

1                   **SECTION 3. Capital construction appropriation.** (1) (a)

2                   (I) The sums in this section, or so much thereof as may be necessary for  
3                   the purposes specified, are hereby appropriated out of any funds accrued  
4                   or accruing to the capital construction fund not otherwise appropriated  
5                   and out of the cash funds and federal funds specified for construction  
6                   projects at the respective institutions and agencies enumerated in this  
7                   section. Except as otherwise provided in subparagraph (II) of this  
8                   paragraph (a) or in particular line items of appropriation, the  
9                   appropriations made in this section shall become available upon passage  
10                  and approval of this act and, if any appropriated project is initiated within  
11                  the fiscal year, the appropriation therefor shall remain available until  
12                  completion of the project or for a period of three years, whichever comes  
13                  first, at which time unexpended and unencumbered balances shall revert  
14                  to the funds from which they were appropriated.

15                  (II) An appropriation for a lease-purchase payment is for the 2013-  
16                  14 fiscal year only.

17                  (b) For purposes of section 20 of article X of the state constitution  
18                  and pursuant to section 24-75-302 (1) (b), Colorado Revised Statutes, the  
19                  unrestricted year-end balance of the capital construction fund for the  
20                  1991-92 fiscal year shall constitute a reserve. Consequently, any moneys

1 credited to the capital construction fund constitute a reserve increase and  
2 therefore constitute state fiscal year spending, as defined in section  
3 24-77-102 (17) (a), Colorado Revised Statutes, and any moneys  
4 transferred or expended from the capital construction fund constitutes a  
5 reserve transfer or expenditure which is excluded from state fiscal year  
6 spending, as defined in section 24-77-102 (17) (b), Colorado Revised  
7 Statutes.

8 (c) Moneys appropriated in this section from the capital  
9 construction fund include:

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

13 (II) Six hundred thousand dollars (\$600,000) in interest earnings  
14 for the 2012-13 fiscal year in the capital construction fund pursuant to  
15 section 24-75-302 (1), Colorado Revised Statutes, which sum does not  
16 constitute state fiscal year spending as defined in section 24-77-102 (17)  
17 (a), Colorado Revised Statutes.

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

1           (2) Except as otherwise specifically noted, appropriations from  
2 state funds shall be reduced by the amount of any funds received from  
3 federal, local, private, or other state sources and not appropriated in this  
4 act. This restriction shall not apply to any funds received by a state  
5 agency or institution of higher education or the Council on the Arts from  
6 any state or nonstate source for use in the Art in Public Places program.

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

10           (4) A construction project for which the lowest bid is in excess of  
11 the appropriation shall be redesigned to conform to the appropriation and  
12 may be commenced if approved under the procedures set forth in this  
13 subsection (4). The agency shall submit the redesigned project to the  
14 state buildings division of the department of personnel or, for higher  
15 education projects, to the Colorado commission on higher education,  
16 which shall assure that the redesigned project meets the program needs  
17 of the agency and the necessary quality of the building. The state  
18 buildings division and the Colorado commission on higher education  
19 shall report all such analyses to the joint budget committee and to the  
20 capital development committee on a regular basis. If the redesigned

1 project is approved by the state buildings division or the Colorado  
2 commission on higher education, the project may commence. If the  
3 redesigned project is not approved, it shall not be commenced until  
4 further action is taken by the general assembly to reauthorize the project.

5 (5) Expenditures of funds appropriated for capital construction  
6 shall be in accord with section 17-24-111, Colorado Revised Statutes,  
7 which requires institutions, agencies, and departments to purchase such  
8 goods and services as are produced by the division of correctional  
9 industries from said division.

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

11 (a) "Physical planning" includes all fees for survey and site  
12 investigation and architectural and engineering services, but no contract  
13 for architectural/engineering services shall commit the state to physical  
14 planning expenses greater than those which are provided in the  
15 appropriation. No funds appropriated for any other purpose shall be  
16 expended for physical planning.

17 (b) "Program plan" or "program planning" relates to a specific  
18 project or facility and shall include, but is not limited to, an inventory of  
19 amounts and types of space currently available; an analysis of amounts,  
20 types, and relative locations of space required for current programs as

1       determined by use of accepted state space standards; an analysis of  
2       projected programs and space required; and, if a change in facilities is  
3       justified based on analysis, recommendations for demolition, remodeling,  
4       or construction, including a detailed budget which relates to a realistic  
5       timetable for implementation.