

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0834.01 Esther van Mourik x4215

HOUSE BILL 12-1318

HOUSE SPONSORSHIP

Brown, Sonnenberg, Vigil

SENATE SPONSORSHIP

Schwartz, Bacon, Renfroe

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

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

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>.)

Capital Development Committee. The bill requires the state architect to develop, subject to annual review and approval by the capital development committee, guidelines in order to establish when a state-owned, general-funded building or other physical facility is eligible

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.

for controlled maintenance funding. The guidelines shall address the timing of such eligibility with respect to the acquisition of, construction of, addition to, renovation of, or corrective repair of a state-owned, general-funded building or other physical facility.

The bill requires the guidelines developed by the state architect to 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.

The bill also requires the guidelines to be posted on the web site of the office of the state architect.

The bill allows the state architect to use moneys in a newly created emergency controlled maintenance account for emergency controlled maintenance funding when the need for such funding is communicated in writing to the state architect by a state agency or state institution of higher education. The state architect must annually provide a status report to the capital development committee that shows spending for emergency controlled maintenance projects from that account.

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

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

4 **24-30-1303.9. Eligibility for state controlled maintenance**
5 **funding - legislative declaration.** (1) THE OFFICE OF THE STATE
6 ARCHITECT SHALL DEVELOP GUIDELINES IN ORDER TO ESTABLISH WHEN A
7 STATE-OWNED, GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY
8 IS ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING. THE GUIDELINES
9 SHALL ADDRESS THE TIMING OF SUCH ELIGIBILITY WITH RESPECT TO THE
10 DATES ON WHICH ACQUISITION, CONSTRUCTION, ADDITIONS,
11 RENOVATIONS, OR CORRECTIVE REPAIRS OF A STATE-OWNED,
12 GENERAL-FUNDED BUILDING OR OTHER PHYSICAL FACILITY OCCURRED.

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

15 (3) THE GUIDELINES SHALL PROVIDE FOR A WAIVER OF ELIGIBILITY

1 REQUIREMENTS THAT A STATE AGENCY OR STATE INSTITUTION OF HIGHER
2 EDUCATION MAY REQUEST IN WRITING. IF THE STATE ARCHITECT
3 DETERMINES THAT SPECIAL CONSIDERATION IS APPROPRIATE, HE OR SHE
4 SHALL SEEK APPROVAL FROM THE CAPITAL DEVELOPMENT COMMITTEE.

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

7 (5) NOTWITHSTANDING THE ELIGIBILITY REQUIREMENTS SPECIFIED
8 IN THIS SECTION, IF A NEED ARISES FOR EMERGENCY CONTROLLED
9 MAINTENANCE FUNDING, THE STATE AGENCY OR STATE INSTITUTION OF
10 HIGHER EDUCATION SHALL COMMUNICATE SUCH NEED TO THE STATE
11 ARCHITECT IN WRITING, AND THE STATE ARCHITECT, IN HIS OR HER
12 DISCRETION, MAY USE MONEYS IN THE EMERGENCY CONTROLLED
13 MAINTENANCE ACCOUNT CREATED IN SECTION 24-75-302 (3.2) TO FUND
14 SUCH EMERGENCY CONTROLLED MAINTENANCE NEED. THE STATE
15 ARCHITECT SHALL ANNUALLY PROVIDE AN EMERGENCY CONTROLLED
16 MAINTENANCE FUNDING STATUS REPORT TO THE CAPITAL DEVELOPMENT
17 COMMITTEE THAT SHOWS SPENDING FOR EMERGENCY CONTROLLED
18 MAINTENANCE PROJECTS FROM THE EMERGENCY CONTROLLED
19 MAINTENANCE ACCOUNT.

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

22 **24-75-302. Capital construction fund - capital assessment fees**
23 **- calculation.** (3.2) THERE IS HEREBY CREATED A SPECIAL ACCOUNT
24 WITHIN THE CAPITAL CONSTRUCTION FUND ESTABLISHED PURSUANT TO
25 SUBSECTION (1) OF THIS SECTION TO BE KNOWN AS THE EMERGENCY
26 CONTROLLED MAINTENANCE ACCOUNT. THE ACCOUNT SHALL CONSIST OF
27 ANY MONEYS APPROPRIATED TO THE ACCOUNT BY THE GENERAL

1 ASSEMBLY. THE MONEYS IN THE ACCOUNT SHALL BE SUBJECT TO ANNUAL
2 APPROPRIATION AND SHALL BE USED ONLY TO FUND ANY UNPLANNED AND
3 IMMEDIATE CONTROLLED MAINTENANCE NEEDS PURSUANT TO SECTION
4 24-30-1303.9 (5). ALL MONEYS UNEXPENDED OR UNENCUMBERED IN ANY
5 FISCAL YEAR SHALL REMAIN IN THE ACCOUNT.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.