

Sen. Schwartz Fiscal Analyst: Kori Donaldson (303-866-4976)

TITLE: CONCERNING THE DEVELOPMENT OF GUIDELINES REGARDING THE

ELIGIBILITY OF CONTROLLED MAINTENANCE FUNDING FOR STATE

FACILITIES.

Summary of Legislation

Recommended by the Capital Development Committee (CDC), this bill codifies existing practice regarding determining eligibility for state controlled maintenance funding, expenditures for emergency controlled maintenance, and the reporting of such expenditures. The bill requires the Office of the State Architect (OSA), within the Department of Personnel and Administration, to develop guidelines to determine the timing of eligibility for state controlled maintenance funding. The bill requires that these guidelines be annually reviewed and approved by the CDC. The bill also codifies the process through which a state department or public higher education institution can request a waiver of these eligibility requirements. The bill creates the Emergency Controlled Maintenance Account within the Capital Construction Fund, and allows the OSA to use the fund for emergency controlled maintenance. The OSA must annually provide a status report to the CDC showing spending for emergency controlled maintenance projects from that account. The bill takes effect August 8, 2012, if the General Assembly adjourns on May 9, 2012, as scheduled, and no referendum petition is filed.

Background

The OSA annually prioritizes a list of controlled maintenance projects to recommend to the General Assembly for funding based on existing guidelines established to determine the timing of eligibility for state controlled maintenance funding. The existing guidelines were developed with input from the CDC and the Governor's Office of State Planning and Budgeting. In general, state-owned buildings that are maintained with General Fund dollars are eligible for controlled maintenance funding after 15 years has elapsed from the date of purchase or substantial completion. State higher education academic facilities approved by the CDC on or after January 1, 2010, are also eligible for controlled maintenance funding after 15 years has elapsed from the date of purchase or substantial completion, even if they are not maintained with General Fund dollars.

Emergency controlled maintenance. Under current law, the OSA has the flexibility to administer funds appropriated for emergency controlled maintenance. The OSA reports annually to the CDC on the status of projects funded through emergency expenditures during the past three fiscal years.

Page 2 **HB12-1318** March 9, 2012

Assessment

This bill is assessed as having no fiscal impact. It codifies existing practice regarding how eligibility for state controlled maintenance funding is determined, the expenditure of funds by the OSA for emergency controlled maintenance projects, and the reporting of such expenditures to the CDC.

Departments Contacted

Corrections Higher Education Personnel and Administration