

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, pursuant to
9 section 24-75-303 (5)(a)(I), Colorado Revised Statutes, the appropriations
10 made in this section shall become available upon passage and approval
11 of this act and, if any appropriated project is initiated within the fiscal
12 year, the appropriation therefor shall remain available until completion of
13 the project or for a period of three years, whichever comes first, at which
14 time unexpended and unencumbered balances shall revert to the funds
15 from which they were appropriated.

16 (II) (A) An appropriation for a lease-purchase payment is for the
17 2023-24 fiscal year only.

18 (B) Any money appropriated from the revenue loss restoration
19 cash fund is subject to the limitations set forth in section 24-75-226.

20 (b) For purposes of section 20 of article X of the state constitution

1 and pursuant to section 24-75-302 (1)(b), Colorado Revised Statutes, the
2 unrestricted year-end balance of the capital construction fund for the
3 1991-92 fiscal year shall constitute a reserve. Consequently, any money
4 credited to the capital construction fund constitutes a reserve increase and
5 therefore constitutes state fiscal year spending, as defined in section
6 24-77-102 (17)(a), Colorado Revised Statutes, and any money transferred
7 or expended from the capital construction fund constitutes a reserve
8 transfer or expenditure which is excluded from state fiscal year spending,
9 as defined in section 24-77-102 (17)(b), Colorado Revised Statutes.

10 (c) Money appropriated in this section from the capital
11 construction fund includes:

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

15 (II) Two million dollars (\$2,000,000) in interest earnings in the
16 2022-23 fiscal year in the capital construction fund pursuant to section
17 24-75-302 (1), Colorado Revised Statutes, which sum does not constitute
18 state fiscal year spending as defined in section 24-77-102 (17)(a),
19 Colorado Revised Statutes.

20 (d) Money appropriated in this section from cash funds shall

1 constitute state fiscal year spending as defined in section 24-77-102 (17)
2 (a), Colorado Revised Statutes; except that money appropriated in this
3 section from the revenue loss restoration cash fund shall not constitute
4 state fiscal year spending as defined in section 24-77-102 (17)(a),
5 Colorado Revised Statutes.

6 (2) Except as otherwise specifically noted, appropriations from
7 state funds shall be reduced by the amount of any funds received from
8 federal, local, private, or other state sources and not appropriated in this
9 act. This restriction shall not apply to any funds received by a state
10 agency or institution of higher education or the council on the arts from
11 any state or nonstate source for use in the art in public places program.

12 (3) Operating and maintenance costs shall be a major
13 consideration in the design and construction of any project involving
14 renovation.

15 (4) A construction project for which the lowest bid is in excess of
16 the appropriation shall be redesigned to conform to the appropriation and
17 may be commenced if approved under the procedures set forth in this
18 subsection (4). The agency shall submit the redesigned project to the state
19 buildings division of the department of personnel or, for higher education
20 projects, to the Colorado commission on higher education, which shall

1 assure that the redesigned project meets the program needs of the agency
2 and the necessary quality of the building. The state buildings division and
3 the Colorado commission on higher education shall report all such
4 analyses to the joint budget committee and to the capital development
5 committee on a regular basis. If the redesigned project is approved by the
6 state buildings division or the Colorado commission on higher education,
7 the project may commence. If the redesigned project is not approved, it
8 shall not be commenced until further action is taken by the general
9 assembly to reauthorize the project.

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

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

16 (a) "Physical planning" includes all fees for survey and site
17 investigation and architectural and engineering services, but no contract
18 for architectural/engineering services shall commit the state to physical
19 planning expenses greater than those which are provided in the
20 appropriation. No funds appropriated for any other purpose shall be

1 expended for physical planning.

2 (b) "Program plan" or "program planning" relates to a specific
3 project or facility and shall include, but is not limited to, an inventory of
4 amounts and types of space currently available; an analysis of amounts,
5 types, and relative locations of space required for current programs as
6 determined by use of accepted state space standards; an analysis of
7 projected programs and space required; and, if a change in facilities is
8 justified based on analysis, recommendations for demolition, remodeling,
9 or construction, including a detailed budget which relates to a realistic
10 timetable for implementation.