

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0984.01 Nicole Myers x4326

SENATE BILL 22-239

SENATE SPONSORSHIP

Moreno and Simpson,

HOUSE SPONSORSHIP

Esgar and McKean,

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING BUILDINGS IN THE CAPITOL COMPLEX, AND, IN
102 CONNECTION THEREWITH, FUNDING CERTAIN CAPITAL
103 CONSTRUCTION PROJECTS FOR STATE-OWNED BUILDINGS.

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>.)

Current law states that for every appropriation in the capital construction section of the annual general appropriation act, the general assembly is required to provide funding for annual depreciation-lease equivalent payments. Currently, the annual depreciation-lease equivalent payments are credited to the fund that was the source of the original

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.

capital construction appropriation. For the 2021-22 fiscal year through the 2028-29 fiscal year, **section 1** of the bill requires the annual depreciation-lease equivalent payments to be credited to the capitol complex renovation fund. **Section 1** also requires each state agency that terminates a lease for private space to calculate the annual reduction in its costs for leased space. For specified fiscal years, the general assembly is required to transfer an amount equal to each state agency's annual reduction in lease costs to the capital construction fund.

Section 2 creates the capitol complex renovation fund (fund) and specifies that the money in the fund is appropriated to the department of personnel for certain capital construction needs for existing state-owned buildings in the capitol complex. **Section 2** also requires money in the fund to be set aside for use by the legislative department for improvements to legislative spaces in the capitol complex. In addition, **section 2** requires the department of personnel to submit a quarterly report to the capital development committee regarding the status of the capitol complex renovations funded with money in the fund.

Section 3 requires that any unexpended and unencumbered money appropriated to a department in a specific line item for utilities in a fiscal year remains available for expenditure in the next fiscal year without further appropriation for the department to purchase utilities conservation equipment or services.

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. **Section 4** includes 2 floors of the capitol building annex at 1375 Sherman street in the spaces over which the general assembly has control and is responsible for the supervision of maintenance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-1310, **amend**
3 (2); and **add** (3) as follows:

4 **24-30-1310. Funding for capital construction, controlled**
5 **maintenance, or capital renewal - definitions.** (2) Except for the
6 2020-21 annual general appropriation act, for every appropriation in the
7 capital construction section of the 2015-16 annual general appropriation
8 act and every appropriation in the capital construction section of each
9 annual general appropriation act thereafter, not including appropriations

1 for information technology projects, additional funding must be set aside
2 as follows:

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

16 (II) ON JUNE 30, 2022, AND ON EACH JUNE 30 THEREAFTER
17 THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL CREDIT THE
18 AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS
19 SECTION FROM THE CASH FUND THAT WAS THE SOURCE OF THE FUNDING
20 FOR THE APPROPRIATION TO THE CAPITOL COMPLEX RENOVATION FUND
21 CREATED IN SECTION 24-30-1313.

22 (b) (I) If the funding source for the appropriation is from the
23 general fund, the capital construction fund, or the controlled maintenance
24 trust fund, the general assembly shall include an annual depreciation-lease
25 equivalent payment line item payable from the general fund in the
26 operating section of the annual general appropriation act for each state
27 agency, including the department of higher education. EXCEPT AS

1 OTHERWISE PROVIDED IN SUBSECTION (2)(b)(II) OF THIS SECTION, on June
2 30 the state controller shall credit the annual depreciation-lease equivalent
3 payment line item to the capital construction fund; except that, of such
4 payment, an amount equal to one percent of the project cost will be
5 deducted from the payment and credited to the principal of the controlled
6 maintenance trust fund.

7 (II) ON JUNE 30, 2022, AND ON EACH JUNE 30 THEREAFTER
8 THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL CREDIT THE
9 ANNUAL DEPRECIATION-LEASE EQUIVALENT PAYMENT CALCULATED
10 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION TO THE CAPITOL
11 COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313;

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

16 (I) (A) From a cash fund, then the state agency shall annually
17 calculate an amount equal to one percent of the project cost and the
18 general assembly shall include an annual controlled maintenance line item
19 payable from the cash fund in the operating section of the annual general
20 appropriation act for each state agency equal to such amount. EXCEPT AS
21 OTHERWISE PROVIDED IN SUBSECTION (2)(c)(I)(B) OF THIS SECTION, on
22 June 30 the state controller shall credit such amount to a capital reserve
23 account established by the state agency in the cash fund as specified in
24 section 24-75-403 (2).

25 (B) ON JUNE 30, 2022, AND ON EACH JUNE 30 THEREAFTER
26 THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL CREDIT THE
27 AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(c)(I)(A) OF THIS

1 SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN
2 SECTION 24-30-1313;

3 (II) (A) From the general fund, the capital construction fund, or
4 the controlled maintenance trust fund, then the general assembly shall
5 include an annual controlled maintenance line item payable from the
6 general fund in the operating section of the annual general appropriation
7 act for each state agency, including the department of higher education,
8 equal to one percent of the project cost, as calculated by the state agency
9 or the state institution of higher education, which calculation the state
10 institution of higher education shall report to the department of higher
11 education. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c)(II)(B)
12 OF THIS SECTION, on June 30 the state controller shall credit such amount
13 to the controlled maintenance trust fund.

14 (B) ON JUNE 30, 2022, AND ON EACH JUNE 30 THEREAFTER
15 THROUGH JUNE 30, 2029, THE STATE CONTROLLER SHALL CREDIT THE
16 AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(c)(II)(A) OF THIS
17 SECTION TO THE CAPITOL COMPLEX RENOVATION FUND CREATED IN
18 SECTION 24-30-1313;

19 (d) If the funding source for the appropriation is a combination of
20 the funding sources described in ~~paragraphs (a), (b), and (c) of this~~
21 ~~subsection (2)~~ SUBSECTIONS (2)(a), (2)(b), AND (2)(c) OF THIS SECTION,
22 then the annual set aside must be made in proportion to the funding
23 source.

24 (3) EACH STATE AGENCY THAT TERMINATES A LEASE FOR PRIVATE
25 SPACE ON OR AFTER JULY 1, 2023, SHALL CALCULATE THE ANNUAL
26 REDUCTION IN ITS COSTS FOR LEASED SPACE. BEGINNING IN THE 2023-24
27 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER TO THE CAPITAL

1 CONSTRUCTION FUND AN AMOUNT EQUAL TO EACH STATE AGENCY'S
2 ANNUAL REDUCTION IN LEASE COSTS. SUCH AMOUNT SHALL BE FROM THE
3 FUND THAT WAS THE SOURCE OF THE FUNDING FOR THE LEASE. THE
4 ANNUAL TRANSFER REQUIRED IN THIS SUBSECTION (3) SHALL CONTINUE IN
5 EACH FISCAL YEAR UNTIL THE STATE TREASURER DETERMINES THAT THE
6 AMOUNT TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT
7 TO THIS SUBSECTION (3) EQUALS THE AMOUNT TRANSFERRED TO THE
8 CAPITOL COMPLEX RENOVATION FUND CREATED IN SECTION 24-30-1313.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 24-30-1313 and
10 24-30-1314 as follows:

11 **24-30-1313. Capitol complex renovation fund - created -**
12 **repeal.** (1) THE CAPITOL COMPLEX RENOVATION FUND, REFERRED TO IN
13 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
14 FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION
15 24-30-1310 (2), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY
16 MAY APPROPRIATE OR TRANSFER TO THE FUND.

17 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 FUND TO THE FUND.

20 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
21 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND.

22 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF
23 THIS SECTION, MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO THE
24 DEPARTMENT OF PERSONNEL FOR CAPITAL CONSTRUCTION NEEDS FOR
25 EXISTING STATE-OWNED BUILDINGS IN THE CAPITOL COMPLEX AS
26 SPECIFIED IN SUBSECTION (5) OF THIS SECTION. ANY UNEXPENDED AND
27 UNENCUMBERED MONEY FROM AN APPROPRIATION MADE FROM THE FUND

1 REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT FOR THE
2 PURPOSES SPECIFIED IN SUBSECTION (5) OF THIS SECTION FOR THE NEXT
3 TWO FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

4 (b) OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE FUND
5 PURSUANT TO THIS SECTION, UP TO TWENTY-THREE MILLION DOLLARS
6 SHALL BE AVAILABLE FOR THE GENERAL ASSEMBLY TO USE FOR
7 IMPROVEMENT PROJECTS IN LEGISLATIVE SPACES IN THE CAPITOL
8 COMPLEX, SUBJECT TO APPROVAL OF THE EXECUTIVE COMMITTEE OF THE
9 LEGISLATIVE COUNCIL.

10 (5) (a) THE MONEY IN THE FUND SHALL BE USED TO FUND CERTAIN
11 CAPITAL CONSTRUCTION NEEDS FOR EXISTING STATE-OWNED BUILDINGS
12 IN THE CAPITOL COMPLEX, INCLUDING:

13 (I) RENOVATIONS TO THE CAPITOL BUILDING ANNEX AT 1375
14 SHERMAN STREET, THE CENTENNIAL BUILDING AT 1313 SHERMAN STREET,
15 AND THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

16 (II) INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS AT
17 THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

18 (III) LEED CERTIFICATION FOR THE CAPITOL BUILDING ANNEX AT
19 1375 SHERMAN STREET, THE CENTENNIAL BUILDING AT 1313 SHERMAN
20 STREET, AND THE STATE-OWNED BUILDING AT 1570 GRANT STREET;

21 (IV) SECURITY IMPROVEMENTS TO THE CAPITOL COMPLEX,
22 INCLUDING SECURITY ELEMENTS IN THE GOVERNOR'S OFFICE AND THE
23 CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET AND WEDGE
24 BARRIERS AT THE CAPITOL BUILDING PARKING CIRCLE ENTRANCE
25 LOCATIONS; AND

26 (V) IMPROVEMENT PROJECTS TO THE LEGISLATIVE SPACES IN THE
27 CAPITOL BUILDING AT THE DISCRETION OF THE GENERAL ASSEMBLY.

1 (b) ANY PROJECT PURSUANT TO SUBSECTION (5)(a)(IV) OR
2 (5)(a)(V) OF THIS SECTION THAT WILL OCCUR WITHIN THE PUBLIC AND
3 CEREMONIAL AREAS OF THE STATE CAPITOL BUILDING OR THE
4 SURROUNDING GROUNDS OF THE STATE CAPITOL BUILDING IS SUBJECT TO
5 REVIEW BY THE CAPITOL BUILDING ADVISORY COMMITTEE PURSUANT TO
6 SECTION 24-82-108 AND APPROVAL BY THE CAPITAL DEVELOPMENT
7 COMMITTEE CREATED IN SECTION 2-3-1302.

8 (6) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
9 AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2030, TO THE
10 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

11 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

12 **24-30-1314. Capitol complex renovation - report - repeal.**

13 (1) BEGINNING JULY 1, 2024, THE DEPARTMENT OF PERSONNEL SHALL
14 REPORT QUARTERLY TO THE CAPITAL DEVELOPMENT COMMITTEE
15 REGARDING THE STATUS OF THE CAPITOL COMPLEX RENOVATIONS FUNDED
16 WITH MONEY FROM THE CAPITOL COMPLEX RENOVATION FUND CREATED
17 IN SECTION 24-30-1313. AT A MINIMUM, THE REPORT SHALL INCLUDE:

18 (a) A LIST OF PRIVATE OFFICE SPACES THAT STATE AGENCIES ARE
19 LEASING AT THE TIME OF THE REPORT, THE REMAINING DURATION OF EACH
20 LEASE, AND THE ESTIMATED COSTS OF TERMINATING EACH LEASE EARLY;

21 (b) THE ANNUAL REDUCTION IN EACH STATE AGENCY'S COSTS FOR
22 LEASED PRIVATE OFFICE SPACE, AS CALCULATED PURSUANT TO SECTION
23 24-30-1310 (3); AND

24 (c) A PROJECT UPDATE FOR EACH BUILDING RENOVATION PROJECT
25 IN THE CAPITOL COMPLEX THAT IS FUNDED WITH MONEY FROM THE
26 CAPITOL COMPLEX RENOVATION FUND.

27 (2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136

1 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN
2 SUBSECTION (1) OF THIS SECTION CONTINUES INDEFINITELY.

3 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 24-75-114 as
5 follows:

6 **24-75-114. Appropriations for utilities - roll-forward spending**
7 **authority - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES, "UTILITIES" HAS THE SAME MEANING AS
9 SET FORTH IN SECTION 24-75-112 (1)(q).

10 (2) SUBJECT TO FISCAL RULES PROMULGATED BY THE STATE
11 CONTROLLER, ANY UNEXPENDED AND UNENCUMBERED MONEY
12 APPROPRIATED TO A DEPARTMENT IN A SPECIFIC LINE ITEM FOR UTILITIES
13 IN A FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2021, REMAINS
14 AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT
15 FURTHER APPROPRIATION FOR THE DEPARTMENT TO PURCHASE UTILITIES
16 CONSERVATION EQUIPMENT OR SERVICES. AT THE END OF THE NEXT
17 FISCAL YEAR, MONEY THAT IS UNEXPENDED OR UNENCUMBERED REVERTS
18 TO THE FUND FROM WHICH IT WAS APPROPRIATED.

19 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A LINE
20 ITEM FROM WHICH UTILITY EXPENSES ARE PAID BUT THAT IS NOT
21 SPECIFICALLY IDENTIFIED AS "UTILITIES".

22 **SECTION 4.** In Colorado Revised Statutes, 24-82-101, **amend**
23 (1) as follows:

24 **24-82-101. Control of legislative space in the capitol, the**
25 **legislative services building, and the state office building at 1525**
26 **Sherman street - responsibility of department of personnel for**
27 **supervision of maintenance in capitol buildings group - exception -**

1 **capitol complex master plan.** (1) In accordance with the provisions of
2 section 2-2-321 ~~C.R.S.~~, concerning space for the legislative department,
3 subject to appropriations made by the general assembly and subject to the
4 provisions of section 24-82-108, concerning preservation of the state
5 capitol building, the legislative department, acting through the executive
6 committee of the legislative council:

7 (a) Shall have control of legislative spaces in the capitol, the
8 legislative services building, ~~and~~ the state office building at 1525
9 Sherman street, TWO FLOORS OF THE CAPITOL BUILDING ANNEX AT 1375
10 SHERMAN STREET, and the grounds adjacent to the capitol within the area
11 bounded on the north by east Colfax avenue, on the west by Lincoln
12 street, on the south by Fourteenth avenue, and on the east by Grant street,
13 as shown on the official maps of the city and county of Denver, the
14 state-owned grounds adjacent to the legislative services building at
15 Fourteenth avenue and Sherman street, and the tunnels connecting the
16 subbasements of the capitol, the legislative services building, and the state
17 office building at 1525 Sherman street, together with all furniture,
18 fixtures, furnishings, and equipment and all exhibits placed in and about
19 said buildings; and

20 (b) Shall be responsible for the supervision of the provision of
21 maintenance for legislative spaces in the capitol, the legislative services
22 building, ~~and~~ the state office building at 1525 Sherman street, TWO
23 FLOORS OF THE CAPITOL BUILDING ANNEX AT 1375 SHERMAN STREET, and
24 the grounds and tunnels specified in ~~paragraph (a) of this subsection (1)~~
25 SUBSECTION (1)(a) OF THIS SECTION if the executive committee of the
26 legislative council adopts a resolution assuming such responsibility. The
27 executive committee shall deliver a copy of any resolution it adopts

1 pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b) to the executive director
2 of the department of personnel.

3 **SECTION 5. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly; except
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V
7 of the state constitution against this act or an item, section, or part of this
8 act within such period, then the act, item, section, or part will not take
9 effect unless approved by the people at the general election to be held in
10 November 2022 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.