

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-1025.01 Esther van Mourik

HOUSE BILL 11-1310

HOUSE SPONSORSHIP

Sonnenberg, Brown, Vigil

SENATE SPONSORSHIP

Bacon, Schwartz, Renfroe

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FUNDING FOR THE RESTORATION OF THE STATE**
102 **CAPITOL DOME.**

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://www.leg.state.co.us/billsummaries>.)

Capital Development Committee. Section 1 of the bill extends the time allowed for the fund-raising efforts undertaken by a nonprofit statewide historic preservation organization and marketing firm for the restoration of the state capitol dome (Share in the Care Colorado). Section 1 also requires the department of personnel, in cooperation with

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

HOUSE
3rd Reading Unamended
May 5, 2011

HOUSE
2nd Reading Unamended
May 4, 2011

the entities undertaking the fund-raising efforts, to calculate the value of any in-kind gifts and donations received and to present such calculations to the capital development committee for approval.

Section 2 of the bill:

- ! Makes the transfer for the fiscal year commencing July 1, 2010, from the state historical fund for the restoration of the state capitol dome subject to the dollar-for-dollar reduction by the moneys deposited into the capitol dome restoration trust fund.
- ! Transfers an additional amount up to \$5 million for the fiscal year commencing July 1, 2013, subject to the same dollar-for-dollar reduction.
- ! Clarifies the language referring to an emergency contingency expenditure.
- ! Establishes an end-of-project accounting prior to the end of the fiscal year commencing July 1, 2014, based on the final total cost of the dome restoration construction project to ensure that all of the transfers from the state historical fund are reduced, dollar for dollar, by:
 - ! The combined total of moneys deposited into the capitol dome restoration trust fund;
 - ! Grants for repairs and safety improvements to the state capitol dome and supporting structures made by the state historical society;
 - ! Any money received for the recycling of salvaged building materials from the state capitol dome during the construction period; and
 - ! Any in-kind gifts and donations, such as materials or labor, that resulted in the reduction of the total cost of the construction.

Section 3 of the bill extends the repeal of the statutory section requiring the state architect to report to the capital development committee concerning the progress of repairs and safety improvements to the state capitol dome and supporting structures.

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

2 **SECTION 1.** 2-3-1304.3 (3), (6) (a) (II), and (7), Colorado
3 Revised Statutes, are amended to read:

4 **2-3-1304.3. Additional powers and duties of capital**
5 **development committee - approval and oversight of fund-raising for**

1 **restoration of the capitol dome - legislative declaration - capitol dome**
2 **restoration trust fund - repeal.** (3) The fund-raising program approved
3 by the capital development committee pursuant to this section shall
4 conclude prior to ~~July 1, 2012~~ DECEMBER 31, 2014.

5 (6) (a) (II) Subject to the capital development committee
6 approving a capital construction request, including requests for separate
7 phases of the project, from the department of personnel for the repair and
8 restoration of the state capitol dome and subject to appropriations by the
9 general assembly for the capital construction request or the process
10 outlined in section 24-75-111, C.R.S., for an overexpenditure in regard
11 to a capital construction budget item, the department of personnel is
12 authorized to accept and expend donations of moneys and in-kind gifts
13 and donations raised by the nonprofit, statewide historic preservation
14 organization as described in subsection (2) of this section for the purposes
15 of the repair and restoration of the state capitol dome; except that the
16 department of personnel may not accept a gift, grant, or donation that is
17 subject to conditions that are inconsistent with this part 13 or any other
18 law of the state. THE DEPARTMENT OF PERSONNEL, IN COOPERATION WITH
19 THE NONPROFIT, STATEWIDE HISTORIC PRESERVATION ORGANIZATION
20 CONDUCTING THE FUND-RAISING PROGRAM, SHALL CALCULATE THE VALUE
21 OF ANY IN-KIND GIFTS AND DONATIONS THAT RESULT IN THE REDUCTION
22 OF THE TOTAL COST OF THE REPAIRS AND SAFETY IMPROVEMENTS TO THE
23 STATE CAPITOL DOME AND SUPPORTING STRUCTURES. THE DEPARTMENT
24 OF PERSONNEL SHALL PRESENT THE CALCULATION OF THE VALUE OF ALL
25 IN-KIND GIFTS AND DONATIONS TO THE CAPITAL DEVELOPMENT
26 COMMITTEE FOR APPROVAL, NO LATER THAN SIXTY DAYS AFTER THE
27 RECEIPT OF AN IN-KIND GIFT AND DONATION.

1 (7) ~~(a) Subsections (1) to (5) of this section are repealed, effective~~
2 ~~July 1, 2012.~~

3 ~~(b) This subsection (7) and subsection (6) of this section are IS~~
4 ~~repealed, effective July 1, 2014~~ JULY 1, 2015.

5 **SECTION 2.** 12-47.1-1201 (5) (c) (III), Colorado Revised
6 Statutes, is amended to read:

7 **12-47.1-1201. State historical fund - administration -**
8 **legislative declaration - state museum cash fund - capitol dome**
9 **restoration fund.** (5) (c) (III) (A) For the fiscal year commencing July
10 1, 2010, the state treasurer shall transfer four million dollars from the
11 state historical fund, from the portion reserved for the statewide grant
12 program for preservation pursuant to sub-subparagraph (A) of
13 subparagraph (II) of paragraph (d) of this subsection (5), at the beginning
14 of the fiscal year to the capitol dome restoration fund, also referred to in
15 this subparagraph (III) as the "fund", which is hereby created in the state
16 treasury. Moneys in the fund are subject to appropriation by the general
17 assembly for repairs and safety improvements to the state capitol dome
18 and supporting structures and for no other purpose, and any unexpended
19 and unencumbered moneys remaining in the fund as of June 30, 2011,
20 shall not revert to the state historical fund or any other fund. THE FOUR
21 MILLION DOLLAR TRANSFER SPECIFIED IN THIS SUB-SUBPARAGRAPH (A)
22 SHALL BE REDUCED, DOLLAR FOR DOLLAR, BY MONEYS DEPOSITED INTO
23 THE CAPITOL DOME RESTORATION TRUST FUND AS SPECIFIED IN SECTION
24 2-3-1304.3(6) (b), C.R.S., IF ANY. THIS DOLLAR-FOR-DOLLAR REDUCTION
25 SHALL NOT REDUCE THE AUTHORIZED FEES AND EXPENSES OF ANY
26 FUNDRAISING FIRM SELECTED BY THE CAPITAL DEVELOPMENT COMMITTEE
27 FOR CAUSE-RELATED MARKETING FOR CAPITOL DOME REPAIRS.

1 (B) For the fiscal years commencing July 1, 2011, and July 1,
2 2012, the state treasurer shall transfer up to four million dollars from the
3 state historical fund, from the portion reserved for the statewide grant
4 program for preservation pursuant to sub-subparagraph (A) of
5 subparagraph (II) of paragraph (d) of this subsection (5), at the beginning
6 of the fiscal year to the capitol dome restoration fund; except that the said
7 four-million-dollar maximum amount shall be reduced, dollar for dollar,
8 by the combined total of ~~donations received through cause-related~~
9 ~~marketing~~ MONEYS DEPOSITED INTO THE CAPITOL DOME RESTORATION
10 TRUST FUND AS SPECIFIED IN SECTION 2-3-1304.3 (6) (b), C.R.S., if any,
11 and grants for repairs and safety improvements to the state capitol dome
12 and supporting structures made by the state historical society under the
13 grants process set forth in subsection (1) of this section. This
14 dollar-for-dollar reduction shall not ~~apply to emergency contingency~~
15 ~~expenditures deemed necessary by the state architect as reported pursuant~~
16 ~~to section 2-3-1304.5, C.R.S., nor to~~ REDUCE ANY authorized fees and
17 expenses of any fundraising firm selected by the capital development
18 committee for cause-related marketing for capitol dome repairs. ~~Any~~
19 ~~unexpended and unencumbered moneys remaining in the fund after~~
20 ~~completion of the dome restoration project shall revert to the state~~
21 ~~historical fund as of June 30, 2013.~~

22 (C) FOR THE FISCAL YEAR COMMENCING JULY 1, 2013, THE STATE
23 TREASURER SHALL TRANSFER UP TO FIVE MILLION DOLLARS FROM THE
24 STATE HISTORICAL FUND, FROM THE PORTION RESERVED FOR THE
25 STATEWIDE GRANT PROGRAM FOR PRESERVATION PURSUANT TO
26 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF
27 THIS SUBSECTION (5), AT THE BEGINNING OF THE FISCAL YEAR TO THE

1 CAPITOL DOME RESTORATION FUND; EXCEPT THAT THE SAID
2 FIVE-MILLION-DOLLAR MAXIMUM AMOUNT SHALL BE REDUCED, DOLLAR
3 FOR DOLLAR, BY THE COMBINED TOTAL OF MONEYS DEPOSITED INTO THE
4 CAPITOL DOME RESTORATION TRUST FUND AS SPECIFIED IN SECTION
5 2-3-1304.3 (6) (b), C.R.S., IF ANY, AND GRANTS FOR REPAIRS AND SAFETY
6 IMPROVEMENTS TO THE STATE CAPITOL DOME AND SUPPORTING
7 STRUCTURES MADE BY THE STATE HISTORICAL SOCIETY UNDER THE
8 GRANTS PROCESS SET FORTH IN SUBSECTION (1) OF THIS SECTION. THIS
9 DOLLAR-FOR-DOLLAR REDUCTION SHALL NOT REDUCE THE AUTHORIZED
10 FEES AND EXPENSES OF ANY FUND-RAISING FIRM SELECTED BY THE
11 CAPITAL DEVELOPMENT COMMITTEE FOR CAUSE-RELATED MARKETING FOR
12 CAPITOL DOME REPAIRS.

13 (D) IN THE EVENT OF AN EMERGENCY CONTINGENCY EXPENDITURE
14 DEEMED NECESSARY BY THE STATE ARCHITECT AND APPROVED BY THE
15 OFFICE OF STATE PLANNING AND BUDGETING AND THE CAPITAL
16 DEVELOPMENT COMMITTEE, SUPPLEMENTAL APPROPRIATIONS OUT OF THE
17 CAPITOL DOME RESTORATION TRUST FUND CREATED IN SECTION
18 2-3-1304.3 (6) (b), C.R.S., AND THE CAPITOL DOME RESTORATION FUND
19 CREATED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) MAY
20 BE MADE FROM ANY UNEXPENDED AND UNENCUMBERED MONEYS
21 REMAINING IN THE SPECIFIED FUNDS AT ANY TIME.

22 (E) PRIOR TO THE END OF THE 2014-15 STATE FISCAL YEAR AND
23 AFTER A COMPLETE ACCOUNTING IS AVAILABLE OF THE TOTAL IN-KIND
24 AND MONETARY DONATIONS RECEIVED THROUGH THE FUNDRAISING
25 PROGRAM ESTABLISHED IN SECTION 2-3-1304.3, C.R.S., AN
26 END-OF-PROJECT ACCOUNTING SHALL OCCUR BASED ON THE FINAL TOTAL
27 COST OF THE DOME RESTORATION CONSTRUCTION PROJECT TO ENSURE,

1 THROUGH THE ANNUAL GENERAL APPROPRIATIONS ACT, SUPPLEMENTAL
2 APPROPRIATIONS ACTS, OR TRANSFERS BETWEEN FUNDS, AS NECESSARY,
3 THAT ALL OF THE TRANSFERS FROM THE STATE HISTORICAL FUND
4 SPECIFIED IN SUB-SUBPARAGRAPHS (A), (B), AND (C) OF THIS
5 SUBPARAGRAPH (III) ARE REDUCED, DOLLAR FOR DOLLAR, BY THE
6 COMBINED TOTAL OF MONEYS DEPOSITED INTO THE CAPITOL DOME
7 RESTORATION TRUST FUND AS SPECIFIED IN SECTION 2-3-1304.3 (6) (b),
8 C.R.S., GRANTS FOR REPAIRS AND SAFETY IMPROVEMENTS TO THE STATE
9 CAPITOL DOME AND SUPPORTING STRUCTURES MADE BY THE STATE
10 HISTORICAL SOCIETY UNDER THE GRANTS PROCESS SET FORTH IN
11 SUBSECTION (1) OF THIS SECTION, ANY MONEY RECEIVED FOR THE
12 RECYCLING OF SALVAGED BUILDING MATERIALS FROM THE STATE CAPITOL
13 DOME DURING THE CONSTRUCTION PERIOD, AND ANY IN-KIND GIFTS AND
14 DONATIONS, SUCH AS MATERIALS OR LABOR, THAT RESULTED IN THE
15 REDUCTION OF THE TOTAL COST OF THE CONSTRUCTION. THE TOTAL
16 VALUE OF ANY IN-KIND GIFTS AND DONATIONS FOR PURPOSES OF THE
17 DOLLAR-FOR-DOLLAR REDUCTION SPECIFIED IN THIS SUB-SUBPARAGRAPH
18 (E) SHALL BE CALCULATED BY THE DEPARTMENT OF PERSONNEL AND
19 APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE AS SPECIFIED IN
20 SECTION 2-3-1304.3 (6) (a) (II), C.R.S.

21 ~~(E)~~ (F) Until completion of the capitol dome restoration project
22 as reported by the state architect pursuant to section 2-3-1304.5, C.R.S.,
23 the Colorado historical society shall submit an annual report to the capital
24 development committee on or before December 15 of each year
25 concerning all grants awarded from the state historical fund.

26 **SECTION 3.** 2-3-1304.5 (2), Colorado Revised Statutes, is
27 amended to read:

1 **2-3-1304.5. Reports from departments, institutions, and**
2 **agencies in connection with capital construction requests - repeal.**

3 (2) This section is repealed, effective ~~July 1, 2013~~ JULY 1, 2016.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2012 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor.