

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0472.01 Nicole Myers x4326

SENATE BILL 23-306

SENATE SPONSORSHIP

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Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
May 7, 2023

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
May 6, 2023

SENATE
Amended 3rd Reading
May 5, 2023

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://leg.colorado.gov>.)

SENATE
Amended 2nd Reading
May 4, 2023

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Current law requires the office of legislative legal services to have suitable office space in the state capitol building. The bill modifies this requirement by allowing the office space for the office of legislative legal services to be in the state capitol complex and within one-quarter mile of the state capitol building.

For every appropriation from the general fund, the capital construction fund, or the controlled maintenance trust fund in the capital construction section of the annual general appropriation act, the general assembly is currently required to provide funding for annual depreciation-lease equivalent payments. The bill requires the general assembly to also provide funding for annual depreciation-lease equivalent payments for appropriations from the revenue loss restoration cash fund in the capital construction section of the annual general appropriation act. In addition, for the 2023-24 fiscal year through the 2028-29 fiscal year, the bill requires the state controller to transfer the money for the annual depreciation-lease equivalent payments for the applicable fiscal year on July 1 rather than on June 30.

Current law allows the state treasurer, upon the request of the capital development committee, to make a transfer from the general fund to the capitol complex master plan implementation fund in an amount equal to \$20 million less the amount transferred to the national western center trust fund. On July 1, 2023, and each July 1 thereafter through July 1, 2028, the bill requires the state treasurer to transfer the amount transferred to the capitol complex master plan implementation fund to the capitol complex renovation fund.

Current law specifies that the legislative department has control of and is responsible for supervising the maintenance of legislative spaces in certain buildings in the capitol complex and the grounds adjacent to the capitol building. These legislative spaces currently include 2 floors of the capitol building annex at 1375 Sherman street. The bill repeals the specific designation of 2 floors in the capitol building annex as legislative space and requires the executive committee of the legislative council, the director of the division of capital assets, the secretary of the senate, the chief clerk of the house of representatives, the director of the office of legislative legal services, the director of research of the legislative council, and the state auditor to determine, prior to the beginning of the 2025 legislative session, which areas in the capitol building annex are legislative space.

In addition, the bill requires the general assembly to vacate the legislative space at the state office building at 1525 Sherman street within one year after the completion of the renovation of the capitol building annex at 1375 Sherman street and specifies that thereafter, such space in the office building at 1525 Sherman street will be executive space.

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

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

4 **2-2-321. Designation and assignment of space in capitol**
5 **buildings group and on the grounds thereof. (1) (a) The general**
6 **assembly, by joint resolution, shall designate and assign such space in the**
7 **capitol building (except for space on the first floor, which shall be**
8 **designated and assigned by the executive department for the use of**
9 **elected officials) and on the grounds surrounding the capitol which is**
10 **necessary for the use of the legislative department, including, but not**
11 **limited to, parking space on the grounds and streets surrounding the**
12 **capitol building, all areas of the subbasement of the capitol building, and**
13 **access to all tunnels providing access to the subbasements of the capitol**
14 **building, the legislative services building, and the state office building at**
15 **1525 Sherman street, AND THE CAPITOL BUILDING ANNEX AT 1375**
16 **SHERMAN STREET.**

17 **(b) Notwithstanding any law, rule, or provision of any tenant**
18 **handbook for the capitol complex facilities to the contrary, the executive**
19 **committee of the legislative council created in section 2-3-301 (1) may**
20 **grant any member or employee of the general assembly access to any or**
21 **all of the tunnels providing access to the subbasements of the capitol**
22 **building, the legislative services building, and the state office building at**
23 **1525 Sherman street, AND THE CAPITOL BUILDING ANNEX AT 1375**
24 **SHERMAN STREET, unless, after consultation with the department of**
25 **personnel and the Colorado state patrol, the executive committee**
26 **determines that denial of access is necessary to address immediate**

1 concerns about building security and occupant protection.

2 (2) (a) In addition, the general assembly shall designate and assign
3 such space in the legislative services building at Fourteenth avenue and
4 Sherman street, including, but not limited to, all areas of the subbasement
5 of the legislative services building, and on no more than two floors of the
6 state office building at 1525 Sherman street after the attorney general and
7 the staff of the attorney general vacate said state office building, AND IN
8 THE AREAS OF THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET
9 THAT ARE DETERMINED TO BE LEGISLATIVE SPACE PURSUANT TO SECTION
10 24-82-101 (4)(a), and may provide for the furnishing and equipping
11 thereof as may be necessary for the use of the legislative department.

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

14 **2-3-507. Office space in or near capitol - office hours -**
15 **appropriations.** (1) The office shall be provided with suitable office
16 space in the state capitol COMPLEX THAT IS WITHIN ONE-QUARTER MILE OF
17 THE CAPITOL BUILDING, so situated as to be convenient for the members
18 of the general assembly. Throughout the year, the office shall be kept
19 open during the hours prevailing in other LEGISLATIVE STAFF offices in OR
20 NEAR the state capitol, and at such other times in order to efficiently serve
21 the general assembly.

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

24 **24-30-1310. Funding for capital construction, controlled**
25 **maintenance, or capital renewal - definitions.** (2) Except for the
26 2020-21 annual general appropriation act, for every appropriation in the
27 capital construction section of the 2015-16 annual general appropriation

1 act and every appropriation in the capital construction section of each
2 annual general appropriation act thereafter, not including appropriations
3 for information technology projects, additional funding must be set aside
4 as follows:

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

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

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

26 (C) ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH
27 JULY 1, 2028, THE STATE CONTROLLER SHALL CREDIT THE AMOUNT

1 CALCULATED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION FROM
2 THE CASH FUND THAT WAS THE SOURCE OF THE FUNDING FOR THE
3 APPROPRIATION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED
4 IN SECTION 24-30-1313.

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

17 (II) (A) On September 1, 2022, the state treasurer shall transfer
18 any amounts credited on June 30, 2022, to the capital construction fund
19 and the controlled maintenance trust fund pursuant to subsection (2)(b)(I)
20 of this section to the capitol complex renovation fund created in section
21 24-30-1313.

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

27 (C) ON JULY 1, 2023, AND ON EACH JULY 1 THEREAFTER THROUGH

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

5 (c) If the funding source for the appropriation is a financing
6 arrangement, including a financed purchase of an asset or certificate of
7 participation agreement allowed pursuant to section 24-82-802, and the
8 source of the funding for the financing payment is:

9 (I) (A) From a cash fund, then the state agency shall annually
10 calculate an amount equal to one percent of the project cost and the
11 general assembly shall include an annual controlled maintenance line item
12 payable from the cash fund in the operating section of the annual general
13 appropriation act for each state agency equal to such amount. Except as
14 otherwise provided in subsection (2)(c)(I)(B) of this section, on June 30
15 the state controller shall credit such amount to a capital reserve account
16 established by the state agency in the cash fund as specified in section
17 24-75-403 (2).

18 (B) On September 1, 2022, the state treasurer shall transfer any
19 amounts credited on June 30, 2022, to state agency capital reserve
20 accounts pursuant to subsection (2)(c)(I)(A) of this section to the capitol
21 complex renovation fund created in section 24-30-1313. On June 30,
22 2023, ~~and on each June 30 thereafter through June 30, 2029~~ ON JULY 1,
23 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, the state
24 controller shall credit the amount calculated pursuant to subsection
25 (2)(c)(I)(A) of this section to the capitol complex renovation fund created
26 in section 24-30-1313;

27 (II) (A) From the general fund, the capital construction fund, or

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

11 (B) On September 1, 2022, the state treasurer shall transfer any
12 amounts credited on June 30, 2022, to the controlled maintenance trust
13 fund pursuant to subsection (2)(c)(II)(B) of this section to the capitol
14 complex renovation fund created in section 24-30-1313. On June 30,
15 2023, ~~and on each June 30 thereafter through June 30, 2029~~ ON JULY 1,
16 2023, AND ON EACH JULY 1 THEREAFTER THROUGH JULY 1, 2028, the state
17 controller shall credit the amount calculated pursuant to subsection
18 (2)(c)(II)(A) of this section to the capitol complex renovation fund
19 created in section 24-30-1313;

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

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

26 **24-30-1313. Capitol complex renovation fund - created -**
27 **repeal.** (1) The capitol complex renovation fund, referred to in this

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

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

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

16 **24-75-307. Capitol complex master plan implementation fund**
17 **- creation - transfers for fund.** (2.5) ON JULY 1, 2023, AND ON EACH
18 JULY 1 THEREAFTER THROUGH JULY 1, 2028, THE STATE TREASURER
19 SHALL TRANSFER ANY AMOUNT TRANSFERRED TO THE CAPITOL COMPLEX
20 MASTER PLAN IMPLEMENTATION FUND PURSUANT TO SUBSECTION (2) OF
21 THIS SECTION FROM THE CAPITOL COMPLEX MASTER PLAN
22 IMPLEMENTATION FUND TO THE CAPITOL COMPLEX RENOVATION FUND
23 CREATED IN SECTION 24-30-1313.

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

26 **24-82-101. Control of legislative space in the capitol, the**
27 **legislative services building, and the state office building at 1525**

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

9 (a) Shall have control of legislative spaces in the capitol; the
10 legislative services building; the state office building at 1525 Sherman
11 street, ~~two floors of~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(b) OF
12 THIS SECTION; the capitol building annex at 1375 Sherman street, SUBJECT
13 TO THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION; and the
14 grounds adjacent to the capitol within the area bounded on the north by
15 east Colfax avenue, on the west by Lincoln street, on the south by
16 Fourteenth avenue, and on the east by Grant street, as shown on the
17 official maps of the city and county of Denver, the state-owned grounds
18 adjacent to the legislative services building at Fourteenth avenue and
19 Sherman street, and the tunnels connecting the subbasements of the
20 capitol, the legislative services building, and the state office building at
21 1525 Sherman street, together with all furniture, fixtures, furnishings, and
22 equipment and all exhibits placed in and about said buildings; and

23 (b) Shall be responsible for the supervision of the provision of
24 maintenance for legislative spaces in the capitol, the legislative services
25 building, the state office building at 1525 Sherman street ~~two floors of~~
26 SUBJECT TO THE PROVISIONS OF SUBSECTION (4)(b) OF THIS SECTION, the
27 capitol building annex at 1375 Sherman street SUBJECT TO THE

1 PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION, and the grounds and
2 tunnels specified in subsection (1)(a) of this section if the executive
3 committee of the legislative council adopts a resolution assuming such
4 responsibility. The executive committee shall deliver a copy of any
5 resolution it adopts pursuant to this subsection (1)(b) to the executive
6 director of the department of personnel.

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

25 (b) WITHIN ONE YEAR AFTER THE DATE THAT THE DIVISION OF
26 CAPITOL ASSETS IN THE DEPARTMENT OF PERSONNEL DETERMINES, WITH
27 THE AGREEMENT OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE

1 COUNCIL, THAT THE WORK TO CONVERT THE SPACE, AS DETERMINED
2 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, IN THE CAPITOL
3 BUILDING ANNEX AT 1375 SHERMAN STREET TO LEGISLATIVE SPACE IS
4 COMPLETE, THE LEGISLATIVE SPACE AT THE STATE OFFICE BUILDING AT
5 1525 SHERMAN STREET SHALL CEASE TO BE LEGISLATIVE SPACE AND
6 SHALL BECOME EXECUTIVE SPACE.

7 **SECTION 7. Capital construction appropriation.** For the
8 2023-24 state fiscal year, \$20,479,729 is appropriated to the department
9 of personnel. This appropriation is from the capitol complex renovation
10 fund created in section 24-30-1313 (1), C.R.S. To implement this act, the
11 department may use this appropriation for capital construction related to
12 capitol complex renovation projects pursuant to section 24-30-1313 (5),
13 C.R.S.

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