

1 **SECTION 3. Capital construction appropriation.** (1) (a)

2 (I) The sums in this section, or so much thereof as may be necessary for
3 the purposes specified, are hereby appropriated out of any funds accrued
4 or accruing to the capital construction fund not otherwise appropriated
5 and out of the cash funds and federal funds specified for construction
6 projects at the respective institutions and agencies enumerated in this
7 section. Except as otherwise provided in subparagraph (II) of this
8 paragraph (a) or in particular line items of appropriation, the
9 appropriations made in this section shall become available upon passage
10 and approval of this act and, if any appropriated project is initiated within
11 the fiscal year, the appropriation therefor shall remain available until
12 completion of the project or for a period of three years, whichever comes
13 first, at which time unexpended and unencumbered balances shall revert
14 to the funds from which they were appropriated.

15 (II) An appropriation for a lease-purchase payment is for the 2016-
16 17 fiscal year only.

17 (b) For purposes of section 20 of article X of the state constitution
18 and pursuant to section 24-75-302 (1) (b), Colorado Revised Statutes, the
19 unrestricted year-end balance of the capital construction fund for the
20 1991-92 fiscal year shall constitute a reserve. Consequently, any money

1 credited to the capital construction fund constitutes a reserve increase and
2 therefore constitutes state fiscal year spending, as defined in section
3 24-77-102 (17) (a), Colorado Revised Statutes, and any money transferred
4 or expended from the capital construction fund constitutes a reserve
5 transfer or expenditure which is excluded from state fiscal year spending,
6 as defined in section 24-77-102 (17) (b), Colorado Revised Statutes.

7 (c) Money appropriated in this section from the capital
8 construction fund includes:

9 (I) Sums transferred pursuant to section 24-75-302, Colorado
10 Revised Statutes, which sums constitute state fiscal year spending as
11 defined in section 24-77-102 (17) (a), Colorado Revised Statutes;

12 (II) Three million dollars (\$3,000,000) in interest earnings in the
13 2015-16 fiscal year in the capital construction fund pursuant to section
14 24-75-302 (1), Colorado Revised Statutes, which sum does not constitute
15 state fiscal year spending as defined in section 24-77-102 (17) (a),
16 Colorado Revised Statutes.

17 (d) Money appropriated in this section from cash funds shall
18 constitute state fiscal year spending as defined in section 24-77-102 (17)
19 (a), Colorado Revised Statutes.

20 (2) Except as otherwise specifically noted, appropriations from

1 state funds shall be reduced by the amount of any funds received from
2 federal, local, private, or other state sources and not appropriated in this
3 act. This restriction shall not apply to any funds received by a state
4 agency or institution of higher education or the council on the arts from
5 any state or nonstate source for use in the art in public places program.

6 (3) Operating and maintenance costs shall be a major
7 consideration in the design and construction of any project involving
8 renovation.

9 (4) A construction project for which the lowest bid is in excess of
10 the appropriation shall be redesigned to conform to the appropriation and
11 may be commenced if approved under the procedures set forth in this
12 subsection (4). The agency shall submit the redesigned project to the
13 state buildings division of the department of personnel or, for higher
14 education projects, to the Colorado commission on higher education,
15 which shall assure that the redesigned project meets the program needs
16 of the agency and the necessary quality of the building. The state
17 buildings division and the Colorado commission on higher education
18 shall report all such analyses to the joint budget committee and to the
19 capital development committee on a regular basis. If the redesigned
20 project is approved by the state buildings division or the Colorado

1 commission on higher education, the project may commence. If the
2 redesigned project is not approved, it shall not be commenced until
3 further action is taken by the general assembly to reauthorize the project.

4 (5) Expenditures of funds appropriated for capital construction
5 shall be in accord with section 17-24-111, Colorado Revised Statutes,
6 which requires institutions, agencies, and departments to purchase such
7 goods and services as are produced by the division of correctional
8 industries from said division.

9 (6) **Definitions.** As used in this section:

10 (a) "Physical planning" includes all fees for survey and site
11 investigation and architectural and engineering services, but no contract
12 for architectural/engineering services shall commit the state to physical
13 planning expenses greater than those which are provided in the
14 appropriation. No funds appropriated for any other purpose shall be
15 expended for physical planning.

16 (b) "Program plan" or "program planning" relates to a specific
17 project or facility and shall include, but is not limited to, an inventory of
18 amounts and types of space currently available; an analysis of amounts,
19 types, and relative locations of space required for current programs as
20 determined by use of accepted state space standards; an analysis of

1 projected programs and space required; and, if a change in facilities is
2 justified based on analysis, recommendations for demolition, remodeling,
3 or construction, including a detailed budget which relates to a realistic
4 timetable for implementation.