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An Act

SENATE BILL 23-306

BY SENATOR(S) Moreno and Simpson, Bridges, Ginal, Gonzales, Hansen, Kirkmeyer, Liston, Lundeen, Priola, Fenberg;
also REPRESENTATIVE(S) Valdez and Lindsay, Amabile, Bird, Boesenecker, Brown, English, Epps, Jodeh, Joseph, Kipp, Lieder, Lynch, McCormick, Sharbini, Sirota, Snyder, Vigil, Woodrow, McCluskie.

CONCERNING STATE CAPITAL ASSETS, AND, IN CONNECTION THEREWITH, DETERMINING OFFICE SPACE FOR THE LEGISLATIVE DEPARTMENT IN THE CAPITOL COMPLEX, SPECIFYING ADDITIONAL SOURCES OF FUNDING AND MODIFYING THE TIMING OF THE FUNDING FOR CERTAIN CAPITAL CONSTRUCTION PROJECTS FOR STATE-OWNED BUILDINGS, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 2-2-321, **amend** (1)(a), (1)(b), and (2)(a) as follows:

2-2-321. Designation and assignment of space in capitol buildings group and on the grounds thereof. (1) (a) The general assembly, by joint resolution, shall designate and assign such space in the capitol building (except for space on the first floor, which shall be

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

designated and assigned by the executive department for the use of elected officials) and on the grounds surrounding the capitol which is necessary for the use of the legislative department, including, but not limited to, parking space on the grounds and streets surrounding the capitol building, all areas of the subbasement of the capitol building, and access to all tunnels providing access to the subbasements of the capitol building, the legislative services building, and the state office building at 1525 Sherman street, AND THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET.

(b) Notwithstanding any law, rule, or provision of any tenant handbook for the capitol complex facilities to the contrary, the executive committee of the legislative council created in section 2-3-301 (1) may grant any member or employee of the general assembly access to any or all of the tunnels providing access to the subbasements of the capitol building, the legislative services building, and the state office building at 1525 Sherman street, AND THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET, unless, after consultation with the department of personnel and the Colorado state patrol, the executive committee determines that denial of access is necessary to address immediate concerns about building security and occupant protection.

(2) (a) In addition, the general assembly shall designate and assign such space in the legislative services building at Fourteenth avenue and Sherman street, including, but not limited to, all areas of the subbasement of the legislative services building, and on no more than two floors of the state office building at 1525 Sherman street after the attorney general and the staff of the attorney general vacate said state office building, AND IN THE AREAS OF THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET THAT ARE DETERMINED TO BE LEGISLATIVE SPACE PURSUANT TO SECTION 24-82-101 (4)(a), and may provide for the furnishing and equipping thereof as may be necessary for the use of the legislative department.

SECTION 2. In Colorado Revised Statutes, 2-3-507, **amend** (1) as follows:

2-3-507. Office space in or near capitol - office hours - appropriations. (1) The office shall be provided with suitable office space in the state capitol COMPLEX THAT IS WITHIN ONE-QUARTER MILE OF THE CAPITOL BUILDING, so situated as to be convenient for the members of the general assembly. Throughout the year, the office shall be kept open during

the hours prevailing in other LEGISLATIVE STAFF offices in OR NEAR the state capitol, and at such other times in order to efficiently serve the general assembly.

SECTION 3. In Colorado Revised Statutes, 24-30-1310, **amend** (2) as follows:

24-30-1310. Funding for capital construction, controlled maintenance, or capital renewal - definitions. (2) Except for the 2020-21 annual general appropriation act, for every appropriation in the capital construction section of the 2015-16 annual general appropriation act and every appropriation in the capital construction section of each annual general appropriation act thereafter, not including appropriations for information technology projects, additional funding must be set aside as follows:

(a) (I) If the funding source for the appropriation is from a cash fund, the state agency shall annually calculate an amount equal to the recorded depreciation of the capital asset or capital assets acquired, repaired, improved, replaced, renovated, or constructed with the appropriation based on the depreciation period, the general assembly shall include an annual depreciation-lease equivalent payment line item payable from the cash fund in the operating section of the annual general appropriation act for the state agency, and, except as otherwise provided in subsection (2)(a)(II) of this section, on June 30 the state controller shall credit such amount from the cash fund that was the source of the funding for the appropriation to a capital reserve account established by the state agency in such cash fund as specified in section 24-75-403 (2).

(II) (A) On September 1, 2022, the state treasurer shall transfer any amounts credited on June 30, 2022, to state agency capital reserve accounts pursuant to subsection (2)(a)(I) of this section to the capitol complex renovation fund created in section 24-30-1313.

(B) On June 30, 2023, ~~and on each June 30 thereafter through June 30, 2029~~, the state controller shall credit the amount calculated pursuant to subsection (2)(a)(I) of this section from the cash fund that was the source of the funding for the appropriation to the capitol complex renovation fund created in section 24-30-1313.

(C) ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, THE STATE CONTROLLER SHALL CREDIT THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION FROM THE CASH FUND THAT WAS THE SOURCE OF THE FUNDING FOR THE APPROPRIATION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313.

(b)(I) If the funding source for the appropriation is from the general fund, the capital construction fund, THE REVENUE LOSS RESTORATION CASH FUND, or the controlled maintenance trust fund, the general assembly shall include an annual depreciation-lease equivalent payment line item payable from the general fund in the operating section of the annual general appropriation act for each state agency, including the department of higher education. Except as otherwise provided in subsection (2)(b)(II) of this section, on June 30 the state controller shall credit the annual depreciation-lease equivalent payment line item to the capital construction fund; except that, of such payment, an amount equal to one percent of the project cost will be deducted from the payment and credited to the principal of the controlled maintenance trust fund.

(II)(A) On September 1, 2022, the state treasurer shall transfer any amounts credited on June 30, 2022, to the capital construction fund and the controlled maintenance trust fund pursuant to subsection (2)(b)(I) of this section to the capitol complex renovation fund created in section 24-30-1313.

(B) On June 30, 2023, ~~and on each June 30 thereafter through June 30, 2029~~, the state controller shall credit the annual depreciation-lease equivalent payment calculated pursuant to subsection (2)(b)(I) of this section to the capitol complex renovation fund created in section 24-30-1313.

(C) ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, THE STATE CONTROLLER SHALL CREDIT THE ANNUAL DEPRECIATION-LEASE EQUIVALENT PAYMENT CALCULATED PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313.

(c) If the funding source for the appropriation is a financing arrangement, including a financed purchase of an asset or certificate of

participation agreement allowed pursuant to section 24-82-802, and the source of the funding for the financing payment is:

(I) (A) From a cash fund, then the state agency shall annually calculate an amount equal to one percent of the project cost and the general assembly shall include an annual controlled maintenance line item payable from the cash fund in the operating section of the annual general appropriation act for each state agency equal to such amount. Except as otherwise provided in subsection (2)(c)(I)(B) of this section, on June 30 the state controller shall credit such amount to a capital reserve account established by the state agency in the cash fund as specified in section 24-75-403 (2).

(B) On September 1, 2022, the state treasurer shall transfer any amounts credited on June 30, 2022, to state agency capital reserve accounts pursuant to subsection (2)(c)(I)(A) of this section to the capitol complex renovation fund created in section 24-30-1313. On June 30, 2023, ~~and on each June 30 thereafter through June 30, 2029~~ ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, the state controller shall credit the amount calculated pursuant to subsection (2)(c)(I)(A) of this section to the capitol complex renovation fund created in section 24-30-1313;

(II) (A) From the general fund, the capital construction fund, or the controlled maintenance trust fund, then the general assembly shall include an annual controlled maintenance line item payable from the general fund in the operating section of the annual general appropriation act for each state agency, including the department of higher education, equal to one percent of the project cost, as calculated by the state agency or the state institution of higher education, which calculation the state institution of higher education shall report to the department of higher education. Except as otherwise provided in subsection (2)(c)(II)(B) of this section, on June 30 the state controller shall credit such amount to the controlled maintenance trust fund.

(B) On September 1, 2022, the state treasurer shall transfer any amounts credited on June 30, 2022, to the controlled maintenance trust fund pursuant to subsection (2)(c)(II)(B) of this section to the capitol complex renovation fund created in section 24-30-1313. On June 30, 2023, ~~and on each June 30 thereafter through June 30, 2029~~ ON JULY 1, 2023, AND ON

EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, the state controller shall credit the amount calculated pursuant to subsection (2)(c)(II)(A) of this section to the capitol complex renovation fund created in section 24-30-1313;

(d) If the funding source for the appropriation is a combination of the funding sources described in subsections (2)(a), (2)(b), and (2)(c) of this section, then the annual set aside must be made in proportion to the funding source.

SECTION 4. In Colorado Revised Statutes, 24-30-1313, **amend** (1) and (4)(b) as follows:

24-30-1313. Capitol complex renovation fund - created - repeal.

(1) The capitol complex renovation fund, referred to in this section as the "fund", is created in the state treasury. The fund consists of money credited to the fund pursuant to section 24-30-1310 (2), money transferred to the fund pursuant to ~~section 24-75-307 (4)~~ SECTIONS 24-75-307 (2.5) AND (4), and any other money that the general assembly may appropriate or transfer to the fund.

(4) (b) Of the total amount of money appropriated to the ~~fund~~ DEPARTMENT OF PERSONNEL pursuant to this section, up to twenty-three million dollars shall be available for the general assembly to use for improvement projects in legislative spaces in the capitol complex, INCLUDING THE RENOVATION OF THE SPACE IN THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET THAT IS DESIGNATED AS LEGISLATIVE SPACE PURSUANT TO SECTION 24-82-101 (4)(a), subject to approval of the executive committee of the legislative council.

SECTION 5. In Colorado Revised Statutes, 24-75-307, **add** (2.5) as follows:

24-75-307. Capitol complex master plan implementation fund - creation - transfers for fund. (2.5) ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, THE STATE TREASURER SHALL TRANSFER ANY AMOUNT TRANSFERRED TO THE CAPITOL COMPLEX MASTER PLAN IMPLEMENTATION FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION FROM THE CAPITOL COMPLEX MASTER PLAN IMPLEMENTATION FUND TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION

24-30-1313.

SECTION 6. In Colorado Revised Statutes, 24-82-101, **amend** (1); and **add** (4) as follows:

24-82-101. Control of legislative space in the capitol, the legislative services building, and the state office building at 1525 Sherman street - responsibility of department of personnel for supervision of maintenance in capitol buildings group - exception - capitol complex master plan. (1) In accordance with the provisions of section 2-2-321 concerning space for the legislative department, subject to appropriations made by the general assembly and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building, the legislative department, acting through the executive committee of the legislative council:

(a) Shall have control of legislative spaces in the capitol; the legislative services building; the state office building at 1525 Sherman street, ~~two floors of~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(b) OF THIS SECTION; the capitol building annex at 1375 Sherman street, SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION; and the grounds adjacent to the capitol within the area bounded on the north by east Colfax avenue, on the west by Lincoln street, on the south by Fourteenth avenue, and on the east by Grant street, as shown on the official maps of the city and county of Denver, the state-owned grounds adjacent to the legislative services building at Fourteenth avenue and Sherman street, and the tunnels connecting the subbasements of the capitol, the legislative services building, and the state office building at 1525 Sherman street, together with all furniture, fixtures, furnishings, and equipment and all exhibits placed in and about said buildings; and

(b) Shall be responsible for the supervision of the provision of maintenance for legislative spaces in the capitol, the legislative services building, the state office building at 1525 Sherman street ~~two floors of~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(b) OF THIS SECTION, the capitol building annex at 1375 Sherman street SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION, and the grounds and tunnels specified in subsection (1)(a) of this section if the executive committee of the legislative council adopts a resolution assuming such responsibility. The executive committee shall deliver a copy of any resolution it adopts

pursuant to this subsection (1)(b) to the executive director of the department of personnel.

(4) (a) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE DIVISION OF CAPITAL ASSETS IN THE DEPARTMENT OF PERSONNEL OR THE DIRECTOR'S DESIGNEE, THE SECRETARY OF THE SENATE OR THE SECRETARY'S DESIGNEE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES OR THE CHIEF CLERK'S DESIGNEE, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES OR THE DIRECTOR'S DESIGNEE, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OR THE DIRECTOR'S DESIGNEE, AND THE STATE AUDITOR OR THE AUDITOR'S DESIGNEE SHALL, AFTER CONSULTATION AND DISCUSSION, DETERMINE WHICH AREAS IN THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET ARE LEGISLATIVE SPACE. THE PARTIES SHALL, SUBJECT TO THE APPROVAL OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL AND THE GOVERNOR, DETERMINE THE LEGISLATIVE SPACE IN THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN PRIOR TO THE START OF THE FIRST REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY. THE GENERAL ASSEMBLY MAY ENACT LEGISLATION DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY TO CODIFY WHICH AREAS IN THE CAPITOL BUILDING ANNEX ARE DESIGNATED AS LEGISLATIVE SPACE.

(b) WITHIN ONE YEAR AFTER THE DATE THAT THE DIVISION OF CAPITOL ASSETS IN THE DEPARTMENT OF PERSONNEL DETERMINES, WITH THE AGREEMENT OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, THAT THE WORK TO CONVERT THE SPACE, AS DETERMINED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, IN THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET TO LEGISLATIVE SPACE IS COMPLETE, THE LEGISLATIVE SPACE AT THE STATE OFFICE BUILDING AT 1525 SHERMAN STREET SHALL CEASE TO BE LEGISLATIVE SPACE AND SHALL BECOME EXECUTIVE SPACE.

SECTION 7. Capital construction appropriation. For the 2023-24 state fiscal year, \$20,479,729 is appropriated to the department of personnel. This appropriation is from the capitol complex renovation fund created in section 24-30-1313 (1), C.R.S. To implement this act, the department may use this appropriation for capital construction related to capitol complex renovation projects pursuant to section 24-30-1313 (5), C.R.S.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO