

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1009.02 Esther van Mourik x4215

HOUSE BILL 18-1371

HOUSE SPONSORSHIP

Esgar and Becker J., Hansen

SENATE SPONSORSHIP

Kefalas and Baumgardner, Sonnenberg

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CAPITAL CONSTRUCTION BUDGET ITEMS, AND, IN
102 CONNECTION THEREWITH, CODIFYING THE THREE-YEAR PERIOD
103 THAT CAPITAL CONSTRUCTION BUDGET ITEMS REMAIN
104 AVAILABLE AND CLARIFYING THE DEADLINES FOR THE
105 SUBMISSION OF CAPITAL CONSTRUCTION BUDGET REQUESTS,
106 BUDGET REQUEST AMENDMENTS, AND BUDGET REQUEST
107 AMENDMENTS THAT ARE RELATED TO A REQUEST FOR A
108 SUPPLEMENTAL APPROPRIATION.

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

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

[http://leg.colorado.gov/.](http://leg.colorado.gov/))

Capital Development Committee. The bill:

- ! Codifies the 3-year period that capital construction appropriations remain available; and
- ! Clarifies the deadlines for the submission of capital construction budget requests, budget request amendments, and budget request amendments that are related to a request for a supplemental appropriation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-303, **add** (5)
3 as follows:

4 **24-75-303. Appropriation for capital construction.**

5 (5)(a) EXCEPT FOR AN APPROPRIATION FOR A LEASE-PURCHASE PAYMENT,
6 EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, AND UNLESS
7 OTHERWISE NOTED IN A FOOTNOTE IN AN APPROPRIATION ACT, AN
8 APPROPRIATION FOR A CAPITAL CONSTRUCTION BUDGET ITEM OR AN
9 INFORMATION TECHNOLOGY CAPITAL PROJECT, INCLUDING CAPITAL
10 CONSTRUCTION, CONTROLLED MAINTENANCE, OR CAPITAL RENEWAL
11 PROJECTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-30-1301,
12 INCLUDED IN:

13 (I) THE ANNUAL GENERAL APPROPRIATION ACT IS AVAILABLE FOR
14 EXPENDITURE UPON ENACTMENT OF THE ACT AND REMAINS AVAILABLE
15 FOR EXPENDITURE OR ENCUMBRANCE FOR THREE FULL FISCAL YEARS
16 COMMENCING WITH THE FISCAL YEAR FOR WHICH THE ANNUAL GENERAL
17 APPROPRIATION ACT IS ENACTED, OR UNTIL THE PROJECT IS COMPLETED,
18 WHICHEVER IS FIRST; AND

19 (II) A SUPPLEMENTAL APPROPRIATION ACT AUTHORIZED OR
20 REQUIRED BY SECTION 2-3-208, 24-37-304, 24-75-111 (5), OR 24-75-111.5

1 (5) IS AVAILABLE FOR EXPENDITURE UPON ENACTMENT OF THE
2 SUPPLEMENTAL APPROPRIATION ACT AND REMAINS AVAILABLE FOR
3 EXPENDITURE OR ENCUMBRANCE FOR THREE FULL FISCAL YEARS
4 COMMENCING WITH THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL
5 APPROPRIATION ACT WAS ENACTED, OR UNTIL THE PROJECT IS COMPLETED,
6 WHICHEVER IS FIRST; EXCEPT THAT EXPENDITURES AND NONMONETARY
7 ADJUSTMENTS ALLOWED UNDER SECTION 24-75-111 OR 24-75-111.5 ARE
8 AVAILABLE FOR EXPENDITURE AS SPECIFIED IN SUCH SECTIONS.

9 (b) IF A PORTION OF AN APPROPRIATION FOR A CAPITAL
10 CONSTRUCTION BUDGET ITEM OR AN INFORMATION TECHNOLOGY CAPITAL
11 PROJECT, INCLUDING CAPITAL CONSTRUCTION, CONTROLLED
12 MAINTENANCE, OR CAPITAL RENEWAL PROJECTS, IS NOT EXPENDED IN THE
13 FIRST FISCAL YEAR, THEN THE APPROPRIATION DOES NOT REMAIN
14 AVAILABLE FOR EXPENDITURE OR ENCUMBRANCE AS DESCRIBED IN
15 SUBSECTION (5)(a) OF THIS SECTION.

16 (c) ANY UNEXPENDED OR UNENCUMBERED MONEY REMAINING
17 AFTER THE PERIODS SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION
18 REVERTS TO THE FUND FROM WHICH IT WAS APPROPRIATED.

19 **SECTION 2.** In Colorado Revised Statutes, 2-3-208, **add** (5) as
20 follows:

21 **2-3-208. Budget requests - amendments - supplemental**
22 **appropriation requests - deadlines - definitions.** (5) A STATE AGENCY
23 OR THE OFFICE OF STATE PLANNING AND BUDGETING ACTING ON BEHALF
24 OF A STATE AGENCY SHALL MEET THE DEADLINES AND REQUIREMENTS SET
25 FORTH IN SECTION 24-37-304 (1)(c.3) AND (1)(c.5) FOR A CAPITAL
26 CONSTRUCTION, CAPITAL RENEWAL, CONTROLLED MAINTENANCE, OR
27 INFORMATION TECHNOLOGY BUDGET REQUEST OR BUDGET REQUEST

1 AMENDMENT, INCLUDING A BUDGET REQUEST AMENDMENT THAT IS
2 RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION, PRIOR TO
3 THE SUBMISSION OF ANY SUCH BUDGET REQUEST TO THE JOINT BUDGET
4 COMMITTEE PURSUANT TO THIS SECTION.

5 **SECTION 3.** In Colorado Revised Statutes, 24-37-304, **amend**
6 (1)(c.3)(I)(E), (1)(c.3)(II), and (1)(c.3)(IV) as follows:

7 **24-37-304. Additional budgeting responsibilities.** (1) In
8 addition to the responsibilities enumerated in section 24-37-302, the
9 office of state planning and budgeting shall:

10 (c.3) (I) Ensure submission to the capital development committee
11 of:

12 (E) All ~~requests for supplemental appropriations for capital~~
13 ~~construction, capital renewal, and controlled maintenance requests~~
14 BUDGET REQUEST AMENDMENTS AND BUDGET REQUEST AMENDMENTS
15 THAT ARE RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION
16 for the current or previous fiscal year by each state agency or state
17 institution of higher education no later than December 10 of each year.

18 (II) All new ~~or amended~~ capital construction, capital renewal, or
19 controlled maintenance budget requests, AND ALL CAPITAL
20 CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED MAINTENANCE
21 BUDGET REQUEST AMENDMENTS OR BUDGET REQUEST AMENDMENTS THAT
22 ARE RELATED TO A REQUEST FOR SUPPLEMENTAL APPROPRIATIONS,
23 submitted by a state agency or state institution of higher education for the
24 upcoming fiscal year after the deadlines specified in ~~sub-subparagraphs~~
25 ~~(A), (B), (C), or (D) of subparagraph (I) of this paragraph (c.3)~~
26 SUBSECTION (1)(c.3)(I)(A) TO (1)(c.3)(I)(D) OF THIS SECTION as a result
27 of circumstances unknown to, and not reasonably foreseeable by, the state

1 agency or the state institution of higher education must be submitted no
2 later than December 10 of each year.

3 (IV) In the event of an emergency, the office may submit a capital
4 construction, capital renewal, or controlled maintenance budget request,
5 BUDGET REQUEST AMENDMENT, OR BUDGET REQUEST AMENDMENT THAT
6 IS RELATED TO A REQUEST FOR A SUPPLEMENTAL APPROPRIATION for a
7 state agency or state institution of higher education after the deadlines
8 specified in ~~subparagraphs (I) and (II) of this paragraph (c.3)~~ SUBSECTION
9 (1)(c.3)(I) AND (1)(c.3)(II) OF THIS SECTION if the office, as soon as
10 possible but no later than thirty days after determining the emergency,
11 makes a presentation to the capital development committee explaining the
12 nature of the emergency and the estimated time for submission of such
13 budget request, BUDGET REQUEST AMENDMENT, OR BUDGET REQUEST
14 AMENDMENT THAT IS RELATED TO A REQUEST FOR A SUPPLEMENTAL
15 APPROPRIATION.

16 **SECTION 4. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 8, 2018, if adjournment sine die is on May 9,
20 2018); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2018 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to capital construction, capital renewal, or
2 controlled maintenance budget requests and appropriations made and
3 enacted on or after the effective date of this act.