

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0870.01 Megan McCall x4215

HOUSE BILL 25-1313

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A BILL FOR AN ACT

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

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/>.)

Capital Development Committee. Section 1 of the bill modifies procedures for election of a chair and a vice-chair of the capital development committee (CDC) to require that the chair and the vice-chair be elected annually at the CDC's first December meeting. Additionally, the bill clarifies how the role of chair and vice-chair are served. In even-numbered years, the chair is a member from the senate and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

vice-chair is a member from the house of representatives and in odd-numbered years the chair is a member from the house of representatives and the vice-chair is a member from the senate.

Section 2 removes the requirement that the transportation commission annually submit capital requests to the CDC.

Current law requires the Colorado commission on higher education (commission) to request annually from the governing board of each state institution of higher education (institution) a 2-year projection of certain capital construction projects to be undertaken by an institution which is then submitted to the CDC for review and approval. **Section 3** adjusts law to align with current practice by:

- Requiring that projections be reviewed at the commission's next available meeting;
- Repealing the requirement that an institution amend the projection prior to commencing a project if the project is not in the institution's most recent projection;
- Repealing the requirement that the commission annually prepare a unified, 2-year report for capital construction or capital renewal projects acquired or constructed and operated and maintained solely using cash funds held by an institution that are not for new acquisitions of real property or new construction and are estimated to require total project expenditures exceeding \$10 million;
- Repealing the requirement that the commission annually prepare a unified, 2-year report for capital construction projects for new acquisitions of real property or for new construction that are estimated to require total project expenditures exceeding \$2 million;
- Clarifying deadlines for the CDC to hold a hearing to review projections;
- Repealing the requirement that the CDC hold a hearing regarding projections whenever a projection is amended; and
- Repealing the requirement that the CDC review and approve guidelines prepared by the office of the state architect regarding the classification of facilities as academic facilities or auxiliary facilities.

Section 4 extends the deadline for the state treasurer's office to submit to the CDC and other agencies its annual report on the fiscal health of institutions from September 1 to March 1 of each year, beginning with the report that is due for the 2025-26 fiscal year.

Section 5 specifies November 1 of each year as a date certain by which agencies and institutions must encumber money for their capital construction projects. Under current law, if an agency or institution will not encumber money for its capital construction project within the period

specified, it may request that the CDC recommend to the controller that the deadline be waived for that project. **Section 5** modifies this allowance so that an agency or institution may request that the CDC recommend that the deadline be extended for a 6-month period.

Section 6 adjusts law to align with current practice by changing the date from January 1, which is always a holiday, to January 2 for the office of state planning and budgeting to submit to the CDC its updates to its recommended priority of funding for capital construction projects as part of the November 1 budget package.

Section 7 clarifies that any capital construction project that the CDC, in consultation with the council on creative industries, agrees does not meet the original purpose of the art in public places program may be exempt from the requirements of the program.

Section 8 clarifies that when a capital construction project receives a supplemental appropriation, it is available for the remainder of the state fiscal year for which the supplemental appropriation act was enacted and for the next 2 subsequent state fiscal years.

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

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

4 **2-3-1302. Capital development committee established.** (2) The
5 capital development committee shall elect a chair and a vice-chair ~~at the~~
6 ~~first meeting held on or after October 15 in each odd-numbered year and~~
7 ~~at the first December meeting held after the general election in each~~
8 ~~even-numbered~~ EACH year. The chair and vice-chair appointments must
9 alternate between a member from the house of representatives and a
10 member from the senate with the ~~first~~ chair being from the senate and the
11 ~~first~~ vice-chair being from the house of representatives IN
12 EVEN-NUMBERED YEARS AND WITH THE CHAIR BEING FROM THE HOUSE OF
13 REPRESENTATIVES AND THE VICE-CHAIR BEING FROM THE SENATE IN
14 ODD-NUMBERED YEARS. ~~The person serving as chair, or a member of the~~
15 ~~same house if such person is no longer a member thereof, shall serve as~~
16 ~~vice-chair during the next legislative session, and the person serving as~~

1 ~~vice-chair, or a member of the same house if such person is no longer a~~
2 ~~member thereof, shall serve as chair during the next legislative session.~~

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

5 **2-3-1304. Powers and duties of capital development**
6 **committee.** (1) The capital development committee has the following
7 powers and duties:

8 (a.5) To study ~~the request from~~ ANY REQUESTS SUBMITTED BY the
9 transportation commission for state highway reconstruction, repair, and
10 maintenance projects to be funded from money transferred to the capital
11 construction fund pursuant to section 24-75-302 (2), ~~C.R.S.~~, specifically
12 for such purpose. On or before October 1 of each year, the transportation
13 commission ~~shall~~ MAY submit its request, based on the statewide
14 transportation improvement programs, with a prioritized list of
15 recommended state highway reconstruction, repair, and maintenance
16 projects with the priority of projects on the list determined on the basis of
17 greatest need without regard to location in the state. IF THE
18 TRANSPORTATION COMMISSION SUBMITS A REQUEST, the capital
19 development committee shall determine FROM THE SUBMITTED REQUEST
20 the number of projects on the list that may be funded from money
21 available in the capital construction fund for state highway reconstruction,
22 repair, or maintenance projects. Only projects on the list may be funded
23 from money available in the capital construction fund for state highway
24 reconstruction, repair, or maintenance projects, and the projects must be
25 funded in the priority determined by the transportation commission;
26 except that, if a project on the list cannot be funded because an alternative
27 source of funding for the project has become available, a court order has

1 enjoined the project, or an act of God has made the project construction
2 unfeasible, the transportation commission shall submit the next phase of
3 that project or the next project on that regional priority list to the capital
4 development committee for approval as an addition to the list in lieu of
5 the project that cannot be funded. No substitute project submitted by the
6 transportation commission from the regional priority list shall be
7 approved by the capital development committee if funding said project
8 would result in the delay of any other project on the list. Upon approval
9 of an amended list, the department of transportation shall provide a copy
10 of the amended list to the members of the joint budget committee, the
11 transportation, HOUSING, and ~~energy~~ LOCAL GOVERNMENT committee in
12 the house of representatives, and the transportation AND ENERGY
13 committee in the senate, OR ANY SUCCESSOR COMMITTEES. Projects on the
14 list submitted by the transportation commission by October 1 or on an
15 amended list submitted as provided in this ~~paragraph (a.5)~~ SUBSECTION
16 (1)(a.5) may be funded from money transferred to the capital construction
17 fund and available in the current fiscal year or money to be transferred to
18 the capital construction fund for the fiscal year beginning the following
19 July 1.

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

23 **23-1-106. Duties and powers of the commission with respect**
24 **to capital construction and long-range planning - report - legislative**
25 **declaration - definitions.** (6) (b) The commission shall ~~request annually~~
26 ~~from the governing board of each state institution of higher education a~~
27 REVIEW, AT ITS NEXT AVAILABLE MEETING, ANY two-year projection of

1 capital construction projects SUBMITTED BY A STATE INSTITUTION OF
2 HIGHER EDUCATION to be undertaken pursuant to subsection (9) of this
3 section and estimated to require total project expenditures exceeding two
4 million dollars if the capital construction project is for new acquisitions
5 of real property or new construction and funded solely from cash funds
6 held by the institution or the project is funded through the higher
7 education revenue bond intercept program established pursuant to section
8 23-5-139, or exceeding ten million dollars if the project is not for new
9 acquisitions of real property or new construction and is funded solely
10 from cash funds held by the institution. The projection must include the
11 estimated cost, the method of funding, and a schedule for project
12 completion for each project. ~~A state institution of higher education shall~~
13 ~~amend the projection prior to commencing a project that is not included~~
14 ~~in the institution's most recent projection.~~

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

24 ~~(B) The commission annually shall prepare a unified, two-year~~
25 ~~report for capital construction projects for new acquisitions of real~~
26 ~~property or for new construction, estimated to require total project~~
27 ~~expenditures exceeding two million dollars, coordinated with education~~

1 ~~plans. The commission shall transmit the report to the office of state~~
2 ~~planning and budgeting, the governor, the capital development~~
3 ~~committee, and the joint budget committee, consistent with the executive~~
4 ~~budget timetable.~~

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

18 ~~(B) A state institution of higher education may submit to the staff~~
19 ~~of the capital development committee, the commission, and the office of~~
20 ~~state planning and budgeting an amendment to its approved two-year~~
21 ~~projection. The capital development committee shall conduct a hearing~~
22 ~~on the amendment within thirty days after submission during a regular~~
23 ~~legislative session of the general assembly or within forty-five days after~~
24 ~~submission during any period that the general assembly is not in regular~~
25 ~~legislative session. The capital development committee shall either~~
26 ~~approve the projections or return the projections to the state institution of~~
27 ~~higher education for modification. The commission and the office of state~~

1 ~~planning and budgeting shall provide the capital development committee~~
2 ~~with comments concerning each amendment.~~

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

22 (b) Except as provided in ~~paragraph (d) of this subsection (9)~~
23 SUBSECTION (9)(d) OF THIS SECTION, a capital construction or capital
24 renewal project for an academic facility initiated by the governing board
25 of a state institution of higher education that ~~is contained in the most~~
26 ~~recent two-year projection approved pursuant to subparagraph (H) of~~
27 ~~paragraph (c) of subsection (7) of this section, as the projection may be~~

1 ~~amended from time to time~~ HAS BEEN APPROVED BY THE CAPITAL
2 DEVELOPMENT COMMITTEE AS PART OF A TWO-YEAR PROJECTION WITHIN
3 THE LAST TWO CALENDAR YEARS, and that is to be acquired or constructed
4 solely from cash funds held by the institution and operated and
5 maintained from such funds or from state ~~moneys~~ MONEY appropriated
6 for such purpose, or both, is not subject to additional review or approval
7 by the commission, the office of state planning and budgeting, the capital
8 development committee, or the joint budget committee; except that, if the
9 capital construction or capital renewal project for an academic facility is
10 to be acquired or constructed in whole or in part using ~~moneys~~ MONEY
11 subject to the higher education revenue bond intercept program
12 established pursuant to section 23-5-139, then the governing board of a
13 state institution of higher education must obtain approval from the general
14 assembly as specified in that section. Any capital construction or capital
15 renewal project subject to this ~~paragraph (b)~~ SUBSECTION (9)(b) must
16 comply with the high performance standard certification program
17 established pursuant to section 24-30-1305.5. ~~C.R.S.~~

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

26 (10.2) (b) (I) The general assembly hereby finds, determines, and
27 declares that the classification of facilities as academic facilities or

1 auxiliary facilities can be difficult, and such classifications often change
2 as academic needs, student needs, and new construction and design
3 practices emerge. Therefore, the office of the state architect, in
4 collaboration with the department of higher education and the office of
5 state planning and budgeting, shall develop guidelines in order to assist
6 such classification. ~~The guidelines shall be annually reviewed and~~
7 ~~approved by the capital development committee.~~ The guidelines must
8 address the following two factors that have historically been considered
9 when classifying academic facilities and auxiliary facilities:

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

12 **23-5-139. Higher education revenue bond intercept program**
13 **- definitions.** (1) (d) (I) No later than September 1, 2016, and each
14 September 1 thereafter UNTIL THE REPORT THAT IS DUE FOR STATE FISCAL
15 YEAR 2025-26 WHICH IS DUE NO LATER THAN MARCH 1, 2026, AND EACH
16 MARCH 1 THEREAFTER FOR SUBSEQUENT REPORTS, the state treasurer shall
17 provide the capital development committee, the joint budget committee,
18 the Colorado commission on higher education, and the office of state
19 planning and budgeting with a report that includes:

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

24 **24-30-1404. Contracts - definition.** (7) (a) Except as provided
25 in subsections (7)(b), (7)(c), (7)(e), AND (7)(f) ~~(7)(g), and (7)(h)~~ of this
26 section, any professional services contract entered into pursuant to ~~the~~
27 ~~provisions of this part 14 shall~~ MUST be executed and encumbered ~~within~~

1 ~~six months after the date on which~~ ON OR BEFORE NOVEMBER 1 OF THE
2 STATE FISCAL YEAR FOR WHICH the appropriation that includes the project
3 for which the professional services are required ~~becomes law~~ IS
4 AUTHORIZED. If no professional services contract is required for a
5 particular project, the contract with the contractor for the project ~~shall~~
6 MUST be entered into ~~within six months after~~ ON OR BEFORE NOVEMBER
7 1 OF THE STATE FISCAL YEAR FOR WHICH the appropriation IS AUTHORIZED.
8 If a state agency or state institution of higher education determines that
9 the nature of a particular project is such that the deadlines imposed by this
10 section cannot be met, the state agency or state institution of higher
11 education may request the capital development committee to recommend
12 to the controller that the deadline be ~~waived~~ EXTENDED for that project.
13 The controller, in consultation with the capital development committee
14 may grant a ~~waiver from~~ AN EXTENSION OF the deadlines. ~~This subsection~~
15 ~~(7) shall not apply to projects under the supervision of the department of~~
16 ~~transportation. This subsection (7) shall not affect any priority established~~
17 ~~pursuant to section 44-40-111 (11) in the general appropriation act for~~
18 ~~expenditures for projects to be financed from net lottery proceeds~~
19 ~~appropriated for capital construction. AN EXTENSION THAT IS~~
20 RECOMMENDED OR GRANTED PURSUANT TO THIS SUBSECTION (7)(a) SHALL
21 NOT EXCEED SIX MONTHS.

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

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

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

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

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

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

19 (VIII) INFORMATION TECHNOLOGY PROJECTS THAT ARE OVERSEEN
20 BY THE JOINT TECHNOLOGY COMMITTEE PURSUANT TO PART 17 OF ARTICLE
21 3 OF TITLE 2. AS USED IN THIS SUBSECTION (7)(c)(VIII), "INFORMATION
22 TECHNOLOGY" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 2-3-1701 (7).

24 (e) In the event that the governor restricts or delays the
25 expenditure of ~~moneys~~ MONEY for a project for which a professional
26 services contract is required pursuant to the authority granted TO the
27 governor in section 24-75-201.5, the ~~running of the six-month deadline~~

1 DEADLINES imposed in ~~paragraph (a) of this subsection (7)~~ SUBSECTION
2 (7)(a) OF THIS SECTION for such projects shall be tolled until such time as
3 the restriction or delay is no longer in effect, AT WHICH TIME THE
4 PROFESSIONAL SERVICES CONTRACT MUST BE EXECUTED AND
5 ENCUMBERED AND ANY CONTRACT WITH THE CONTRACTOR MUST BE
6 ENTERED INTO WITHIN SIX MONTHS.

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

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

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

21 (II) ~~The state board of land commissioners, established in article~~
22 ~~1 of title 36, C.R.S., in connection with contract expenditures from the~~
23 ~~state board of land commissioners investment and development fund~~
24 ~~created in section 36-1-153, C.R.S., or the commercial real property~~
25 ~~operating fund created in section 36-1-153.7, C.R.S.~~

26 (h) ~~The six-month deadline imposed by subsection (7)(a) of this~~
27 ~~section does not apply to information technology projects that are~~

1 overseen by the joint technology committee pursuant to part 17 of article
2 3 of title 2. As used in this subsection (7)(h), "information technology"
3 has the meaning provided in section 2-3-1701 (7).

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

6 **24-37-304. Additional budgeting responsibilities.** (1) In
7 addition to the responsibilities enumerated in section 24-37-302, the
8 office of state planning and budgeting shall:

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

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

17 **24-48.5-312. Art in public places program - allocations from**
18 **capital construction costs - guidelines - fund created - definitions.**

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

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

27 **SECTION 8.** In Colorado Revised Statutes, 24-75-303, **amend**

1 (5)(a)(II) as follows:

2 **24-75-303. Appropriation for capital construction.**

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

10 (II) A supplemental appropriation act authorized or required by
11 section 2-3-208, 24-37-304, 24-75-111 (5), or 24-75-111.5 (5) is available
12 for expenditure upon enactment of the supplemental appropriation act and
13 remains available for expenditure or encumbrance for ~~three~~ THE
14 REMAINDER OF THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL
15 APPROPRIATION ACT WAS ENACTED AND FOR THE NEXT TWO full fiscal
16 years ~~commencing with the fiscal year during which the supplemental~~
17 ~~appropriation act was enacted~~ THEREAFTER, or until the project is
18 completed, whichever is first; except that expenditures and nonmonetary
19 adjustments allowed under section 24-75-111 or 24-75-111.5 are
20 available for expenditure as specified in such sections.

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

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