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2001



SENATE BILL 01-209

BY SENATOR(S) Windels, Phillips, McElhany, Dyer (Durango), Hernandez, and Pascoe;
also REPRESENTATIVE(S) Miller, Larson, Lawrence, Coleman, Groff, Hoppe, Mace, Rippy, and Sanchez.

CONCERNING THE FUNDING OF CAPITAL CONSTRUCTION PROJECTS AT
STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

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

SECTION 1. 23-1-106 (5) and (9), Colorado Revised Statutes, are amended, and the said 23-1-106 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (5) (a) The commission shall approve plans for any capital construction project at any institution, including a community college, regardless of the source of funds; except that the commission need not approve plans for any capital construction project at a local district college or area vocational school OR FOR ANY CAPITAL CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (9) OR (10) OF THIS SECTION THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS.

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

(b) The commission may except from the requirements for program and physical planning any project ~~which will~~ THAT SHALL require less than five hundred thousand dollars of state moneys.

(9) (a) ~~Prior to approving~~ THE COMMISSION SHALL REVIEW AND APPROVE any plan for a capital construction project THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES EXCEEDING TWO HUNDRED FIFTY THOUSAND DOLLARS AND THAT IS to be constructed, operated, and maintained solely from student fees, auxiliary facility funds, wholly endowed gifts and bequests, research building revolving funds, or a combination of such sources, as provided in sections 23-5-102, 23-5-103, 23-5-112, 23-20-124, 23-31-129, and 23-41-117 and section 24-75-303 (3), C.R.S. ANY SUCH PLAN FOR A CAPITAL CONSTRUCTION PROJECT THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS SHALL NOT BE SUBJECT TO REVIEW OR APPROVAL BY THE COMMISSION.

(b) UPON APPROVAL OF A PLAN FOR A CAPITAL CONSTRUCTION PROJECT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), the commission shall ~~request and consider recommendations from~~ SUBMIT SUCH PLAN TO the capital development committee. ~~and~~ THE CAPITAL DEVELOPMENT COMMITTEE SHALL MAKE A RECOMMENDATION REGARDING THE PROJECT TO the joint budget committee. FOLLOWING RECEIPT OF THE RECOMMENDATION, THE JOINT BUDGET COMMITTEE SHALL REFER ITS RECOMMENDATIONS REGARDING THE PROJECT, WITH WRITTEN COMMENTS, TO THE COMMISSION.

(c) The commission, the capital development committee, and the joint budget committee shall by agreement adopt procedures governing the capital development committee and joint budget committee review of projects subject to this subsection (9), which agreement shall provide that, whenever possible, the capital development committee SHALL SUBMIT RECOMMENDATIONS TO THE JOINT BUDGET COMMITTEE and THE joint budget committee ~~will~~ SHALL submit ~~their~~ recommendations to the commission within thirty days after each committee receives the information prescribed in the agreement as necessary for its review.

(10) THE COMMISSION SHALL REVIEW AND APPROVE ANY PLAN FOR A CAPITAL CONSTRUCTION PROJECT THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES EXCEEDING TWO HUNDRED FIFTY THOUSAND DOLLARS AND

THAT IS TO BE CONSTRUCTED SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION OTHER THAN THOSE FUNDS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION AND OPERATED AND MAINTAINED FROM SUCH CASH FUNDS OR FROM STATE MONEYS APPROPRIATED FOR SUCH PURPOSE, OR BOTH. ANY PLAN FOR ANY SUCH CAPITAL CONSTRUCTION PROJECT THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS SHALL NOT BE SUBJECT TO REVIEW OR APPROVAL BY THE COMMISSION.

(11) EACH INSTITUTION SHALL SUBMIT TO THE COMMISSION ON OR BEFORE SEPTEMBER 1 OF EACH YEAR A LIST AND DESCRIPTION OF EACH PROJECT FOR WHICH AN EXPENDITURE WAS MADE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR THAT WAS NOT SUBJECT TO REVIEW BY THE COMMISSION PURSUANT TO SUBSECTIONS (9) AND (10) OF THIS SECTION. THE COMMISSION SHALL SUBMIT A COMPILATION OF SUCH PROJECTS TO THE CAPITAL DEVELOPMENT COMMITTEE ON OR BEFORE DECEMBER 1 OF EACH YEAR.

SECTION 2. 24-75-303 (3), Colorado Revised Statutes, is amended to read:

24-75-303. Appropriation for capital construction. (3) (a) No capital construction project for a state-supported institution of higher education ~~which~~ THAT is estimated to require total expenditures exceeding ~~two hundred fifty~~ FIVE HUNDRED thousand dollars may be commenced unless:

~~(a)~~ (I) THE PROJECT IS TO BE CONSTRUCTED SOLELY FROM CASH FUNDS HELD BY THE INSTITUTION OTHER THAN THOSE FUNDS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), IS TO BE OPERATED AND MAINTAINED FROM SUCH CASH FUNDS OR FROM STATE MONEYS APPROPRIATED FOR SUCH PURPOSE, OR BOTH, AND IS AUTHORIZED BY LEGISLATIVE APPROPRIATION; OR

~~(b)~~ (II) The project is to be constructed, operated, and maintained solely from student fees, auxiliary enterprise funds, wholly endowed gifts and bequests, research building revolving funds, or a combination of such sources, and the plan has been approved by the Colorado commission on higher education in accordance with section 23-1-106 (9), C.R.S.

(b) THIS SUBSECTION (3) SHALL NOT APPLY TO ANY CAPITAL

CONSTRUCTION PROJECT OF A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION THAT REQUIRES AN APPROPRIATION OF STATE MONEYS FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 (1).

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO