.5) WORK WITH THE OFFICE OF STATE PLANNING AND BUDGETING
13 AND THE COLORADO COMMISSION ON HIGHER EDUCATION TO DEVELOP
14 AND ESTABLISH CRITERIA FOR RECOMMENDING CAPITAL CONSTRUCTION
15 PROJECTS;

16 (t) (I) ~~Review and~~ Make recommendations on capital construction
17 ~~or~~ AND capital renewal project requests ~~if requested by~~ MADE BY EACH
18 STATE AGENCY OR BY A STATE INSTITUTION OF HIGHER EDUCATION AFTER
19 THE REQUESTS HAVE BEEN REVIEWED BY THE OFFICE AS SPECIFIED IN
20 SECTION 24-30-1310, AND SUBMIT RECOMMENDATIONS FOR THE SAME TO
21 the office of state planning and budgeting ~~or the capital development~~
22 ~~committee;~~ IN A TIMELY MANNER SO THAT THE OFFICE OF STATE PLANNING
23 AND BUDGETING CAN MEET THE DEADLINES SET FORTH IN SECTION
24 24-37-304 (1) (c.3). THE STATE ARCHITECT MAY NOT RECOMMEND
25 CAPITAL CONSTRUCTION PROJECT REQUESTS IF SUCH PROJECTS ARE NOT
26 INCLUDED IN THE STATE AGENCY'S OR STATE INSTITUTION OF HIGHER
27 EDUCATION'S FACILITY PROGRAM PLAN THAT IS APPROVED AS REQUIRED

1 IN SECTION 24-30-1310, UNLESS THE STATE ARCHITECT DETERMINES THAT
2 THERE EXISTS A SOUND REASON WHY THE REQUESTED PROJECT IS NOT
3 INCLUDED IN THE FACILITY PROGRAM PLAN.

4 (w) Develop and maintain, or cause to be developed and
5 maintained, life-cycle cost analysis methods for real property and, prior
6 to beginning construction, assure that such methods are reviewed by an
7 independent third party to ensure compliance with sections 24-30-1304
8 and 24-30-1305. The department OFFICE shall review and approve
9 specific exceptions to systems selected for construction, which systems
10 are not found to be the best choice on a life-cycle basis.

11 (z) Establish minimum building codes, with the approval of the
12 governor and the general assembly after the recommendations and review
13 of the capital development committee, for all construction by state
14 agencies and state institutions of higher education on real property or
15 state lease-purchased buildings. At the discretion of the department
16 OFFICE, said codes may apply to state-leased buildings where local
17 building codes may not exist.

18 (3) (a) All real property, except public roads and highways,
19 projects under the supervision of the division of parks and wildlife, and
20 real property under the supervision of the judicial department, erected for
21 state purposes shall be constructed in conformity with a construction
22 procedures manual for real property prepared by the department OFFICE
23 and approved by the governor. Such construction shall be made only upon
24 plans, designs, and construction documents that comply with approved
25 state standards and rules promulgated pursuant to this section.

26 (4) When the principal representative is a legislative agency, the
27 principal representative may request, and the department OFFICE shall

1 provide to the principal representative within five working days of such
2 request, a progress report of the ~~department's~~ OFFICE'S actions undertaken
3 as of the date of the request towards completion of any of the
4 ~~department's~~ OFFICE'S duties set forth in subsection (1) of this section.

5 (5) (a) The ~~department~~ OFFICE may delegate to state agencies or
6 state institutions of higher education any or all of the responsibilities and
7 functions outlined in this part 13 and the ~~department's~~ OFFICE'S
8 responsibilities and functions under part 14 of this article, pursuant to
9 rules and regulations promulgated by the department, when the state
10 agency or state institution of higher education has the professional or
11 technical capability on staff to perform such functions competently.

12 (b) The ~~department~~ OFFICE may authorize state agencies or state
13 institutions of higher education to hire private construction managers to
14 supervise the capital construction, controlled maintenance, or capital
15 renewal projects. The cost of such construction manager shall be paid
16 from moneys appropriated for the specific capital construction, controlled
17 maintenance, or capital renewal projects. This paragraph (b) does not
18 apply to projects under the supervision of the department of
19 transportation.

20 (c) If the ~~executive director~~ STATE ARCHITECT determines that the
21 governing board of a state institution of higher education has adopted
22 procedures that adequately meet the safeguards set forth in the
23 requirements of part 14 of this article and article 92 of this title, the
24 ~~executive director~~ STATE ARCHITECT may exempt the institution from any
25 of the procedural requirements of part 14 of this article and article 92 of
26 this title in regard to a capital construction project to be constructed
27 pursuant to the provisions of section 23-1-106 (9) or (10), C.R.S.; except

1 that the selection of any contractor to perform professional services as
2 defined in section 24-30-1402 (6) must be made in accordance with the
3 criteria set forth in section 24-30-1403 (2).

4 (d) Upon application by any state agency or state institution of
5 higher education that demonstrates internal expertise related to the leasing
6 and acquisition of commercial real property, the ~~department~~ OFFICE may
7 delegate an individual employed by the state agency or state institution of
8 higher education to act on behalf of the ~~department~~ OFFICE in the
9 performance of the responsibilities and functions described in paragraph
10 (a) of subsection (1) of this section. The delegation authorized pursuant
11 to this paragraph (d) may include, with the consent of the ~~department~~
12 OFFICE, the authority to waive the use of the ~~department-approved~~
13 OFFICE-APPROVED real estate lease form or real estate lease amendment
14 form.

15 **SECTION 4.** In Colorado Revised Statutes, 24-30-1303.5,
16 **amend (1), (2), (3), (3.5), (4), (5.5), and (6) as follows:**

17 **24-30-1303.5. Office of the state architect to prepare and**
18 **maintain inventory of state property - vacant facilities.** (1) The
19 ~~department~~ OFFICE shall obtain and maintain a correct and current
20 inventory of all real property owned by or held in trust for the state or any
21 state agency or state institution of higher education, and, in cooperation
22 with the attorney general, correct any defects in title to said real property
23 necessary to vest marketable title in the state.

24 (2) Such inventory must include sufficient information to identify
25 such real property with respect to which unit of the state has control
26 thereof, where such real property is located, and when and from what
27 source the real property was acquired, including subsequent

1 improvements. The department OFFICE shall establish and maintain an
2 accurate index system which will assure that inquiries as to the location
3 and control of all such real property will be promptly answered.

4 (3) The department OFFICE shall establish procedures whereby
5 each state agency and state institution of higher education is required to
6 report all acquisitions of real property, including improvements, and all
7 dispositions thereof to the department OFFICE to enable the inventory to
8 be promptly and accurately maintained with respect to such changes. The
9 report must include a copy of each purchase or sale agreement pertaining
10 to the acquisition or disposition of real property, including improvements,
11 or, if such agreements are not available, such other documents describing
12 the terms and conditions of the transaction as the department OFFICE finds
13 to be appropriate in order to maintain the information required by
14 subsection (2) of this section. For each transaction involving the
15 acquisition or disposition of real property, the state agency or the state
16 institution of higher education shall also provide to the department a copy
17 of the deed pertaining to the real property after the deed has been
18 recorded.

19 (3.5) (a) With respect to all real property owned by or held in trust
20 for the state or any state agency or state institution of higher education,
21 each state agency or state institution of higher education shall identify any
22 vacant facility under its control. As used in this section, "vacant" means:

23 (I) Unoccupied;

24 (II) Unused in whole or in part for the purposes for which the
25 improvement was designed, intended, or remodeled; or

26 (III) Without current defined plans by the state agency or state
27 institution of higher education for the next fiscal year.

1 (b) A state agency or state institution of higher education must
2 submit for the approval of the department OFFICE a facility management
3 plan for any vacant facility consistent with the procedures established by
4 the department OFFICE. The state agency or state institution of higher
5 education must submit the facility management plan to the department
6 OFFICE within thirty days after the facility becomes vacant. In addition to
7 any other information required by the department OFFICE, the facility
8 management plan must include the following:

9 (I) A financial analysis of the possible uses of the facility;

10 (II) Any plans for the disposal of the facility through sale, lease,
11 demolition, or otherwise;

12 (III) If the state agency or state institution of higher education
13 does not intend to dispose of the facility during the next fiscal year, a plan
14 for the proposed controlled maintenance, if any, necessary to avoid the
15 deterioration of the vacant facility; and

16 (IV) Whether the facility has or is eligible to receive a national,
17 state, or local historic designation or listing.

18 (c) (I) For each year after the department OFFICE approves a
19 facility management plan, the state agency or state institution of higher
20 education shall submit an annual facility management plan update
21 consistent with the procedures established by the department OFFICE. The
22 update must be submitted on or before November 1 of the year following
23 the approval of a facility management plan and each November 1
24 thereafter until such time that the facility is no longer vacant. In addition
25 to any other information required by the department OFFICE, the update
26 must identify all actions taken by the state agency or state institution of
27 higher education within the last year consistent with the facility

1 management plan. If based on the update or on any other information
2 known by the department OFFICE, the department OFFICE determines that
3 the state agency or state institution of higher education has failed to
4 comply with the provisions of an approved facility management plan, the
5 department OFFICE may revoke the approval of the facility management
6 plan. If the department OFFICE revokes approval of the facility
7 management plan, a state agency or state institution of higher education
8 is required to submit a new facility management plan for the vacant
9 facility subject to the provisions of this subsection (3.5).

10 (II) In addition to any other requirements of subparagraph (I) of
11 this paragraph (c), the facility management plan update must describe any
12 changes proposed by the state agency or state institution of higher
13 education to the facility management plan. Any proposed changes to the
14 facility management plan are subject to the approval of the department
15 OFFICE, and any approved changes become part of the facility
16 management plan for purposes of future updates.

17 (d) Any facility management plan or update required to be
18 submitted by a state institution of higher education pursuant to this
19 subsection (3.5) must be submitted to the Colorado commission on higher
20 education instead of the department OFFICE. The commission shall submit
21 a copy of the facility management plan or update and the commission's
22 recommendations regarding it to the department OFFICE.

23 (e) Repealed.

24 (f) No state agency or state institution of higher education is
25 eligible for any capital construction appropriations until the department
26 OFFICE approves a facility management plan for all vacant facilities
27 controlled by the state agency or state institution of higher education;

1 except that the capital development committee may exempt a state agency
2 or state institution of higher education from the provisions of this
3 paragraph (f).

4 (4) For purposes of maintaining a current inventory, no acquisition
5 or disposition of real property may be made and no funds or other
6 valuable consideration may be given by a state agency or state institution
7 of higher education for such acquisition, nor may any final document of
8 conveyance of real property be transmitted to a purchaser, until a
9 complete report on such transaction as required pursuant to subsection (3)
10 of this section has been filed with the ~~department~~ OFFICE and the
11 ~~department~~ OFFICE has issued a written acknowledgment of the receipt of
12 such report to the state agency or state institution of higher education.
13 Such written acknowledgment must be issued without delay, and nothing
14 in this section should be construed to give the ~~department~~ OFFICE any
15 power to approve or disapprove any acquisition or disposition of real
16 property, improvements thereon, or other capital assets.

17 (5.5) The ~~department~~ OFFICE shall cause to be developed
18 performance criteria for real property. An analysis must be made upon
19 selected real property against the performance criteria to assess whether
20 the selected real property should be considered for sale or other
21 disposition if such real property is not performing and is determined not
22 to be of sound investment value, or should be held for an identified future
23 state need. The ~~department~~ OFFICE may contract to maintain such
24 inventories, develop such performance criteria, and perform such analysis
25 and may enter exclusive brokerage agreements on behalf of state agencies
26 and state institutions of higher education to the extent necessary to
27 accomplish the maintenance of such inventory and such analysis. The

1 department OFFICE shall make recommendations to the capital
2 development committee regarding various real property management
3 strategies resulting from such analysis. This subsection (5.5) does not
4 apply to property that is subject to the provisions of section 43-1-106 (8)
5 (n), C.R.S.

6 (6) The department OFFICE shall prepare an annual report of the
7 acquisitions and dispositions of real property subject to this section and
8 make the report available to the members of the capital development
9 committee. Such report must include a description of the real property
10 and its present use and value.

11 **SECTION 5.** In Colorado Revised Statutes, 24-30-1305, **amend**
12 (3) (b) and (6) as follows:

13 **24-30-1305. Life-cycle cost - application - definitions.** (3) The
14 life-cycle cost analysis performed for real property with a facility of
15 twenty thousand or more gross square feet with significant energy
16 demands must provide but not be limited to the following information:

17 (b) The estimated annual operating cost of all utility requirements,
18 including consideration of possible escalating costs of energy. The
19 department OFFICE may rely on any national or locally appropriate fuel
20 escalating methodology approved by the department OFFICE OF THE STATE
21 ARCHITECT in performing life-cycle cost analyses.

22 (6) Selection of the optimum system or combination of systems to
23 be incorporated into the design of real property must be based on the
24 life-cycle cost analysis over the economic life of the real property, unless
25 a request for an alternative system is made and approved by the
26 department OFFICE prior to beginning construction.

27 **SECTION 6.** In Colorado Revised Statutes, 24-30-1305.5,

1 amend (1), (3) (a), (3) (b), (7), and (8) (d) as follows:

2 24-30-1305.5. High performance standards - report -
3 legislative declaration - definition. (1) The office of the state architect,
4 or an analogous successor office in the department, shall, in consultation
5 with the Colorado commission on higher education, adopt and update
6 from time to time a high performance standard certification program.

7 (3) (a) For all buildings that started the design process on or after
8 January 1, 2010, each state agency or state institution of higher education
9 shall monitor, track, and verify utility vendor bill data pertaining to the
10 building and must annually report to the office. of the state architect, or
11 an analogous successor office in the department. The annual report must
12 also include information related to building performance based on the
13 building's utility consumption.

14 (b) The general assembly hereby finds, determines, and declares
15 that buildings that have achieved the highest performance certification
16 attainable and started the design process prior to January 1, 2010, are
17 strongly encouraged to monitor, track, and verify utility vendor bill data
18 pertaining to such building in order to ensure that the increased initial
19 costs to achieve the highest performance certification attainable are in
20 fact recouped. If such data is monitored, tracked, and verified, then the
21 state agency or state institution of higher education must annually report
22 to the office. of the state architect, or an analogous successor office in the
23 department. If such data is not monitored, tracked, and verified, then the
24 state agency or state institution of higher education must provide the state
25 architect OFFICE, in writing, a reasonable explanation and also must work
26 with the state architect OFFICE to find a way to start monitoring, tracking,
27 verifying, and reporting such data.

1 (7) The ~~department~~ OFFICE shall report annually to the capital
2 development committee regarding contracting documents, project
3 guidelines, and reporting and tracking procedures related to the
4 implementation of this section.

5 (8) As used in this section, unless the context otherwise requires:

6 (d) "Utility vendor bill data" means information or data limited to
7 the usage data measured by the state agency OR state institution of higher
8 education, ~~or department~~ or the information or data required to meet
9 minimum program standards by an independent third party pursuant to the
10 high performance standard certification program.

11 **SECTION 7.** In Colorado Revised Statutes, **amend 24-30-1306**
12 as follows:

13 **24-30-1306. Acceptance of gifts and grants.** The department
14 AND THE OFFICE, with the approval of the governor, ~~is~~ ARE specifically
15 empowered to receive and expend all grants, gifts, and bequests, where
16 such grants, gifts, or bequests involve no state funds for acquisition,
17 construction, or operation, including federal funds available for the
18 purposes for which the department exists, and to contract with the United
19 States and all other legal entities with respect thereto. The department
20 AND THE OFFICE may provide, where such funds are specifically
21 appropriated, matching funds wherever funds, grants, gifts, bequests, and
22 contractual assistance are available on such basis. The department AND
23 THE OFFICE shall provide such information, reports, and services as may
24 be necessary to secure such financial aid.

25 **SECTION 8.** In Colorado Revised Statutes, **amend 24-30-1307**
26 as follows:

27 **24-30-1307. Legislative declaration.** The purpose of this part 13

1 is to allow the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT
2 to develop the policies and standards for state agencies and state
3 institutions of higher education to follow for the major renovation or new
4 construction of real property and to allow the ~~department of personnel~~
5 OFFICE to delegate the authority to implement such policies and standards
6 to the individual state agencies or state institutions of higher education.
7 It is not the purpose of this part 13 to require state agencies or state
8 institutions of higher education to add FTEs or incur additional
9 expenditures to implement the provisions of this part 13.

10 **SECTION 9.** In Colorado Revised Statutes, **add** 24-30-1310 as
11 follows:

12 **24-30-1310. Statewide planning function - responsibilities.**

13 (1) (a) (I) COMMENCING WITH THE 2017-18 FISCAL YEAR, AND EACH
14 FISCAL YEAR THEREAFTER, AND IN ACCORDANCE WITH THE OFFICE OF
15 STATE PLANNING AND BUDGETING'S BUDGET INSTRUCTIONS, A STATE
16 AGENCY SHALL ANNUALLY SUBMIT ALL CAPITAL CONSTRUCTION BUDGET
17 REQUESTS, INCLUDING ANY AMENDED REQUESTS, TO THE OFFICE FOR
18 REVIEW.

19 (II) COMMENCING WITH THE 2017-18 FISCAL YEAR, AND EACH
20 FISCAL YEAR THEREAFTER, AFTER THE COLORADO COMMISSION ON HIGHER
21 EDUCATION'S REVIEW AND APPROVAL AS SPECIFIED IN SECTION 23-1-106,
22 C.R.S., AND IN ACCORDANCE WITH THE OFFICE OF STATE PLANNING AND
23 BUDGETING'S BUDGET INSTRUCTIONS, THE DEPARTMENT OF HIGHER
24 EDUCATION SHALL ANNUALLY SUBMIT ALL CAPITAL CONSTRUCTION
25 BUDGET REQUESTS, NOT INCLUDING THOSE PROJECTS DESCRIBED IN
26 SECTION 23-1-106 (9) AND (10), C.R.S., TO THE OFFICE FOR REVIEW.

27 (b) COMMENCING WITH THE 2016-17 FISCAL YEAR, AND EACH

1 FISCAL YEAR THEREAFTER, AND PRIOR TO THE SUBMISSION OF A
2 SUPPLEMENTAL APPROPRIATIONS REQUEST TO THE OFFICE OF STATE
3 PLANNING AND BUDGETING, EVERY STATE AGENCY AND THE DEPARTMENT
4 OF HIGHER EDUCATION SHALL SUBMIT SUPPLEMENTAL APPROPRIATIONS
5 REQUESTS FOR CAPITAL CONSTRUCTION TO THE OFFICE FOR REVIEW.

6 (2) THE OFFICE SHALL REVIEW ALL THE SUBMISSIONS IT RECEIVES
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND MAKE THE
8 RECOMMENDATIONS REQUIRED IN SECTION 24-30-1303 (1) (t) (I) IN A
9 TIMELY MANNER TO ALLOW THE OFFICE OF STATE PLANNING AND
10 BUDGETING TO MEET THE DEADLINES SPECIFIED IN SECTION 24-37-304 (1)
11 (c.3).

12 (3) (a) EACH STATE AGENCY SHALL FORWARD OPERATIONAL
13 MASTER PLANS, FACILITIES MASTER PLANS, FACILITIES PROGRAM PLANS,
14 AND FIVE-YEAR PLANS TO THE OFFICE. THE OFFICE SHALL REVIEW
15 OPERATIONAL MASTER PLANS AND APPROVE THE FACILITIES MASTER
16 PLANS, FACILITIES PROGRAM PLANS, AND FIVE-YEAR PLANS DESCRIBED IN
17 SECTION 24-1-136.5.

18 (b) THE OFFICE SHALL REVIEW THE APPROVED FACILITY MASTER
19 PLANS FOR EACH STATE INSTITUTION OF HIGHER EDUCATION IT RECEIVES
20 PURSUANT TO SECTION 23-1-106 (3), C.R.S., FROM THE COMMISSION ON
21 HIGHER EDUCATION.

22 (c) THE OFFICE SHALL ANNUALLY PROVIDE THE CAPITAL
23 DEVELOPMENT COMMITTEE WITH A REPORT ON APPROVED FACILITY
24 MANAGEMENT PLANS AND FACILITY PROGRAM PLANS, AND SHALL ALSO
25 PROVIDE THE COMMITTEE WITH COPIES OF APPROVED FIVE-YEAR PLANS
26 FOR EACH STATE AGENCY AND STATE INSTITUTION OF HIGHER EDUCATION.

27 (4) THE OFFICE SHALL DEVELOP, OR CAUSE TO BE DEVELOPED,

1 AFTER CONSULTATION WITH THE OFFICE OF STATE PLANNING AND
2 BUDGETING PURSUANT TO SECTION 24-37-201, STANDARDS FOR THE
3 PREPARATION OF CURRENT FACILITIES MASTER PLANS COORDINATED WITH
4 OPERATIONAL MASTER PLANS, AND FACILITY PROGRAM PLANS
5 COORDINATED WITH OPERATIONAL PROGRAM PLANS FOR EACH STATE
6 AGENCY, EXCEPT STATE INSTITUTIONS OF HIGHER EDUCATION AS
7 PROVIDED IN SECTION 23-1-106, C.R.S.

8 (5) THE OFFICE SHALL COORDINATE THE PREPARATION AND
9 MAINTENANCE OF LONG-RANGE MASTER PLANS PURSUANT TO SECTION
10 24-1-136.5 THAT RECOMMEND EXECUTIVE AND LEGISLATIVE ACTIONS FOR
11 ACHIEVING DESIRED STATE OBJECTIVES AND THAT INCLUDE
12 RECOMMENDED METHODS FOR EVALUATION.

13 (6) THE OFFICE IS AUTHORIZED TO ACCEPT AND RECEIVE GRANTS
14 AND SERVICES RELEVANT TO STATE PLANNING FROM THE FEDERAL
15 GOVERNMENT, OTHER STATE AGENCIES, LOCAL GOVERNMENTS, AND
16 PRIVATE AND CIVIC SOURCES.

17 **SECTION 10.** In Colorado Revised Statutes, 2-3-1304, amend
18 (1) (a.3) (I) and (2); and repeal (1) (e) as follows:

19 **2-3-1304. Powers and duties of capital development**
20 **committee.** (1) The capital development committee has the following
21 powers and duties:

22 (a.3) To review and make required recommendations on reports
23 from state agencies and state institutions of higher education, including
24 reports from:

25 (I) ~~The department of personnel~~ OFFICE OF THE STATE ARCHITECT
26 on the approved and unapproved facility management plans and facility
27 management plan updates pursuant to section 24-30-1303.5 (3.5), C.R.S.,

1 and acquisitions and dispositions pursuant to sections 24-30-1303.5 (6)
2 and 24-82-102, C.R.S.;

3 ~~(e) To review facilities program plans of the department of~~
4 ~~corrections for correctional facilities pursuant to section 17-1-104.8,~~
5 ~~C.R.S., and facilities program plans of the department of human services~~
6 ~~for juvenile facilities pursuant to section 27-90-106, C.R.S., and make~~
7 ~~recommendations regarding those plans to the joint budget committee;~~

8 (2) Nothing in this section shall in any way limit or reduce the
9 powers of the governor, through the office of state planning and
10 budgeting AND THE OFFICE OF THE STATE ARCHITECT, to establish
11 executive branch priorities and procedures.

12 **SECTION 11.** In Colorado Revised Statutes, **amend** 2-3-1304.6
13 as follows:

14 **2-3-1304.6. Capital construction and long-range planning by**
15 **state agencies and state institutions of higher education - policy.** It is
16 declared to be the policy of the general assembly not to acquire a capital
17 asset or authorize or initiate any program or activity requiring capital
18 construction, except programs or activities for controlled maintenance or
19 capital renewal, for any state agency or state institution of higher
20 education unless the program or activity is an element of the facilities
21 program plan for the agency or institution AND SUCH FACILITIES PROGRAM
22 PLAN HAS BEEN APPROVED BY THE STATE ARCHITECT AS SET FORTH IN
23 SECTION 24-30-1310, C.R.S.

24 **SECTION 12.** In Colorado Revised Statutes, **repeal** 17-1-104.8
25 as follows:

26 **17-1-104.8. Legislative review of facilities program plans for**
27 **correctional facilities.** ~~(1) Prior to any appropriation by the general~~

1 assembly for the construction of a new, expanded, renovated, or improved
2 correctional facility, and no later than November 1 prior to the beginning
3 of the budget year for which the appropriation is made, the department
4 shall submit a proposed facility program plan, for each proposed new,
5 expanded, renovated, or improved correctional facility to the capital
6 development committee. The capital development committee shall make
7 a recommendation regarding the facility program plan to the joint budget
8 committee. The general assembly may contract with a consultant to
9 provide assistance to the capital development committee and the joint
10 budget committee in the review of facilities program plans submitted by
11 the department.

12 (2) For the purposes of this section, "facility program plan" means
13 a pre-architectural design program, as that term is understood in the
14 architectural profession. A facility program plan shall include but need
15 not be limited to the number of beds proposed to be included in the new
16 correctional facility or the addition to an existing correctional facility, the
17 primary security level of the proposed facility or addition, the staffing
18 plan of the proposed facility or addition, and a description of any
19 educational or ancillary support facilities required for the proposed
20 facility or addition.

21 **SECTION 13.** In Colorado Revised Statutes, 22-54-124, amend
22 (1) (f.6) (I) (C) and (1) (f.6) (II) (C) as follows:

23 **22-54-124. State aid for charter schools - use of state education**
24 **fund moneys - definitions.** (1) As used in this section:

25 (f.6) (I) For the budget years commencing on or after July 1, 2003,
26 "qualified charter school" means:

27 (C) A charter school that is operating or will operate in the next

1 budget year in a facility that is listed on the state inventory of real
2 property and improvements and other capital assets maintained by the
3 ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to
4 section 24-30-1303.5, C.R.S., and that is obligated to make lease
5 payments for use of the facility.

6 (II) For budget years commencing on or after July 1, 2003,
7 "qualified charter school" does not include:

8 (C) A charter school that is operating or will operate in the next
9 budget year in a facility that is listed on the state inventory of real
10 property and improvements and other capital assets maintained by the
11 ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to
12 section 24-30-1303.5, C.R.S., and that is not obligated to make lease
13 payments for use of the facility.

14 **SECTION 14.** In Colorado Revised Statutes, 22-54.5-309,
15 **amend** (1) (e) (I) (C), (1) (e) (II) (C), and (3) (a) (II) (C) as follows:

16 **22-54.5-309. State assistance for charter schools - use of state**
17 **education fund moneys - definitions.** (1) As used in this section, unless
18 the context otherwise requires:

19 (e) (I) "Qualified charter school" means:

20 (C) A charter school that is operating or will operate in the next
21 budget year in a facility that is listed on the state inventory of real
22 property and improvements and other capital assets maintained by the
23 ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to
24 section 24-30-1303.5, C.R.S., and that is obligated to make lease
25 payments for use of the facility.

26 (II) "Qualified charter school" does not include:

27 (C) A charter school that is operating or will operate in the next

1 budget year in a facility that is listed on the state inventory of real
2 property and improvements and other capital assets maintained by the
3 ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant to
4 section 24-30-1303.5, C.R.S., and that is not obligated to make lease
5 payments for use of the facility;

6 (3) (a) (II) The department shall distribute the moneys
7 appropriated for eligible districts and eligible institute charter schools as
8 follows:

9 (C) Each qualified charter school that operates during the
10 applicable budget year in a facility that is owned by a district or that is
11 listed on the state inventory of real property and improvements and other
12 capital assets maintained by the ~~department of personnel~~ OFFICE OF THE
13 STATE ARCHITECT pursuant to section 24-30-1303.5, C.R.S., and that has
14 demonstrable capital construction costs receives an amount equal to one
15 hundred dollars multiplied by the qualified charter school's average daily
16 membership for the applicable budget year.

17 **SECTION 15.** In Colorado Revised Statutes, 23-1-106, **amend**
18 (3), (7) (a), (11) (b), and (12) as follows:

19 **23-1-106. Duties and powers of the commission with respect**
20 **to capital construction and long-range planning - legislative**
21 **declaration - definitions.** (3) The commission shall review and approve
22 facility master plans for all state institutions of higher education on land
23 owned or controlled by the state or an institution and capital construction
24 or capital renewal program plans for projects other than those projects
25 described in subsection (9) or (10) of this section. THE COMMISSION
26 SHALL FORWARD THE APPROVED FACILITY MASTER PLANS TO THE OFFICE
27 OF THE STATE ARCHITECT. Except for those projects described in

1 subsection (9) or (10) of this section, no capital construction or capital
2 renewal shall commence except in accordance with an approved facility
3 master plan and program plan.

4 (7) (a) The commission annually shall prepare a unified, five-year
5 capital improvements report of projects to be constructed, but not
6 including those capital construction or capital renewal projects to be
7 undertaken pursuant to subsection (9) or (10) of this section, coordinated
8 with education plans. The commission shall transmit the report to the
9 office of state planning and budgeting, the ~~governor~~ OFFICE OF THE STATE
10 ARCHITECT, the capital development committee, and the joint budget
11 committee, consistent with the executive budget timetable, together with
12 a recommended priority of funding of capital construction or capital
13 renewal projects for the system of public higher education. The
14 commission shall annually transmit the recommended priority of funding
15 of capital construction or capital renewal projects to the capital
16 development committee no later than November 1 of each year.

17 (11) (b) The commission shall submit a compilation of the
18 projects to THE OFFICE OF THE STATE ARCHITECT AND the capital
19 development committee on or before December 1 of each year.

20 (12) Each state institution of higher education shall submit to the
21 commission a facility management plan or update required by section
22 24-30-1303.5 (3.5), C.R.S. The commission shall review the facility
23 management plan or update and make recommendations regarding it to
24 the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT.

25 **SECTION 16.** In Colorado Revised Statutes, 24-1-136.5, **amend**
26 (1), (2), (6), (7), and (8) as follows:

27 **24-1-136.5. Long-range planning for capital construction,**

1 **controlled maintenance, capital renewal - policy - heads of principal**
2 **departments.** (1) The executive director of each department, after
3 consultation with the directors of the subordinate agencies, divisions, or
4 offices within the department, has the authority to prescribe uniform
5 policies, procedures, and standards of space utilization in department
6 facilities, except for office space, for the development and approval of
7 capital construction, controlled maintenance, and capital renewal projects
8 for the department. Nothing in this subsection (1) should be construed to
9 alter the authority of the ~~department of personnel~~ OFFICE OF THE STATE
10 ARCHITECT to prescribe uniform standards for office space pursuant to
11 section 24-30-1303 (1) (h).

12 (2) The executive director shall review ~~and, with the approval of~~
13 ~~the governor, approve~~ facilities master planning and facilities program
14 planning for all capital construction, controlled maintenance, and capital
15 renewal projects on department real property, regardless of the source of
16 funds and SHALL SUBMIT FOR APPROVAL ALL SUCH FACILITIES MASTER
17 PLANS AND FACILITIES PROGRAM PLANS TO THE OFFICE OF THE STATE
18 ARCHITECT FOR APPROVAL AS SPECIFIED IN SECTION 24-30-1310. No
19 capital construction, controlled maintenance, or capital renewal shall
20 commence except in accordance with an approved facilities master plan,
21 facilities program plan, and physical plan.

22 (6) (a) The executive director shall annually establish a
23 department five-year capital construction, controlled maintenance, and
24 capital renewal plan coordinated with department operational master
25 plans and facilities master plans and FORWARD THE FIVE-YEAR PLAN TO
26 THE OFFICE OF THE STATE ARCHITECT FOR REVIEW AS REQUIRED IN
27 SECTION 24-30-1310.

1 (b) THE EXECUTIVE DIRECTOR shall transmit to ~~the office of state~~
2 ~~planning and budgeting, the governor, and the general assembly~~ THE
3 OFFICE OF THE STATE ARCHITECT, consistent with the executive budget
4 timetable, a recommended priority of funding of capital construction,
5 controlled maintenance, and capital renewal projects for the department.

6 ~~(b)~~(c) Except as provided in subsection (4) of this section, it is the
7 policy of the general assembly to appropriate funds only for projects
8 approved by the ~~executive director~~ OFFICE OF THE STATE ARCHITECT.

9 (7) Any acquisition or utilization of real property by a department
10 ~~which~~ THAT is conditional upon or requires expenditures of state funds or
11 federal funds is subject to the approval of the executive director AND THE
12 OFFICE OF THE STATE ARCHITECT, regardless of whether the acquisition is
13 by lease, lease-purchase, purchase, gift, or otherwise.

14 (8) Prior to approving the facilities master plan and facilities
15 program plan for any capital construction, controlled maintenance, or
16 capital renewal project to be constructed, operated, and maintained solely
17 from fees, gifts and bequests, grants, revolving funds, or a combination
18 of such sources, the executive director shall request and consider
19 recommendations from the ~~capital development committee and the joint~~
20 ~~budget committee. The executive director, the capital development~~
21 ~~committee, and the joint budget committee shall by agreement adopt~~
22 ~~procedures for the review of such projects by the capital development~~
23 ~~committee and joint budget committee. The agreement must provide that,~~
24 ~~whenever possible, the capital development committee and joint budget~~
25 ~~committee will submit their recommendations to the executive director~~
26 ~~within thirty days after each committee receives the information~~
27 ~~prescribed in the agreement as necessary for its review~~ OFFICE OF THE

1 STATE ARCHITECT.

2 SECTION 17. In Colorado Revised Statutes, 24-30-1403, amend
3 (1) and (2) (a) as follows:

4 24-30-1403. Professional services - listings - preliminary
5 selections. (1) Any person desiring to provide professional services to a
6 state agency or a state institution of higher education shall annually
7 submit to the ~~department~~ OFFICE OF THE STATE ARCHITECT a statement of
8 qualifications and performance data and such other information as may
9 be required by the ~~department~~ OFFICE. The ~~department~~ OFFICE may
10 request such person to update such statement before the anniversary date
11 in order to reflect changed conditions in the status of such person.

12 (2) (a) For each proposed project for which professional services
13 are required and where the fee for such professional services is estimated
14 to equal or exceed twenty-five thousand dollars, the principal
15 representative of the state agency or state institution of higher education
16 for which the project is to be done shall evaluate current statements of
17 qualifications and performance data on file with the ~~department~~ OFFICE
18 OF THE STATE ARCHITECT and shall conduct discussions with no less than
19 three persons regarding their qualifications, approaches to the project,
20 abilities to furnish the required professional services, anticipated design
21 concepts, and use of alternative methods of approach for furnishing the
22 required professional services. The principal representative shall then
23 select, in order of preference, no less than three persons ranked in order
24 and deemed to be most highly qualified to perform the required
25 professional services after considering, and based upon, such factors as
26 the ability of professional personnel, past performance, willingness to
27 meet time and budget requirements, location, current and projected work

1 loads, the volume of work previously awarded to the person by the state
2 agency or state institution of higher education, and the extent to which
3 said persons have and will involve minority subcontractors, with the
4 object of effecting an equitable distribution of contracts among qualified
5 persons as long as such distribution does not violate the principle of
6 selection of the most highly qualified person. In selection pursuant to this
7 section, Colorado firms shall be given preference when qualifications
8 appear to be equal. All selections are subject to approval by the principal
9 representative, and all contracts between the principal representative and
10 such selected professionals shall be consistent with appropriation and
11 legislative intent.

12 **SECTION 18.** In Colorado Revised Statutes, 24-37-201, **amend**
13 (1) (b) and (1) (d); and **repeal** (1) (a) as follows:

14 **24-37-201. State planning - responsibilities.** (1) The office of
15 state planning and budgeting shall:

16 (a) ~~Coordinate the preparation and maintenance of long-range~~
17 ~~master plans which recommend executive and legislative actions for~~
18 ~~achieving desired state objectives and which include recommended~~
19 ~~methods for evaluation;~~

20 (b) ~~Stimulate, encourage, and assist~~ STIMULATE AND ENCOURAGE
21 state agencies to engage in long-range and short-range planning in their
22 respective areas of responsibility WITH THE ASSISTANCE OF THE OFFICE OF
23 THE STATE ARCHITECT;

24 (d) Furnish THE OFFICE OF THE STATE ARCHITECT AND THE state
25 agencies with data, projections, and other technical assistance needed to
26 discharge ~~their~~ THE STATE AGENCIES' planning responsibilities and
27 coordinate the exchange of relevant reports, data, and projections among

1 state agencies;

2 **SECTION 19.** In Colorado Revised Statutes, 24-37-304, **amend**
3 (1) (a) and (1) (c.3) (I) (D) as follows:

4 **24-37-304. Additional budgeting responsibilities.** (1) In
5 addition to the responsibilities enumerated in section 24-37-302, the
6 office of state planning and budgeting shall:

7 (a) Annually evaluate plans, policies, programs, and budget
8 requests of all departments, institutions, and agencies of the executive
9 branch of state government. The office of state planning and budgeting
10 shall develop a financial plan encompassing all sources of revenue and
11 expenditure. It shall propose this plan for the budget, consisting of
12 operating expenditures, capital construction expenditures, estimated
13 revenues, and special surveys, BUT THE PLAN FOR CAPITAL CONSTRUCTION
14 EXPENDITURES MUST CONSIDER RECOMMENDATIONS MADE BY THE OFFICE
15 OF THE STATE ARCHITECT. Budget requests shall include a description of
16 one or more measurable annual objectives in the areas of operational
17 efficiency and effectiveness for each department, institution, and agency.
18 Proposed expenditures in the budget shall not exceed estimated moneys
19 available.

20 (c.3) (I) Ensure submission to the capital development committee
21 of:

22 (D) All state-funded controlled maintenance budget requests by
23 each state agency or state institution of higher education as recommended
24 by the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT pursuant
25 to section 24-30-1303 (1) (k.5) and (1) (t) (II) for the upcoming fiscal
26 year no later than December 1 of each year; and

27 **SECTION 20.** In Colorado Revised Statutes, 24-82-101, **amend**

1 (3) (c), (3) (d), and (3) (e) as follows:

2 **24-82-101. Control of legislative space in the capitol, the**
3 **legislative services building, and the state office building at 1525**
4 **Sherman street - responsibility of department of personnel for**
5 **supervision of maintenance in capitol buildings group - exception -**
6 **capitol complex master plan.** (3) (c) Notwithstanding any law to the
7 contrary, all real estate-related capital requests by executive branch
8 departments or the legislative branch for the capitol complex shall be
9 evaluated by THE OFFICE OF THE STATE ARCHITECT, the office of state
10 planning and budgeting, and the capital development committee against
11 the capitol complex master plan developed pursuant to paragraph (a) of
12 this subsection (3).

13 (d) The capitol complex master plan shall be kept and maintained
14 by the office of the state architect.

15 (e) (I) The capitol complex master plan may be modified by the
16 ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT on an as-needed
17 basis, subject to approval by the office of state planning and budgeting
18 and the capital development committee.

19 (II) At a minimum, an updated capitol complex master plan must
20 be completed by the ~~department of personnel~~ OFFICE OF THE STATE
21 ARCHITECT every ten years. Prior to completion of the updated master
22 plan, the ~~department of personnel~~ OFFICE OF THE STATE ARCHITECT shall
23 seek approval from the office of state planning and budgeting and the
24 capital development committee of all amendments to the master plan.

25 **SECTION 21.** In Colorado Revised Statutes, **repeal 27-90-106**
26 as follows:

27 **27-90-106. Legislative review of facilities program plans for**

1 juvenile facilities. (1) Prior to any appropriation by the general assembly
2 for the construction of a new, expanded, renovated, or improved juvenile
3 facility, and no later than November 1 prior to the beginning of the budget
4 year for which the appropriation is made, the department shall submit a
5 proposed facility program plan for each proposed new, expanded,
6 renovated, or improved juvenile facility to the capital development
7 committee. The capital development committee shall make a
8 recommendation regarding the facility program plan to the joint budget
9 committee. The general assembly may contract with a consultant to
10 provide assistance to the capital development committee and the joint
11 budget committee in the review of facilities program plans submitted by
12 the department:

13 (2) For the purposes of this section, "facility program plan" means
14 a pre-architectural design program, as that term is understood in the
15 architectural profession. A facility program plan shall include but need
16 not be limited to the number of beds proposed to be included in the new
17 juvenile facility or the addition to an existing juvenile facility, the primary
18 security level of the proposed facility or addition, the staffing plan of the
19 proposed facility or addition, and a description of any educational or
20 ancillary support facilities required for the proposed facility or addition:

21 **SECTION 22.** In Colorado Revised Statutes, 36-1-118.5, amend
22 (2) (a) (I) and (2) (a) (II) as follows:

23 **36-1-118.5. Lease-purchase agreements for commercial real**
24 **property - legislative declaration - definition - repeal.**

25 (2) (a) Notwithstanding the provisions of section 24-82-801, C.R.S., the
26 state board of land commissioners may instruct the state treasurer to enter
27 into lease-purchase agreements on behalf of the state school lands for the

1 acquisition, construction, renovation, and improvement of commercial
2 real property that the board will then offer as lease space for state
3 agencies or other tenants only if:

4 (I) The state board of land commissioners has reviewed the leased
5 space needs for state agencies with the ~~department of personnel~~ OFFICE OF
6 THE STATE ARCHITECT;

7 (II) The state board of land commissioners has evaluated the
8 project with the assistance of the ~~department of personnel~~ OFFICE OF THE
9 STATE ARCHITECT and the office of state planning and budgeting against
10 the capitol complex master plan if the project is related to capitol complex
11 leased space needs;

12 **SECTION 23. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.