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HOUSE BILL 25-1313

BY REPRESENTATIVE(S) Story and Lindsay, Winter T., Garcia  
also SENATOR(S) Mullica and Hinrichsen, Michaelson Jenet, Pelton B.

CONCERNING MODIFICATIONS TO CERTAIN LAWS THAT ARE WITHIN THE  
PURVIEW OF THE CAPITAL DEVELOPMENT COMMITTEE.

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

**SECTION 1.** In Colorado Revised Statutes, 2-3-1302, **amend** (1.5)  
and (2) as follows:

**2-3-1302. Capital development committee established.** (1.5) In order to expedite the work of the capital development committee, ~~appointees may~~ APPOINTMENTS TO THE COMMITTEE SHALL be ~~designated after the general election~~ MADE NO LATER THAN DECEMBER 1 prior to the convening of the general assembly at which such committee is to serve, whether such appointees are members of the current general assembly or members-elect of the next general assembly, or both. Such appointees have all the powers and duties and are entitled to the same compensation and expense allowance as members duly appointed under the provisions of subsection (1) of this section.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(2) The capital development committee shall elect a chair and a vice-chair ~~at the first meeting held on or after October 15 in each odd-numbered year and at the first December meeting held after the general election in each even-numbered~~ EACH year. The chair and vice-chair appointments must alternate between a member from the house of representatives and a member from the senate with the ~~first~~ chair being from the senate and the ~~first~~ vice-chair being from the house of representatives IN EVEN-NUMBERED YEARS AND WITH THE CHAIR BEING FROM THE HOUSE OF REPRESENTATIVES AND THE VICE-CHAIR BEING FROM THE SENATE IN ODD-NUMBERED YEARS. ~~The person serving as chair, or a member of the same house if such person is no longer a member thereof, shall serve as vice-chair during the next legislative session, and the person serving as vice-chair, or a member of the same house if such person is no longer a member thereof, shall serve as chair during the next legislative session.~~

**SECTION 2.** In Colorado Revised Statutes, 2-3-1304, **amend** (1)(a.5) as follows:

**2-3-1304. Powers and duties of capital development committee.**

(1) The capital development committee has the following powers and duties:

(a.5) To study ~~the request from~~ ANY REQUESTS SUBMITTED BY the transportation commission for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund pursuant to section 24-75-302 (2), ~~C.R.S.~~, specifically for such purpose. On or before October 1 of each year, the transportation commission ~~shall~~ MAY submit its request, based on the statewide transportation improvement programs, with a prioritized list of recommended state highway reconstruction, repair, and maintenance projects with the priority of projects on the list determined on the basis of greatest need without regard to location in the state. IF THE TRANSPORTATION COMMISSION SUBMITS A REQUEST, the capital development committee shall determine FROM THE SUBMITTED REQUEST the number of projects on the list that may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects. Only projects on the list may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects, and the projects must be funded in the

priority determined by the transportation commission; except that, if a project on the list cannot be funded because an alternative source of funding for the project has become available, a court order has enjoined the project, or an act of God has made the project construction unfeasible, the transportation commission shall submit the next phase of that project or the next project on that regional priority list to the capital development committee for approval as an addition to the list in lieu of the project that cannot be funded. No substitute project submitted by the transportation commission from the regional priority list shall be approved by the capital development committee if funding said project would result in the delay of any other project on the list. Upon approval of an amended list, the department of transportation shall provide a copy of the amended list to the members of the joint budget committee, the transportation, HOUSING, and ~~energy~~ LOCAL GOVERNMENT committee in the house of representatives, and the transportation AND ENERGY committee in the senate, OR ANY SUCCESSOR COMMITTEES. Projects on the list submitted by the transportation commission by October 1 or on an amended list submitted as provided in this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) may be funded from money transferred to the capital construction fund and available in the current fiscal year or money to be transferred to the capital construction fund for the fiscal year beginning the following July 1.

**SECTION 3.** In Colorado Revised Statutes, 23-1-106, **amend** (6)(b), (7)(c), (9)(a), (9)(b), and (10.2)(b)(I) introductory portion; and **repeal** (9)(e) as follows:

**23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning - report - legislative declaration - definitions.** (6) (b) The commission shall ~~request annually from the governing board of each state institution of higher education a~~ REVIEW, AT ITS NEXT AVAILABLE MEETING, ANY two-year projection of capital construction projects SUBMITTED BY A STATE INSTITUTION OF HIGHER EDUCATION to be undertaken pursuant to subsection (9) of this section and estimated to require total project expenditures exceeding two million dollars if the capital construction project is for new acquisitions of real property or new construction and funded solely from cash funds held by the institution or the project is funded through the higher education revenue bond intercept program established pursuant to section 23-5-139, or exceeding ten million dollars if the project is not for new acquisitions of real property or new construction and is funded solely from cash funds held by the institution.

The projection must include the estimated cost, the method of funding, and a schedule for project completion for each project. ~~A state institution of higher education shall amend the projection prior to commencing a project that is not included in the institution's most recent projection.~~

~~(7) (c) (I) (A) The commission annually shall prepare a unified, two-year report for capital construction or capital renewal projects described in subsection (9) of this section that are not for new acquisitions of real property or new construction and are estimated to require total project expenditures exceeding ten million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, the capital development committee, and the joint budget committee, consistent with the executive budget timetable.~~

~~(B) The commission annually shall prepare a unified, two-year report for capital construction projects for new acquisitions of real property or for new construction, estimated to require total project expenditures exceeding two million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, the capital development committee, and the joint budget committee, consistent with the executive budget timetable.~~

(II) ~~(A)~~ The commission shall submit the two-year projections prepared by ~~each state institution~~ INSTITUTIONS of higher education for ~~each two-year period~~ to the office of state planning and budgeting and the capital development committee. The capital development committee shall conduct a hearing ~~in each regular legislative session~~ on the projections WITHIN THIRTY DAYS AFTER SUBMISSION DURING A REGULAR LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY OR WITHIN FORTY-FIVE DAYS AFTER SUBMISSION DURING ANY PERIOD THAT THE GENERAL ASSEMBLY IS NOT IN REGULAR LEGISLATIVE SESSION and either approve the projections or return the projections to the state institution of higher education for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each projection.

~~(B) A state institution of higher education may submit to the staff of the capital development committee, the commission, and the office of state planning and budgeting an amendment to its approved two-year projection. The capital development committee shall conduct a hearing on~~

~~the amendment within thirty days after submission during a regular legislative session of the general assembly or within forty-five days after submission during any period that the general assembly is not in regular legislative session. The capital development committee shall either approve the projections or return the projections to the state institution of higher education for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each amendment.~~

(9) (a) ~~Except as provided in paragraph (d) of this subsection (9)~~ SUBSECTION (9)(d) OF THIS SECTION, a capital construction or capital renewal project for an auxiliary facility initiated by the governing board of a state institution of higher education that ~~is contained in the most recent two-year projection approved pursuant to subparagraph (H) of paragraph (c) of subsection (7) of this section, as the projection may be amended from time to time~~ HAS BEEN APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE AS PART OF A TWO-YEAR PROJECTION WITHIN THE LAST TWO CALENDAR YEARS, and that is to be acquired or constructed and operated and maintained solely from cash funds held by the institution, is not subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee; except that, if the capital construction or capital renewal project for an auxiliary facility is to be acquired or constructed in whole or in part using ~~moneys~~ MONEY subject to the higher education revenue bond intercept program established pursuant to section 23-5-139, then the governing board of a state institution of higher education must obtain approval from the general assembly as specified in that section.

(b) ~~Except as provided in paragraph (d) of this subsection (9)~~ SUBSECTION (9)(d) OF THIS SECTION, a capital construction or capital renewal project for an academic facility initiated by the governing board of a state institution of higher education that ~~is contained in the most recent two-year projection approved pursuant to subparagraph (H) of paragraph (c) of subsection (7) of this section, as the projection may be amended from time to time~~ HAS BEEN APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE AS PART OF A TWO-YEAR PROJECTION WITHIN THE LAST TWO CALENDAR YEARS, and that is to be acquired or constructed solely from cash funds held by the institution and operated and maintained from such funds or from state ~~moneys~~ MONEY appropriated for such purpose, or both, is not subject to additional review or approval by the commission, the office of

state planning and budgeting, the capital development committee, or the joint budget committee; except that, if the capital construction or capital renewal project for an academic facility is to be acquired or constructed in whole or in part using ~~moneys~~ MONEY subject to the higher education revenue bond intercept program established pursuant to section 23-5-139, then the governing board of a state institution of higher education must obtain approval from the general assembly as specified in that section. Any capital construction or capital renewal project subject to this ~~paragraph (b)~~ SUBSECTION (9)(b) must comply with the high performance standard certification program established pursuant to section 24-30-1305.5. ~~C.R.S.~~

~~(e) A capital construction or acquisition project approved and appropriated prior to January 1, 2010, may be contained in the most recent unified two-year capital improvements project projection approved pursuant to subparagraph (H) of paragraph (c) of subsection (7) of this section. The projection may be amended from time to time and is not subject to additional review or approval by the commission, the office of state planning and budgeting, the capital development committee, or the joint budget committee.~~

(10.2) (b) (I) The general assembly hereby finds, determines, and declares that the classification of facilities as academic facilities or auxiliary facilities can be difficult, and such classifications often change as academic needs, student needs, and new construction and design practices emerge. Therefore, the office of the state architect, in collaboration with the department of higher education and the office of state planning and budgeting, shall develop guidelines in order to assist such classification. ~~The guidelines shall be annually reviewed and approved by the capital development committee.~~ The guidelines must address the following two factors that have historically been considered when classifying academic facilities and auxiliary facilities:

**SECTION 4.** In Colorado Revised Statutes, 23-5-139, **amend** (1)(d)(I) introductory portion as follows:

**23-5-139. Higher education revenue bond intercept program - definitions.** (1) (d) (I) No later than September 1, 2016, and each September 1 thereafter UNTIL THE REPORT THAT IS DUE FOR STATE FISCAL YEAR 2025-26 WHICH IS DUE NO LATER THAN MARCH 1, 2026, AND EACH MARCH 1 THEREAFTER FOR SUBSEQUENT REPORTS, the state treasurer shall

provide the capital development committee, the joint budget committee, the Colorado commission on higher education, and the office of state planning and budgeting with a report that includes:

**SECTION 5.** In Colorado Revised Statutes, 24-30-1404, **amend** (7)(a), (7)(b), (7)(c) introductory portion, (7)(e), and (7)(f); **repeal** (7)(g) and (7)(h); and **add** (7)(c)(V), (7)(c)(VI), (7)(c)(VII), and (7)(c)(VIII) as follows:

**24-30-1404. Contracts - definition.** (7) (a) Except as provided in subsections (7)(b), (7)(c), (7)(e), AND (7)(f) ~~(7)(g), and (7)(h)~~ of this section, any professional services contract entered into pursuant to ~~the provisions of this part 14 shall~~ MUST be executed and encumbered within six months after the date on which the appropriation that includes the project for which the professional services are required becomes law OR ON OR BEFORE NOVEMBER 1 OF THE STATE FISCAL YEAR FOR WHICH THE APPROPRIATION THAT INCLUDES THE PROJECT FOR WHICH THE PROFESSIONAL SERVICES ARE REQUIRED IS AUTHORIZED, WHICHEVER IS LATER. If no professional services contract is required for a particular project, the contract with the contractor for the project ~~shall~~ MUST be entered into within six months after the appropriation OR ON OR BEFORE NOVEMBER 1 OF THE STATE FISCAL YEAR FOR WHICH THE APPROPRIATION IS AUTHORIZED, WHICHEVER IS LATER. If a state agency or state institution of higher education determines that the nature of a particular project is such that the deadlines imposed by this section cannot be met, the state agency or state institution of higher education may request the capital development committee to recommend to the controller that the deadline be ~~waived~~ EXTENDED for that project; EXCEPT THAT FOR FEE TITLE ACQUISITIONS BY THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, THE DEADLINE MAY BE WAIVED. The controller, in consultation with the capital development committee may grant ~~a waiver from~~ AN EXTENSION OF the deadlines OR A WAIVER, IF APPLICABLE. ~~This subsection (7) shall not apply to projects under the supervision of the department of transportation. This subsection (7) shall not affect any priority established pursuant to section 44-40-111 (11) in the general appropriation act for expenditures for projects to be financed from net lottery proceeds appropriated for capital construction.~~ AN EXTENSION THAT IS RECOMMENDED OR GRANTED PURSUANT TO THIS SUBSECTION (7)(a) SHALL NOT EXCEED SIX MONTHS.

~~(b) (I) The deadlines established in paragraph (a) of this subsection (7) shall apply to~~ THIS SUBSECTION (7) DOES NOT AFFECT ANY PRIORITY ESTABLISHED PURSUANT TO SECTION 44-40-111 (11) IN THE GENERAL APPROPRIATION ACT FOR EXPENDITURES FOR PROJECTS TO BE FINANCED FROM NET LOTTERY PROCEEDS APPROPRIATED FOR CAPITAL CONSTRUCTION.

(II) FOR projects funded with net lottery proceeds, ~~but the six-month period shall begin to run only~~ ANY PROFESSIONAL SERVICES CONTRACT MUST BE EXECUTED AND ENCUMBERED AND ANY CONTRACT WITH THE CONTRACTOR MUST BE ENTERED INTO WITHIN SIX MONTHS OF when an agency receives a distribution from such proceeds for a particular project.

(c) This subsection (7) ~~shall~~ DOES not apply to:

(V) PROJECTS UNDER THE SUPERVISION OF THE DEPARTMENT OF TRANSPORTATION;

(VI) A CAPITAL CONSTRUCTION PROJECT AT A STATE INSTITUTION OF HIGHER EDUCATION THAT IS TO BE CONSTRUCTED SOLELY WITH CASH FUNDS HELD BY THE INSTITUTION, FEDERAL FUNDS MADE AVAILABLE FOR THE PROJECT, OR A COMBINATION OF BOTH;

(VII) THE STATE BOARD OF LAND COMMISSIONERS, ESTABLISHED IN ARTICLE 1 OF TITLE 36, IN CONNECTION WITH CONTRACT EXPENDITURES FROM THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153, OR THE COMMERCIAL REAL PROPERTY OPERATING FUND CREATED IN SECTION 36-1-153.7; OR

(VIII) INFORMATION TECHNOLOGY PROJECTS THAT ARE OVERSEEN BY THE JOINT TECHNOLOGY COMMITTEE PURSUANT TO PART 17 OF ARTICLE 3 OF TITLE 2. AS USED IN THIS SUBSECTION (7)(c)(VIII), "INFORMATION TECHNOLOGY" HAS THE SAME MEANING AS SET FORTH IN SECTION 2-3-1701 (7).

(e) In the event that the governor restricts or delays the expenditure of ~~moneys~~ MONEY for a project for which a professional services contract is required pursuant to the authority granted TO the governor in section 24-75-201.5, the ~~running of the six-month deadline~~ DEADLINES imposed in ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION for such projects shall be tolled until such time as the restriction or delay is no



longer in effect, AT WHICH TIME THE PROFESSIONAL SERVICES CONTRACT MUST BE EXECUTED AND ENCUMBERED AND ANY CONTRACT WITH THE CONTRACTOR MUST BE ENTERED INTO WITHIN SIX MONTHS.

(f) In the event that an appropriation is made to a state agency or state institution of higher education for allocation to other state agencies or state institutions of higher education, the ~~six-month period applies~~ DEADLINE to the ~~execution and encumbrance of~~ EXECUTE AND ENCUMBER a contract by the agency or institution receiving the allocation and ~~begins to run~~ IS SIX MONTHS from the date of the allocation by the agency or institution that received the original appropriation. Nothing in this ~~paragraph (f) shall be~~ SUBSECTION (7)(f) IS construed to extend the duration of any appropriation.

(g) ~~This subsection (7) shall not apply to:~~

~~(I) A capital construction project at a state institution of higher education that is to be constructed solely from cash funds held by the institution or federal funds made available for the project or a combination of the cash funds and the federal funds; or~~

~~(H) The state board of land commissioners, established in article 1 of title 36, C.R.S., in connection with contract expenditures from the state board of land commissioners investment and development fund created in section 36-1-153, C.R.S., or the commercial real property operating fund created in section 36-1-153.7, C.R.S.~~

(h) ~~The six-month deadline imposed by subsection (7)(a) of this section does not apply to information technology projects that are overseen by the joint technology committee pursuant to part 17 of article 3 of title 2. As used in this subsection (7)(h), "information technology" has the meaning provided in section 2-3-1701 (7).~~

**SECTION 6.** In Colorado Revised Statutes, 24-37-304, **amend** (1)(c.3)(III) as follows:

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

(c.3) (III) The office may modify the recommended priority of funding of capital construction or capital renewal projects of each state agency and state institution of higher education for the upcoming fiscal year no later than the ~~January 1~~ JANUARY 2 of the year following the original submission described in ~~sub-subparagraph (C) of subparagraph (I) of this paragraph (c.3)~~ SUBSECTION (1)(c.3)(I)(C) OF THIS SECTION.

**SECTION 7.** In Colorado Revised Statutes, 24-48.5-312, **amend** (3)(a)(III)(H) as follows:

**24-48.5-312. Art in public places program - allocations from capital construction costs - guidelines - fund created - definitions.**

(3) (a) (III) The requirements specified in this subsection (3)(a) do not apply to:

(H) Any capital construction projects that the capital development committee, in consultation with the council, agrees do not meet the original purpose of the requirement specified in ~~this paragraph (a), and determines by affirmative vote that the project meets one of the exceptions allowed in sub-subparagraphs (A) to (G) of this subparagraph (H)~~ SUBSECTION (3)(a)(I) OR (3)(a)(II) OF THIS SECTION.

**SECTION 8.** In Colorado Revised Statutes, 24-75-303, **amend** (5)(a)(II) as follows:

**24-75-303. Appropriation for capital construction.** (5) (a) Except for an appropriation for a financed purchase of an asset or certificate of participation payment, except as provided in subsection (5)(b) of this section, and unless otherwise noted in a footnote in an appropriation act, an appropriation for a capital construction budget item or an information technology capital project, including capital construction, controlled maintenance, or capital renewal projects, as such terms are defined in section 24-30-1301, included in:

(II) A supplemental appropriation act authorized or required by section 2-3-208, 24-37-304, 24-75-111 (5), or 24-75-111.5 (5) is available for expenditure upon enactment of the supplemental appropriation act and remains available for expenditure or encumbrance for ~~three~~ THE REMAINDER OF THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL APPROPRIATION ACT WAS ENACTED AND FOR THE NEXT TWO full fiscal years ~~commencing~~

~~with the fiscal year during which the supplemental appropriation act was enacted~~ THEREAFTER, or until the project is completed, whichever is first; except that expenditures and nonmonetary adjustments allowed under section 24-75-111 or 24-75-111.5 are available for expenditure as specified in such sections.

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

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO