

COLORADO REVISED STATUTES, 2013

TITLE 24 Government - State

PART 11 DIVISION OF CENTRAL SERVICES

24-30-1101. Legislative findings and declarations. (1) The general assembly hereby finds, determines, and declares that:

(a) Services such as printing, document management, mail-related services, microfilm, graphic arts, fleet management, and other similar services are being widely used by the state of Colorado as a practical and economical means of improving administrative production and efficiency;

(b) and (c) (Deleted by amendment, L. 2004, p. 305, § 1, effective August 4, 2004.)

(d) Meeting the service needs of state departments, institutions, and agencies in efficient and economical ways within the resource capabilities of the state is the prime goal of the division of central services policy;

(e) To most effectively utilize resources committed to existing services and to assure the best services at competitive costs to user agencies while preserving the managerial prerogatives and responsibilities assigned to department and agency heads by statute and otherwise, it is necessary to establish central planning, control, and coordination of service activities.

24-30-1102. Definitions. As used in this part 11, unless the context otherwise requires:

(1) "Cost" means the direct cost of providing goods or services including, but not limited to, the total cost of labor and all related benefits, maintenance costs, materials, provisions, supplies, equipment rentals, equipment purchases, insurance, financing, supervision, engineering, clerical and accounting services, the value of the use of equipment, including its depreciation or replacement value, and an equitable share of other administrative costs not otherwise directly attributable to a particular good or service which may be reasonably apportioned to each particular service in accordance with generally accepted accounting principles and standards.

(2) "Director" or "executive director" means the executive director of the department of personnel.

(3) (Deleted by amendment, L. 96, p. 1497, § 8, effective June 1, 1996.)

(4) "Services" means printing, document management, mail-related services, microfilm, graphic arts, fleet management, and other similar support functions that are or may be used by the state of Colorado as a practical and economical means of improving administrative production and efficiency.

(5) "State agency" means this state or any department, board, bureau, commission, institution, or other agency of the state; except that "state agency" shall not include any state institution of higher education, the Auraria higher education center, or the state board of stock inspection commissioners, created pursuant to section 35-41-101, C.R.S.

(6) (a) "State-owned motor vehicle" means all motor vehicles owned by the state or any agency of the state that shall include all two- and four-wheel drive trucks, all passenger vehicles including cars, vans, station wagons and other similar passenger vehicles, and any other vehicle not described herein that may be designated as a state-owned motor vehicle if a state agency requests such designation; except that "state-owned motor vehicle" shall not include any vehicle rated at one ton or more that is:

(I) (Deleted by amendment, L. 2010, (SB 10-003), ch. 391, p. 1851, § 29, effective June

9, 2010.)

(II) A specialized vehicle used for the purposes of construction or maintenance, and owned, operated, or controlled by the department of transportation.

(b) "State-owned motor vehicle" shall not include any vehicle donated to a specific state agency.

24-30-1103. Central services.

(1) (Deleted by amendment, L. 96, p. 1497, § 9, effective June 1, 1996.)

(2) The powers, duties, and functions concerning central services, specified by this part 11, shall be administered as if transferred by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title, to the department of personnel.

24-30-1104. Central services functions of the department - definitions. (1) Within the counties of Adams, Arapahoe, Boulder, Douglas, Pueblo, El Paso, and Jefferson, the city and county of Broomfield, and the city and county of Denver, and within any other areas in the state of Colorado where central services are offered, the department of personnel shall perform the following functions for the executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director:

(a) Formulate, in consultation with state departments, institutions, and agencies, recommendations for a strategic plan for approval of the executive director of the department of personnel and the governor no later than January 1 of 2005 and every five years thereafter;

(b) Review all existing and future services, service applications, software related to services, planning systems, personnel, equipment, and facilities and establish priorities for those that are necessary and desirable to accomplish the purposes of this part 11;

(c) Establish procedures and standards for management of service functions set forth in this part 11 for all state departments, institutions, and agencies;

(d) Establish and maintain facilities as needed to carry out the duties set forth in this part 11, including but not limited to those listed;

(e) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(f) Advise the governor and the general assembly on central services matters;

(g) Prepare and submit such reports as are required by this part 11 or which the governor or the general assembly may request;

(h) Approve or disapprove the acquisition of services, service equipment, and software related to services by any state department, institution, or agency and approve, modify, or disapprove the staffing pattern for service operations by any state department, institution, or agency in accordance with the approved plan;

(i) Continually study and assess service operations and needs of state departments, institutions, and agencies;

(j) Provide services, equipment, and facilities as required pursuant to this part 11 for state departments, institutions, and agencies according to their needs;

(k) Establish, in consultation with other state departments, institutions, and agencies, techniques and standards for microfilm, digital imaging, and digital conversion and evidentiary certification of photographs, microphotographs, or reproductions;

(l) Notify state agencies through written statements, which may include electronic statements, prepared by central services that state agencies may obtain goods and services directly from the private sector, if the cost and quality of such goods or services offered by the private sector are competitive with those provided by central services;

(m) Offer services to any state institution of higher education that chooses to purchase

such services. When an institution of higher education intends to purchase a service provided by the department, the institution shall include the department in any solicitation or vendor qualification process for the service. Whenever practicable, institutions of higher education shall seek partnerships with the department for the purpose of procuring services at a cost savings to the institution and the state.

(1.5) The department of personnel shall establish a rule providing for a waiver to a state agency of subsection (1) of this section when the state agency can procure the services described in this part 11 at a net cost savings to the state.

(2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The provisions of the motor vehicle fleet system created pursuant to this subsection (2) shall apply to the executive branch of the state of Colorado, its departments, its institutions, and its agencies; except that the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, may elect to be exempt from the provisions of this subsection (2) and may obtain a motor vehicle fleet system independent of the state motor vehicle fleet system. Under the direction of the executive director, the department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state:

(a) Establish and operate a central state motor vehicle fleet system and such subsidiary-related facilities as are necessary to provide for the efficient and economical use of state-owned motor vehicles by state officers and employees;

(b) Establish and operate central facilities for the maintenance, repair, and storage of state-owned passenger motor vehicles for the use of state agencies; utilize any available state facilities for that purpose; and enter into contracts with such facilities as are necessary to carry out the provisions of this part 11;

(c) (I) Adopt uniform rules for motor vehicle acquisition, operation, maintenance, repair, and disposal standards. Uniform rules adopted by the executive director of the department of personnel pertaining to acquisition of motor vehicles by lease or purchase shall provide that low energy consumption shall be a favorable factor in determining the low responsible bidder. The size of any passenger motor vehicle shall not be greater than necessary to accomplish its purpose.

(II) By January 1, 2008, the executive director shall adopt a policy to significantly increase the utilization of alternative fuels and that establishes increasing utilization objectives for each following year. To encourage compliance with this policy, the rules promulgated pursuant to this paragraph (c) may establish progressively more stringent percentage mileposts and, for fiscal years commencing after July 1, 2004, require the collection of data concerning the annual percentage of state-owned bi-fueled vehicles that were fueled exclusively with an alternative fuel. For the years commencing on January 1, 2008, and January 1, 2009, the executive director shall purchase flexible fuel vehicles or hybrid vehicles, subject to availability, unless the increased cost of such vehicle is more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. Beginning on January 1, 2010, the executive director shall purchase motor vehicles that operate on compressed natural gas, plug-in hybrid electric vehicles, or vehicles that operate on other alternative fuels, subject to their availability and the availability of adequate fuel and fueling infrastructure, if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle. The executive director shall adopt a policy to allow some vehicles to be exempted from this requirement. The executive director or the director's designee shall submit an annual report to the transportation committees of the senate and the house of representatives, or any successor committees, and the joint budget committee of the

general assembly, detailing the items specified in subparagraph (V) of this paragraph (c). As used in this subparagraph (II):

(A) "Flexible fuel vehicle" means any dedicated flexible-fuel or dual-fuel vehicle designed to operate on at least one alternative fuel.

(B) "Hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(III) For purposes of this paragraph (c):

(A) "Alternative fuel" has the meaning established in section 25-7-106.8, C.R.S.

(B) "Bi-fueled vehicle" means a motor vehicle, which may be purchased to comply with applicable federal requirements including, but not limited to, the federal "Energy Policy Act of 1992", 42 U.S.C. sec. 13257, and 42 U.S.C. sec. 7587, that can operate on both an alternative fuel and a traditional fuel or that can operate alternately on a traditional fuel and an alternative fuel.

(C) "Biodiesel" means fuel composed of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meet ASTM specifications and that is produced in Colorado.

(D) "Life-cycle cost" means the purchase cost of a vehicle minus the resale value at the end of the vehicle's expected useful life, in addition to the fuel, operating, and maintenance costs incurred during the vehicle's expected useful life. Fuel costs per mile traveled shall be calculated based on the reference case projections published by the United States energy information administration for the expected useful life of the vehicle. The expected useful life of a vehicle shall be the standard that is set by the state fleet management program for analysis and life-cycle costing purposes.

(IV) (A) By January 1, 2007, the director shall adopt a policy that all state-owned diesel vehicles and equipment shall be fueled with a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel, subject to availability and so long as the price is no greater than ten cents more per gallon than the price of diesel fuel. The director shall provide for the proper administration, implementation, and enforcement of the policy.

(B) Repealed.

(V) On or before November 1, 2013, and each November 1 thereafter, the executive director or the director's designee shall submit a report to the general assembly as specified in subparagraph (II) of this paragraph (c). The report must include, but need not be limited to, the following:

(A) The number of vehicles that the executive director or the director's designee purchased since January 1, 2008, for the motor vehicle fleet system that operate on compressed natural gas and other alternative fuels;

(B) An estimate of the number of dedicated petroleum fuel vehicles that the executive director or the director's designee purchased for the motor vehicle fleet system since January 1, 2008, instead of a vehicle that operates on compressed natural gas or other alternative fuel because the base cost or life-cycle cost of the compressed natural gas vehicle or other alternative fuel vehicle was more than ten percent over the cost of a comparable dedicated petroleum fuel vehicle;

(C) An explanation of the availability of adequate fuel and fueling infrastructure in the state for compressed natural gas vehicles and other alternative fuel vehicles and whether limited availability of fuel or fueling infrastructure contributes to the purchase of dedicated petroleum fuel vehicles for the motor vehicle fleet system instead of vehicles that operate on compressed natural gas and other alternative fuels;

(D) A summary of the policy that allows the executive director to exempt some vehicles

from the requirement to purchase vehicles that operate on compressed natural gas and the percentage of dedicated petroleum fuel vehicles that the director purchased pursuant to this exemption;

(E) A summary of the administrative procedures or policies in place within the department, if any, that are intended to facilitate the purchase of vehicles that operate on compressed natural gas and other alternative fuels;

(F) The executive director's suggested changes to the requirements and limitations of subparagraph (II) of this paragraph (c) or other state law that would facilitate the gradual conversion of the motor vehicle fleet system to vehicles that operate on compressed natural gas and other alternative fuels, allow the state to account for the benefit of reduced emissions from vehicles that operate on compressed natural gas and other alternative fuels in its analysis regarding the purchase of such vehicles, and enable the department to provide the best value to the state in the motor vehicle fleet system while purchasing vehicles that operate on compressed natural gas and other alternative fuels; and

(G) A plan for putting in place the infrastructure necessary to support vehicles in the state's motor vehicle fleet system that operate on compressed natural gas and other alternative fuels.

(d) (I) Require that all state agencies transfer custody of certificates of title to all state-owned motor vehicles that are owned by such agencies to the department of personnel for the purpose of compiling complete data on all motor vehicles owned by the state;

(II) Require that all motor vehicles presently owned by state agencies be entered into the state fleet management program. Per-mile costs for the program shall be determined by criteria established by the department of personnel.

(III) (Deleted by amendment, L. 96, p. 1498, § 10, effective June 1, 1996.)

(IV) Require that any department, institution, or agency of the executive branch of the state that owns, operates, or controls vehicles that are not part of the central state motor vehicle fleet system provide the department of personnel with information requested by the department for the purpose of compiling complete data on all motor vehicles owned by the state.

(e) Require that all vehicles purchased after July 1, 1992, shall be owned by the department of personnel and leased and permanently assigned to state agencies. Purchases shall be based on specifications as requested by the state agency in cooperation and consultation with the department of personnel and the motor vehicle advisory council.

(f) Maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the department of personnel. The department of personnel shall ensure that state-owned motor vehicles are not routinely replaced until they meet the replacement criteria relating to mileage, cost, safety, and other relevant factors established by the department.

(g) Establish and maintain a centralized record-keeping system for the acquisition, operation, maintenance, repair, and disposal of all motor vehicles in the fleet;

(h) Assign suitable transportation, either on a temporary or permanent basis to any state agency upon: Proper requisition; proper showing of need for use on authorized state business; or approved commuting as provided in section 24-30-1113;

(i) Establish and maintain a record-keeping system for the assignment and use of each vehicle in the motor fleet, which shall include:

(I) Verification from the executive director of a state agency or the executive director's designee that any employee driving a state vehicle has a valid driver's license;

(II) A statement of the authorized state business or other approved purpose for which the vehicle is assigned;

(III) Any other information which the director determines is necessary to carry out the purposes and provisions of this part 11;

(j) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(k) Allocate and charge against each state agency to which transportation is furnished, on the basis of mileage or on the basis of the period of time for which each vehicle is assigned to the agency, its proportionate part of the cost of maintenance and operation of the motor vehicle fleet;

(l) Enforce such rules and regulations as may be adopted by the director pursuant to the provisions of this part 11;

(m) Delegate or conditionally delegate to the respective heads of agencies to which state-owned motor vehicles are permanently assigned such duties as may be designated by the director for the enforcement of all or part of the rules and regulations adopted by the department of personnel;

(n) Require state agencies, officers, and employees to keep all records and make all reports regarding state-owned motor vehicle use as provided in rules and regulations adopted by the department of personnel;

(o) (Deleted by amendment, L. 2004, p. 306, § 3, effective August 4, 2004.)

(p) Negotiate and enter into contracts for the purchase or lease of such personal property as is deemed necessary to achieve the purposes and provisions of this part 11;

(q) Adopt an annual operating budget;

(r) Supervise and be responsible for the expenditure of moneys appropriated to carry out the purposes and provisions of this part 11;

(s) Exercise any other powers or perform any other duties that are reasonably necessary for the fulfillment of the powers and duties assigned to the department of personnel pursuant to this part 11; and

(t) Require that the federal environmental protection agency mile-per-gallon rating for all motor vehicles purchased for the state-owned motor vehicle fleet on or after January 1, 2007, meet or exceed the average fuel efficiency standards as established pursuant to the federal "Energy Policy and Conservation Act", 15 U.S.C. sec. 2001, et seq., recodified as 49 U.S.C. sec. 32901 et seq.

(3) Repealed.

(4) In addition to any other duties imposed by this section, the department of personnel shall establish and maintain a program for parking permits and building and grounds maintenance for the state capitol buildings group pursuant to part 1 of article 82 of this title.

24-30-1105. Powers of the executive director - penalties. (1) In order to perform the duties and functions set forth in this part 11, the executive director of the department of personnel shall, in relation to departments, institutions, and agencies of the executive branch:

(a) Approve the equipment, software related to services, and facilities with which specific services shall be performed by or for any state department, institution, or agency in accordance with the approved plan;

(b) Prescribe standards governing the selection and operation of service equipment by or for any state department, institution, or agency;

(c) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this part 11;

(d) Contract for such services as the department of personnel may require for purposes of this part 11;

(e) Require such reports from other departments, institutions, and agencies as may be necessary;

(f) Recommend to the governor the transfer of funds, equipment, supplies, and personnel from existing departments, institutions, and agencies to the department of personnel or to such other agency as may be necessary to accomplish the purposes of this part 11, such transfer to be

effective upon the approval by the governor;

(g) Certify for evidentiary purposes as true copies of the originals, before the originals are destroyed or lost, photographs, microphotographs, or reproductions on film created by the department of personnel. Such certified photographs, microphotographs, or reproductions shall have the same legal force and effect as if certified by the original custodian of the records.

(h) In performance of such microfilm services as may be requested by the custodians of the types of documents referred to in this paragraph (h):

(I) Have rights of reasonable access in person or through employees to all types of nonconfidential documents in the possession of the state of Colorado, its departments, institutions, or agencies;

(II) Have rights of reasonable access in person or through specifically designated employees to all types of confidential documents in the possession of the state of Colorado, its departments, institutions, or agencies;

(III) Assist custodians of documents upon which microfilm, digital imaging, and digital conversion services have been performed in the lawful disposition of such documents pursuant to section 24-80-103;

(i) Have power to enter into contracts with other governmental entities in the state of Colorado for the purpose of furnishing services;

(j) Establish policies jointly with the supreme court of the state of Colorado for the expungement and sealing of official state records with a view to the technical and evidentiary problems attendant to expungement or sealing of photographs, microphotographs, and reproductions.

(2) (a) Except in accordance with judicial order or as otherwise provided by law, the executive director or the employees of the department of personnel shall not divulge or make known in any way any information disclosed in any confidential document to which the employees have access in performing the duties specified in this part 11.

(b) Officials or employees of the state who violate this subsection (2) are guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail for not less than six months nor more than two years, or by both such fine and imprisonment. Such persons shall, in addition to these penalties, be subject to removal or dismissal from public service on grounds of malfeasance in office.

24-30-1106. Appeal from decisions of director. If any department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, or regulation or other act of the department of personnel, the head thereof shall notify the executive director of the basis for such disagreement, and the executive director may, at his or her discretion, uphold, modify, or reverse such decision, plan, procedure, priority, standard, rule, or regulation or other act; but no further action shall be taken by the department of personnel to implement any decision, plan, procedure, priority, standard, rule, or regulation or other act after such notice until the executive director has rendered his or her decision in the matter.

24-30-1107. Existing and new equipment, personnel, applications, and systems subject to approval of director. On and after June 20, 1977, no services, service equipment, or software related to services shall be purchased, leased, or otherwise acquired by any department, institution, or agency, nor shall any new service personnel be added to the state personnel system, nor shall any new applications, systems, or programs begin except upon the written approval of the executive director, nor shall any service equipment leased or operated by any department, institution, or agency on June 20, 1977, continue to be so leased or operated after July 1, 1977,

unless certified by the executive director to be in accordance with the approved plan.

24-30-1108. Revolving fund - service charges - pricing policy. (1) There is hereby created a department of personnel revolving fund for use in acquiring such materials, supplies, labor, and overhead as are required. Moneys collected and deposited in the fund shall be from state and local government user fees and from rebates, including, but not limited to, rebates from car rentals, travel agencies, lodging, and travel cards. The fund shall be under the direction of the executive director.

(2) Users of department services shall be charged the full cost of the particular service, which shall include the cost of all material, labor, and overhead.

(3) The executive director shall have a pricing policy of remaining competitive with or at a lower rate than private industry in the operation of any service function which the executive director establishes.

(4) The executive director shall keep a full, true, and accurate record of the costs of providing each particular service.

(5) Notwithstanding any provision of this section to the contrary, on April 20, 2009, the state treasurer shall deduct two million three hundred thousand dollars from the capitol complex facilities fund, which is an account within the department of personnel revolving fund, and transfer such sum to the general fund.

24-30-1109. Reports. (Repealed)

24-30-1110. Division subject to termination. (Repealed)

24-30-1111. Postage meters - penalty for private use. (1) Each state department, agency, division, board, commission, committee, and educational institution which has installed a postage meter shall place an imprint plate on such meter and a notice attached to the meter showing that the metered mail is official state of Colorado mail and that there is a penalty for the unlawful use of such postage meter for private purposes.

(2) Any person who uses a state-installed postage meter for private purposes commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

24-30-1112. Permanent assignment of vehicles - verification of minimum mileage - revocation. (1) Unless an agency can justify to the division the need for permanent assignment because of the unique use of a vehicle, a state-owned passenger motor vehicle shall not be permanently assigned to:

(a) Any agency, state officer, or state employee, if the use of such vehicle is not likely to meet the minimum required mileage established by the department of personnel for the utilization classification associated with the vehicle's intended work function unless:

(I) The state officer's or employee's duties are routinely related to public safety; and

(II) The state officer's or employee's duties are likely to expose such officer or employee routinely to life-threatening situations.

(2) The division shall establish a program and adopt rules and regulations providing for annual verification that each permanently assigned motor vehicle has met the minimum required mileage based on the appropriate utilization classification. If verification establishes that a vehicle has not met the minimum annual mileage rate and if the responsible state agency cannot justify such lower mileage, permanent assignment shall be revoked immediately.

(3) The division shall adopt rules and regulations governing the procedure for revocation of assignment of state-owned motor vehicles. Revocation of assignment shall occur when it has

been determined that:

(a) The vehicle has been used for other than official business, or without the state agency executive director's approval as provided in section 24-30-1113;

(b) Required reports have not been filed or reports which have been filed fail to meet the standards established in rules and regulations adopted by the division for the filing of such reports and such deficiencies are not cured within thirty days after receiving notification from the division of such deficiency;

(c) False information has knowingly and willfully been supplied on an application for permanent assignment, commuting reimbursement form, or other required report or form;

(d) An individual required to do so fails to sign all reports or forms submitted for vehicles permanently assigned and fails to cure the deficiency within thirty days after receiving notification from the division of such deficiency;

(e) That a state-owned motor vehicle has been abused; or

(f) That a violation of other rules or regulations promulgated by the division has occurred which warrants revocation of assignment as specified in the rules and regulations adopted by the division.

(4) New requisitions for assignment of vehicle following the revocation of assignment shall not be honored until the division is assured that the violation for which a vehicle was previously revoked will not recur.

24-30-1113. Commuting - reimbursement by state officers and employees.

(1) Except as provided in this section, the state agency shall not assign any state-owned motor vehicle to an officer or employee of a state agency for any reason other than as necessitated by the conduct of official state business.

(2) The use of state-owned motor vehicles for commuting purposes by officers and employees of state agencies between official work stations and residences may be authorized by the state agency's executive director where the state agency's executive director determines that such use is based on rules and regulations promulgated by the division and which includes:

(a) Promotion of a legitimate nonpartisan state interest;

(b) Promotion of the efficient operation of the state motor vehicle fleet system; and

(c) Is cost-effective to the state agency.

(3) A determination by the director that commuting purposes meet the criteria for commuting authorization shall be based on review and verification of written application forms and supporting documentation submitted in the manner provided in rules and regulations adopted by the division.

(4) (a) Any individual who has received the state agency executive director's authorization to use a state-owned motor vehicle for commuting purposes shall reimburse the state for such use at a rate computed by the division. This rate shall approximate the benefit derived from the use of the vehicle. Reimbursement shall be for twenty days per month regardless of how many days the individual uses the vehicle to commute during the month. Reimbursement shall be made as provided by rule.

(b) Unless provided by rule, no exceptions shall be made to the reimbursement provisions of this subsection (4).

24-30-1114. Restrictions on assignment of vehicles. (1) Requisitions for assignment or reassignment of state-owned motor vehicles shall not be honored when the purpose of the assignment or reassignment is to provide a newer or lower mileage vehicle to a state officer or employee on the basis of rank, position, management authority, length of service, or other nonessential purpose.

(2) Special use vehicles, including but not limited to four-wheel drive and law enforcement vehicles, shall be assigned only to those agencies and individuals authorized or otherwise designated by the division to operate such vehicles.

24-30-1115. Motor fleet management fund - creation. (1) There is hereby created a fund to be known as the motor fleet management fund, which shall be administered by the department of personnel and which shall consist of all moneys which may be transferred thereto in accordance with section 24-30-1104 (2) (k) or 24-30-1113 (4).

(2) The moneys in the fund shall be subject to annual appropriation by the general assembly for the purposes of this part 11. Any moneys not appropriated shall remain in the fund and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year. Subject to severe budget constraints and annual appropriation, a portion of the state motor fleet shall be replaced each year. The number of motor vehicles to be replaced annually shall be based on a methodology provided by the department of personnel and approved by the general assembly.

(3) Notwithstanding any provision of this section to the contrary, on April 20, 2009, the state treasurer shall deduct one million dollars from the motor fleet management fund and transfer such sum to the general fund.

(4) Notwithstanding any provision of this section to the contrary, on April 15, 2010, the state treasurer shall deduct three hundred ninety-seven thousand one hundred forty-three dollars from the motor fleet management fund and transfer such sum to the general fund.

24-30-1116. Vanpooling - state-owned vehicles - revolving account. (Repealed)

24-30-1117. Exclusive authority to acquire state-owned motor vehicles. The department of personnel shall have the exclusive authority to purchase, lease, and otherwise acquire motor vehicles for such use by state officers and employees as may be necessitated in the course and conduct of official state business. Except for any vehicles donated to specific state agencies, no motor vehicle shall be purchased, leased, or otherwise acquired by any state agency unless such vehicle is obtained through the department of personnel or under an express waiver granted by the department.

24-30-1303. Department of personnel - responsibilities. (1) The department shall:

(a) With the approval of the governor, negotiate and execute leases on behalf of the state government for land, buildings, and office or other space and, as provided in section 24-82-102 (2), negotiate and execute leases of state-owned property not presently needed for state use;

(b) With the approval of the governor, negotiate and approve easements and rights-of-way across nonstate land on behalf of the state government and, as provided in section 24-82-202, negotiate and approve easements and rights-of-way across land owned by or under the control of the state or its institutions, departments, or agencies;

(c) Repealed.

(d) Supervise and be responsible for the expenditure of funds appropriated by the general assembly for capital construction projects and controlled maintenance projects at the institutions and agencies of the state;

(e) Maintain a current record of balances by project in the capital construction and controlled maintenance funds;

(f) Cause to be developed and enforced methods of internal control, on standardized basis within individual state agencies, that will assure compliance with appropriations provisions

and executive orders;

(g) Repealed.

(h) Develop, or cause to be developed, with the approval of the governor, specific standards relating to office space, to architectural, structural, mechanical, and electrical systems in such office space, and to energy conservation in such office space, except in higher education as provided in section 23-1-106, C.R.S., which shall be the basis for approving facilities master plans, facility program plans, schematic designs, design development phases, and construction documents relating to the lease, acquisition, or construction of office space; except that such standards shall be approved by the president of the senate and the speaker of the house of representatives when they concern space, systems, or energy conservation in that portion of the capitol buildings group which is under the jurisdiction of the general assembly;

(i) Develop a construction procedures manual for state facilities and state-assisted facilities, with the approval of the governor;

(j) Develop, or cause to be developed, standards of inspection, with the approval of the governor, which shall be the basis of all inspections and be responsible for assuring the uniform inspection of construction projects by the state agencies, utilizing such resources as may be locally available, in conjunction with the architect, engineer, or consultant;

(k) Coordinate initiation of budget requests for those capital construction projects for which the executive director shall be designated as principal representative by the governor;

(k.5) Coordinate initiation of budget requests for controlled maintenance projects and make recommendations concerning such requests to the capital development committee and to the office of state planning and budgeting. In the event that a controlled maintenance request exceeds approximately five hundred thousand dollars, the executive director may require the department making the request to prepare a feasibility study or program plan for the request. The executive director may establish guidelines or criteria for such feasibility study or program plan.

(l) Develop, or cause to be developed, after consultation with the office of state planning and budgeting pursuant to section 24-37-201, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state institution and agency, except state schools, colleges, and universities as provided in section 23-1-106, C.R.S., for review and recommendation by the capital development committee;

(m) Repealed.

(n) (I) (Deleted by amendment, L. 94, p. 567, § 20, effective April 6, 1994.)

(II) Develop, or cause to be developed, methods of control on a standardized basis for all state agencies to ensure conformity of physical planning with approved building codes and of construction with approved physical planning.

(o) (Deleted by amendment, L. 94, p. 567, § 20, effective April 6, 1994.)

(p) Develop and maintain, or cause to be developed and maintained, at state agencies approved lists of qualified architects, industrial hygienists, engineers, landscape architects, land surveyors, and consultants from which the principal representative shall make a selection, including therein such information as may be required by part 14 of this article;

(q) Develop and maintain, or cause to be developed and maintained, at state agencies, approved lists of qualified contractors to bid on construction projects and promulgate rules and regulations as may be necessary for contractor prequalification processes for bidding on construction projects;

(r) Promulgate rules for independent third-party review of facility program plans, schematic design, design development, and construction documents to assure compliance with appropriate building codes, approved construction standards, and the appropriation and to assure the review of cost estimates prior to authorization of the calling of bids for compliance with the

appropriation. In the event the executive director or his designee, after such review, finds that facility program plans, schematic design, design development, or construction documents do not comply with approved construction standards and the appropriation or that cost estimates do not comply with the appropriation, he shall immediately notify the principal representative in writing of his findings and make appropriate recommendations. Upon receipt of such notice, the principal representative shall take action as necessary to implement the recommendations and bring the project into compliance, continuing or modifying plans, designs, construction documents, or cost estimates as the case may be.

(s) (I) Promulgate rules and regulations for the administration of the bid procedure and acceptable methods for determining the lowest responsible bidder;

(II) In cooperation with the project architect, engineer, or consultant, be responsible for the administration of the bid procedure for state agencies without staff capability and perform such additional functions as the department may determine;

(III) When directly responsible for the bid procedure, recommend the lowest responsible bid to the principal representative, after consultation with the project architect, engineer, or consultant;

(IV) Promulgate, with the assistance of the attorney general and the state controller, standardized contract language for agreements between architects, engineers, or consultants and state agencies and language for construction contracts between contractors or construction managers and state agencies;

(V) Review and approve modifications to such standard contract language;

(t) (I) Review and make recommendations on capital construction project requests, if requested by the office of state planning and budgeting or the capital development committee;

(II) Be responsible for the preparation of the state's controlled maintenance budget request and submit recommendations for the same to the office of state planning and budgeting and the capital development committee;

(u) and (v) Repealed.

(w) Develop and maintain, or cause to be developed and maintained, life-cycle cost analysis methods for state facilities and state-assisted facilities and, prior to beginning construction, assure that such methods are reviewed by an independent third party to ensure compliance with sections 24-30-1304 and 24-30-1305. The department shall review and approve specific exceptions to systems selected for construction, which systems are not found to be the best choice on a life-cycle basis.

(x) and (y) Repealed.

(z) Establish minimum building codes, with the approval of the governor and the general assembly after the recommendations and review of the capital development committee, for all construction by state agencies on state-owned or state lease-purchased properties or facilities. At the discretion of the department, said codes may apply to state-leased facilities where local building codes may not exist.

(aa) Repealed.

(bb) Develop and maintain a list of the information required to be included in facility management plans and updates submitted pursuant to section 24-30-1303.5 (3.5);

(cc) Develop procedures for the submission of facility management plans and updates pursuant to section 24-30-1303.5 (3.5); and

(dd) Review facility management plans and updates submitted pursuant to section 24-30-1303.5 (3.5) and submit a report regarding such plans and updates to the office of state planning and budgeting and the capital development committee.

(ee) (Deleted by amendment, L. 2009, (SB 09-292), ch. 369, p. 1967, § 75, effective August 5, 2009.)

(2) The provisions of subsection (1) of this section shall not apply to lands under the jurisdiction of the state board of land commissioners or to leases of land held by the division of parks and wildlife.

(3) (a) All buildings and facilities, except public roads and highways and projects under the supervision of the division of parks and wildlife, erected for state purposes shall be constructed in conformity with a construction procedures manual for state facilities and state-assisted facilities prepared by the department and approved by the governor. Such construction shall be made only upon plans, designs, and construction documents that comply with approved state standards and rules promulgated pursuant to this section.

(b) Projects under the supervision of the division of parks and wildlife that are excluded from paragraph (a) of this subsection (3), shall:

(I) Maintain a current record of balances by capital project, including but not limited to:

(A) Planned budgets, actual expenditures, and additions or deletions to and components of projects; and

(B) Items categorized for professional services, construction or improvement, contingencies, and moveable equipment.

(II) Report the current record of balances by capital project on or before September 15, 2001, not less than one time annually on or before each September 15 thereafter to the office of state planning and budgeting, the joint budget committee, and the capital development committee.

(4) When the principal representative is a legislative agency, the principal representative may request, and the department shall provide to the principal representative within five working days of such request, a progress report of the department's actions undertaken as of the date of the request towards completion of any of the department's duties set forth in subsection (1) of this section.

(5) (a) The department may delegate to state agencies any or all of the responsibilities and functions outlined in this part 13 and the department's responsibilities and functions under part 14 of this article, pursuant to rules and regulations promulgated by the department, when the state agency has the professional or technical capability on staff to perform such functions competently.

(b) The department may authorize state agencies to hire private construction managers to supervise the capital construction projects. The cost of such construction manager shall be paid from moneys appropriated for the specific capital construction projects. This subsection (5) (b) shall not apply to projects under the supervision of the department of transportation.

(c) If the executive director determines that the governing board of a state institution of higher education has adopted procedures that adequately meet the safeguards set forth in the requirements of part 14 of this article and article 92 of this title, the executive director may exempt the institution from any of the procedural requirements of part 14 of this article and article 92 of this title in regard to a capital construction project to be constructed pursuant to the provisions of section 23-1-106 (9) or (10), C.R.S.; except that the selection of any contractor to perform professional services as defined in section 24-30-1402 (6) shall be made in accordance with the criteria set forth in section 24-30-1403 (2).

(d) Upon application by any state agency that demonstrates internal expertise related to the leasing and acquisition of commercial real property, the department may delegate an individual employed by the state agency to act on behalf of the department in the performance of the responsibilities and functions described in paragraph (a) of subsection (1) of this section. The delegation authorized pursuant to this paragraph (d) may include, with the consent of the department, the authority to waive the use of the department-approved real estate lease form or real estate lease amendment form.

24-1-136.5. Capital construction and long-range planning - policy - heads of principal departments. (1) The executive director of each department, after consultation with the directors of the subordinate agencies, divisions, or offices within the department, shall have authority to prescribe uniform policies, procedures, and standards of space utilization in department facilities, except for office space, for the development and approval of capital construction projects for the department. Nothing in this subsection (1) shall be construed to alter the authority of the department of personnel to prescribe uniform standards for office space pursuant to section 24-30-1303 (1) (h).

(2) The executive director shall review and, with the approval of the governor, approve facilities master planning and facilities program planning for all capital construction projects of the department on state-owned or state-controlled land, regardless of the source of funds, and no capital construction shall commence except in accordance with an approved facilities master plan, facilities program plan, and physical plan.

(3) The executive director shall ensure conformity of facilities master planning with approved department operational master plans, facilities program plans with approved facilities master plans, and physical plans with approved facilities program plans.

(4) Plans for any capital construction project for the department shall be subject to the approval of the executive director, regardless of the source of funds. The executive director may exempt any project which requires less than five hundred thousand dollars of state moneys from the requirements for master planning and program planning.

(5) The executive director shall annually request from the director of each subordinate agency, division, or office within the department a five-year projection of capital development projects. The projection shall include the estimated cost, the method of funding, a schedule for project completion, and the director's priority for each project. The executive director shall determine whether a proposed project is consistent with operational master planning and facilities master planning of the department and conforms to space utilization standards established pursuant to subsection (1) of this section and section 24-30-1303 (1) (h).

(6) (a) The executive director shall annually establish a department five-year capital improvements plan coordinated with department operational master plans and facilities master plans and shall transmit to the office of state planning and budgeting, the governor, and the general assembly, consistent with the executive budget timetable, a recommended priority of funding of capital construction projects for the department.

(b) Except as provided in subsection (4) of this section, it is the policy of the general assembly to appropriate funds only for projects approved by the executive director.

(7) Any acquisition or utilization of real property by a department which is conditional upon or requires expenditures of state-controlled funds or federal funds shall be subject to the approval of the executive director, regardless of whether the acquisition is by lease, lease-purchase, purchase, gift, or otherwise.

(8) Prior to approving the facilities master plan and facilities program plan for any capital construction project to be constructed, operated, and maintained solely from fees, gifts and bequests, grants, revolving funds, or a combination of such sources, the executive director shall request and consider recommendations from the capital development committee and the joint budget committee. The executive director, the capital development committee, and the joint budget committee shall by agreement adopt procedures for the review of such projects by the capital development committee and joint budget committee. The agreement shall provide that, whenever possible, the capital development committee and joint budget committee will submit their recommendations to the executive director within thirty days after each committee receives the information prescribed in the agreement as necessary for its review.

(9) This section shall not apply to the department of higher education, nor shall it be construed to alter the duties of the Colorado commission on higher education set forth in section 23-1-106, C.R.S.

24-82-101. Control of legislative space in the capitol, the legislative services building, and the state office building at 1525 Sherman street - responsibility of department of personnel for supervision of maintenance in capitol buildings group - exception - capitol complex master plan. (1) In accordance with the provisions of section 2-2-321, C.R.S., concerning space for the legislative department, subject to appropriations made by the general assembly and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building, the legislative department, acting through the executive committee of the legislative council:

(a) Shall have control of legislative spaces in the capitol, the legislative services building, and the state office building at 1525 Sherman street, and the grounds adjacent to the capitol within the area bounded on the north by east Colfax avenue, on the west by Lincoln street, on the south by Fourteenth avenue, and on the east by Grant street, as shown on the official maps of the city and county of Denver, the state-owned grounds adjacent to the legislative services building at Fourteenth avenue and Sherman street, and the tunnels connecting the subbasements of the capitol, the legislative services building, and the state office building at 1525 Sherman street, together with all furniture, fixtures, furnishings, and equipment and all exhibits placed in and about said buildings; and

(b) Shall be responsible for the supervision of the provision of maintenance for legislative spaces in the capitol, the legislative services building, and the state office building at 1525 Sherman street, and the grounds and tunnels specified in paragraph (a) of this subsection (1) if the executive committee of the legislative council adopts a resolution assuming such responsibility. The executive committee shall deliver a copy of any resolution it adopts pursuant to this paragraph (b) to the executive director of the department of personnel.

(2) Except as otherwise provided in section 2-2-321, C.R.S., the department of personnel shall have control of executive space in the capitol and the grounds and any other property the state may acquire adjacent to the capitol other than the grounds and tunnels specified in paragraph (a) of subsection (1) of this section, together with all furniture, fixtures, furnishings, and equipment and all exhibits placed in and about such space or property, subject to appropriations made by the general assembly and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building. Except as otherwise provided in paragraph (b) of subsection (1) of this section, the department of personnel shall be responsible for the supervision of the provision of maintenance for the state capitol buildings group, including assignment of all executive space owned and rented in the capitol buildings group, subject to appropriations made by the general assembly and subject to the provisions of section 2-2-321, C.R.S., concerning space for the legislative department, and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building.

(3) (a) The department of personnel shall enter into competitive negotiations for the acquisition of professional services, as specified in part 14 of article 30 of this title, to develop a master plan for the capitol complex.

(b) The master plan is subject to final approval from the office of state planning and budgeting and the capital development committee. The master plan must be completed no later than December 1, 2014, and shall:

(I) Determine space utilization needs for state agencies located in and near the capitol complex;

(II) Prioritize the location of various state agencies based on their service functions;

- (III) Consider the symbolic importance of certain capitol complex buildings and grounds;
- (IV) Identify opportunities for co-locating state agencies;
- (V) Identify the most appropriate use of state-owned and leased space for state agencies;
- (VI) Identify opportunities for energy cost savings and improved sustainability within state-owned facilities;
- (VII) Assess and improve security for state-owned facilities, especially for those state agencies performing sensitive government functions;
- (VIII) Establish guidelines regarding the appropriate use and maintenance of grounds within the capitol complex;
- (IX) Assess existing parking capacity and identify the current and future need for capitol complex tenants, including the location of parking facilities;
- (X) Establish guidelines for future development within the capitol complex, including a multi-year plan for:
 - (A) New and renovated capital construction projects;
 - (B) Controlled maintenance projects; and
 - (C) Real estate acquisition or disposition transactions as applicable;
- (XI) Review the pedestrian circulation around the capitol complex;
- (XII) Suggest financing options for future improvements and development;
- (XIII) Make recommendations on buying, selling, constructing, financing, or leasing properties in the capitol complex based on factors such as land use and centralization versus decentralization of state functions; and
- (XIV) Address any other issues that the office of the state architect deems important in relation to the goals of the master plan.

(c) Notwithstanding any law to the contrary, all real estate-related capital requests by executive branch departments or the legislative branch for the capitol complex shall be evaluated by the office of state planning and budgeting and the capital development committee against the capitol complex master plan developed pursuant to paragraph (a) of this subsection (3).

(d) The capitol complex master plan shall be kept and maintained by the office of the state architect.

(e) (I) The capitol complex master plan may be modified by the department of personnel on an as-needed basis, subject to approval by the office of state planning and budgeting and the capital development committee.

(II) At a minimum, an updated capitol complex master plan must be completed by the department of personnel every ten years. Prior to completion of the updated master plan, the department of personnel shall seek approval from the office of state planning and budgeting and the capital development committee of all amendments to the master plan.

(f) For purposes of this subsection (3), the "capitol complex" includes the following buildings, facilities, and surface parking lots:

- (I) 1570 Grant street, Denver;
- (II) 1575 Sherman street, Denver;
- (III) 1525 Sherman street, Denver, and the surface parking lots located west and north of the building;
- (IV) 201 East Colfax avenue, Denver, and the surface parking lot located north of the building;
- (V) The state capitol building and grounds, 200 East Colfax avenue, Denver;
- (VI) 200 East 14th avenue, Denver;
- (VII) 1375 Sherman street, Denver;
- (VIII) 1341 Sherman street, Denver;
- (IX) 1313 Sherman street, Denver, and the surface parking lot located north of the

building;

- (X) 1350 Lincoln street, Denver;
- (XI) 251 East 12th avenue, Denver;
- (XII) 690 Kipling street, Lakewood;
- (XIII) 700 Kipling street, Lakewood;
- (XIV) Executive residence, 400 East 8th avenue, Denver;
- (XV) 1881 Pierce street, Denver;
- (XVI) North campus buildings (north, east, and west), 1001 East 62nd avenue, Denver;

and

(XVII) Any other buildings, facilities, and surface parking lots acquired after May 28, 2013.

18-9-117 (combined with 24-82-101). Unlawful conduct on public property. (1) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection (1), limiting or prohibiting the use or activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of such public buildings and property, specifically, orders, rules, and regulations upon the following matters:

(a) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings and grounds, and other structures, and any object of scientific, historical, or scenic interest;

(b) Restriction or limitation of the use of such public buildings or property as to time, manner, or permitted activities;

(c) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance or which may interfere with, impair, or disrupt a funeral or funeral procession;

(d) Necessary sanitation, health, and safety measures, consistent with section 25-13-113, C.R.S.;

(e) Camping and picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted;

(f) Use of all vehicles as to place, time, and manner of use;

(g) Control and limitation of fires, including but not limited to the prohibition, restriction, or ban on fires or other regulation of fires to avert the start of or lessen the likelihood of wildfire, and the designation of places where fires are permitted, restricted, prohibited, or banned.

(2) No conviction may be obtained under this section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce this section.

(3) (a) Except as otherwise provided in paragraphs (b) and (c) of this subsection (3), any person who violates subsection (1) of this section is guilty of a class 3 misdemeanor.

(b) Any person who violates any order, rule, or regulation adopted pursuant to paragraph (g) of subsection (1) of this section is guilty of a class 2 misdemeanor and shall be assessed a fine of not less than two hundred fifty dollars and not greater than one thousand dollars. The fine imposed by this paragraph (b) shall be mandatory and not subject to suspension. Nothing in this

paragraph (b) shall be construed to limit the court's discretion in exercising other available sentencing alternatives in addition to the mandatory fine.

(c) Any person who violates any order, rule, or regulation adopted pursuant to paragraph (c) of subsection (1) of this section concerning funerals or funeral processions is guilty of a class 2 misdemeanor.

24-82-102. State authorized to acquire property - disposition. (1) (a) On behalf of the state of Colorado and with the approval of the governor, the executive director of the department of personnel is authorized to acquire fee simple title, or any lesser interest therein, to any real property for present or future use by the state. Title to such property may be acquired by purchase, donation, or lease-purchase agreements or by the exercise of the power of eminent domain through condemnation proceedings in accordance with law from funds appropriated by the general assembly or from funds donated to the state for the purpose. In the event that the executive director plans to acquire any real property by any of the means authorized by this paragraph (a), except for easements or rights-of-way, or to sell or otherwise dispose of such property, the executive director shall first submit a report to the capital development committee which outlines the anticipated use of the real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations which may restrict the use of the property, and, in the event real property is acquired, the potential liability to the state which will result from such acquisition. The capital development committee shall review the reports submitted by the executive director and make recommendations to the executive director concerning the disposition of the real property. The executive director shall not acquire, sell, or otherwise dispose of any real property without considering the recommendations of the capital development committee.

(b) Any lease-purchase agreement that is entered into pursuant to paragraph (a) of this subsection (1) shall comply with the requirements of section 24-82-801.

(c) to (e) (Deleted by amendment, L. 2009, (HB 09-1218), ch. 132, p. 570, § 3, effective July 1, 2009.)

(f) As used in this section, "lease-purchase agreement" means a capital lease as defined in the generally accepted accounting principles issued by the governmental accounting standards board that the controller prescribes for the state as specified in section 24-30-202 (12).

(2) (a) Said executive director, with the approval of the governor, may rent or lease any such property not presently needed for state use and, under any such lease, with specific legislative authorization, may authorize the construction by the lessee on such property of any improvement which may be suitable for state use upon the termination of the lease, which improvement shall become the property of the state upon such termination at no additional cost to the state unless such costs are paid from funds appropriated by the general assembly or donated to the state for the purpose.

(b) Repealed.

24-82-103. Off-street parking - financing. (1) The department of personnel shall have the authority to acquire land for off-street parking and to construct related facilities, subject to specific appropriation for land acquisition and construction.

(2) The department of personnel shall develop and execute priorities for assignment of off-street parking. Rentals and charges for state-owned parking in the capitol buildings group shall not be less than those charges applicable to comparable parking offered privately and shall be reviewed annually prior to July 1.

(2.5) Notwithstanding the provisions of subsection (2) of this section, preferential rates shall be granted for parking spaces assigned to vehicles which are used by more than one person

in going to and returning from work. Such rate shall be determined based upon the number of persons regularly going to and returning from work in the vehicle which is to be charged a preferential rate and shall decrease as the number of persons regularly going to and from work in such vehicle increases; except that no parking charge shall be made for any vehicle which regularly carries four or more persons, including the driver, in going to or returning from work. The office of state planning and budgeting shall provide that not less than ten percent of the available off-street parking shall be reserved for vanpool and carpool parking.

(3) All existing balance in the capitol parking account and the farmers' union amortization account shall be transferred to the capital construction fund.

(4) (a) Moneys received pursuant to this section in excess of those necessary to pay current capital and operating costs, which moneys to pay such costs are hereby appropriated, shall be deposited to the credit of a special account within the state treasury, and such moneys shall be expended only for incentives and programs to increase state employee participation in ridesharing arrangements, as defined in section 39-22-509 (1) (a) (II), C.R.S., and state employee use of bicycles or mass transit.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (4), the department of personnel is authorized, subject to appropriation by the general assembly, to expend moneys in the special account described in paragraph (a) of this subsection (4) for the purpose of demolishing the state-owned buildings in the capitol complex at 1550 Lincoln street and making payments on a lease-purchase agreement for a parking structure on the southeast corner of fourteenth avenue and Lincoln street in the capitol complex.

(5) (a) There is hereby created in the department of personnel the capitol parking authority, referred to in this subsection (5) as the "authority", which shall be under the direction of the executive director of the department of personnel and the director of the division of central services. The authority shall constitute an enterprise for the purposes of section 20 of article X of the state constitution so long as the authority retains the authority to issue revenue bonds pursuant to paragraph (b) of this subsection (5), and the authority receives less than ten percent of its total annual revenues from grants, as defined in section 24-77-102 (7), from all Colorado state and local governments combined. So long as the authority constitutes an enterprise pursuant to this section, the authority shall not be subject to any of the provisions of section 20 of article X of the state constitution.

(b) Subject to approval by the general assembly, either by bill or by joint resolution, and after approval by the governor pursuant to section 39 of article V of the state constitution, the authority is hereby authorized to issue revenue bonds to finance the acquisition of land for off-street parking or the construction of related facilities.