

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0622.01 John Ziegler

HOUSE BILL 16-1405

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

House Committees

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE**
102 **EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE**
103 **STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS,**
104 **FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2016,**
105 **EXCEPT AS OTHERWISE NOTED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 6, 2016

HOUSE
3rd Reading Unamended
April 1, 2016

HOUSE
Amended 2nd Reading
March 31, 2016

institutions, for and during the fiscal year beginning July 1, 2016, except as otherwise noted.

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

SECTION 1. Definitions - general provisions. As used in this act, the following definitions and general provisions shall apply:

(1) Section 24-75-112, Colorado Revised Statutes, provides definitions in order to specify the purpose of certain line items of appropriation.

(2) The funds designated to constitute the state emergency reserve for the 2016-17 fiscal year are:

(a) The major medical insurance fund, created in section 8-46-202 (1) (a), Colorado Revised Statutes, up to a maximum of \$83,000,000;

(b) The controlled maintenance trust fund, created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, up to a maximum of \$68,328,000;

(c) The unclaimed property tourism promotion trust fund, created in section 38-13-116.7 (1), Colorado Revised Statutes, up to a maximum of \$5,000,000;

(d) The severance tax perpetual base fund, created in section 39-29-109 (2) (a) (I.5), Colorado Revised Statutes, up to a maximum of \$33,000,000;

(e) The Colorado water conservation board construction fund, created in section 37-60-121 (1) (a), Colorado Revised Statutes, up to a maximum of \$33,000,000;

(f) The wildlife cash fund, created in section 33-1-112 (1) (a), Colorado Revised Statutes, up to a maximum of \$34,000,000; and

(g) Up to \$142,272,000 of state properties as follows:

- 1 (I) The state parking garage located at 1350 Lincoln Street,
2 Denver, Colorado 80203, which has a value of \$11,694,000;
- 3 (II) The legislative services building located at 200 E. 14th
4 Avenue, Denver, Colorado 80203, which has a value of \$16,934,000;
- 5 (III) The centennial building located at 1313 Sherman Street,
6 Denver, Colorado, 80203, which has a value of \$36,399,000;
- 7 (IV) The state services building located at 1525 Sherman Street,
8 Denver, Colorado, 80203, which has a value of \$43,785,000;
- 9 (V) The human services building located at 1575 Sherman Street,
10 Denver, Colorado, 80203, which has a value of \$31,396,000; and
- 11 (VI) The capitol annex building located at 1375 Sherman Street,
12 Denver, Colorado, 80203, which has a value of \$28,225,000.

13 **SECTION 2. Appropriation.** (1) The sums included in this
14 section are appropriated out of any money in the general fund, the
15 indicated cash funds, and reappropriated funds, for the payment of the
16 ordinary operating costs of the executive, legislative, and judicial
17 departments of the state, and of its agencies and institutions, for and
18 during the fiscal year beginning July 1, 2016, and:

19 (a) The figures in the column headed "item & subtotal" are the
20 amounts made available by appropriation for expenditure within each line
21 item, except for the figures that appear directly beneath a line, which
22 figures are subtotals of the preceding line item appropriation amounts.
23 The figures in the "total" column are the amounts made available by
24 appropriation for expenditure by the department, division, institution, or
25 program to which the totals relate.

26 (b) The figures in the "general fund", "general fund exempt",

1 "cash funds", "reappropriated funds", and "federal funds" columns
2 indicate the source of funds for the amounts authorized in the expenditure
3 columns or the source of funds for the figures that are included for
4 informational purposes only.

5 (c) The figures in the "general fund" and "general fund exempt"
6 columns indicate the maximum amount that may be expended from the
7 general fund for the purposes shown.

8 (d) Where the letter "(M)" appears directly to the right of a general
9 fund or general fund exempt figure, that general fund or general fund
10 exempt appropriation, when combined with the related general fund or
11 general fund exempt transfers from the centralized appropriations to the
12 office of the executive director, is used to support a federally supported
13 program and is the maximum amount of general fund or general fund
14 exempt money that may be expended in that program, except where
15 otherwise provided. In the event that additional federal funds are
16 available for the program, the combined general fund or general fund
17 exempt amount noted as "(M)" shall be reduced by the amount of federal
18 funds earned or received in excess of the figure shown in the "federal
19 funds" column for that program. In the event that the federal funds earned
20 or received are less than the amount shown in the "federal funds" column,
21 the combined general fund or general fund exempt amount noted as "(M)"
22 shall be reduced proportionately. Where general fund or general fund
23 exempt support is required as a condition for the acceptance of federal
24 funds and the state matching requirements are reduced, the combined
25 general fund or general fund exempt amount noted as "(M)" shall be
26 reduced proportionately. These provisions shall apply only to the general
27 fund or general fund exempt amount which remains unexpended at the

1 time of the change in federal requirements or funding. It is intended that
2 the general fund or general fund exempt amount and the federal funds
3 amount shall be expended in equally proportioned amounts throughout
4 the year.

5 (e) (I) The figures in the "cash funds" or "reappropriated funds"
6 columns, including the figures in any related letter notes, indicate all
7 non-general fund and non-general fund exempt sources and all nondirect
8 federal fund sources and may be cash funds established by statute,
9 nonstatutory cash accounts, tuitions, overhead reimbursements, certain
10 fees, governmental and nongovernmental "third-party" payments,
11 payments for services, and interagency transfers. Such figures indicate the
12 maximum amount that may be expended from cash funds or the specified
13 cash fund sources for the purposes shown. The amount of each cash funds
14 or reappropriated funds appropriation is expressly declared to be
15 nonseverable from the agency, source, and purpose of such appropriation,
16 and such amount shall not be used for any other agency, source, or
17 purpose.

18 (II) The provisions of this paragraph (e) shall not apply where this
19 act specifically provides otherwise or where cash funds are marked with
20 an "(L)". The "(L)" designation refers to the funds of local governments
21 or to the funds of service organizations from which the state purchases
22 services, the amounts of which are not appropriated in this act and the
23 inclusion of which is informational only.

24 (III) Whenever a state agency receives cash funds or
25 reappropriated funds from a centralized appropriation made to the office
26 of the executive director of such agency's department and this act does not
27 set forth such funds as a duplicate appropriation to said receiving agency,

1 the provisions of this paragraph (e) shall not apply to the receipt of such
2 funds.

3 (IV) Whenever the controller creates an account solely for the
4 purpose of establishing the obligation of a state agency to generate cash
5 funds or reappropriated funds for distribution to another state agency to
6 which such funds are appropriated by this act, the provisions of this
7 paragraph (e) shall not apply to the account created or to such
8 distribution.

9 (f) Where the letter "(H)" appears directly to the right of a cash
10 funds or reappropriated funds figure, that appropriation, when combined
11 with the related cash funds or reappropriated funds transfers from the
12 centralized appropriations to the office of the executive director, is used
13 to support a federally supported program and is the maximum amount of
14 cash funds or reappropriated money that may be expended in that
15 program, except where otherwise provided. In the event that additional
16 federal funds are available for the program, the combined cash funds or
17 reappropriated funds amount noted as "(H)" shall be reduced by the
18 amount of federal funds earned or received in excess of the figure shown
19 in the "federal funds" column for that program. In the event that the
20 federal funds earned or received are less than the amount shown in the
21 "federal funds" column, the combined cash funds or reappropriated funds
22 amount noted as "(H)" shall be reduced proportionately. Where cash
23 funds or reappropriated funds support is required as a condition for the
24 acceptance of federal funds and the state matching requirements are
25 reduced, the combined cash funds or reappropriated funds amount noted
26 as "(H)" shall be reduced proportionately. These provisions shall apply
27 only to the cash funds or reappropriated funds amount which remains

1 unexpended at the time of the change in federal requirements or funding.
2 It is intended that the cash funds or reappropriated funds amount and the
3 federal funds amount shall be expended in equally proportioned amounts
4 throughout the year.

5 (g) Reappropriated funds means money appropriated again
6 subsequent to an initial appropriation in the same fiscal year. The
7 designation of money as reappropriated funds has no bearing on whether
8 the money constitutes a grant from the state of Colorado pursuant to
9 section 20 (2) (d) of article X of the state constitution.

10 (h) (I) The figures in the "federal funds" column earned or
11 received under the following federal programs which are subject to a state
12 match or which are subject to transfer to other block grants shall be limits
13 on the amount of expenditures of such funds, and such funds shall be
14 expended in accordance with applicable state and federal statutes,
15 including all provisions of this act:

16 Title XX Social Services Block Grant

17 Maternal and Child Health Block Grant

18 (II) The figures in the "federal funds" column earned or received
19 under the following federal programs shall be limits on the amount of
20 expenditures of such funds, and such funds shall be expended in
21 accordance with applicable state and federal statutes, including all
22 provisions of this act:

23 Child Care Development Funds

24 Temporary Assistance for Needy Families Block Grant

25 (III) The figures in the "federal funds" column for all other
26 programs are anticipated federal funds, and, although these funds are not
27 appropriated in this act, they are noted for the purpose of indicating the

1 assumption used relative to those funds in developing the basic
2 appropriations amounts.

3 (i) The general assembly accepts no obligation directly or
4 indirectly for support or continuation of non-state-funded programs or
5 grants where no direct or indirect state contribution is required.
6 Furthermore, the general assembly accepts no obligation for costs
7 incurred by or claimed against nonappropriated federally funded
8 programs.

9 (j) No money appropriated by this act shall knowingly be paid to
10 any organization, business firm, person, agency, or club which places
11 restrictions on employment or membership based on sex, sexual
12 orientation, race, age, marital status, creed, color, religion, national origin,
13 ancestry, or physical handicap.

14 (k) Pursuant to section 24-30-202 (2), C.R.S., the controller shall
15 examine all state contracts entered into during the fiscal year commencing
16 July 1, 2016, to determine whether such contracts are authorized by an
17 appropriation within this act, and, pursuant to section 24-30-202 (3),
18 C.R.S., no agency shall incur obligations by contract in excess of the
19 amounts appropriated by this act.

20 (l) (I) Where the letter "(I)" appears directly to the right of a figure
21 or in a letternote referencing a figure, that amount is not an appropriation,
22 nor does it limit the expenditure of such money. The figure is included for
23 informational purposes only. It provides a record of funds anticipated to
24 be expended and, in some instances, may indicate assumptions used
25 relative to those funds in developing appropriated amounts.

26 (II) The (I) notation applies to a general fund, general fund
27 exempt, or cash funds figure when the amount is continuously

1 appropriated to, or otherwise authorized by law to be spent by, a
2 department or agency of state government pursuant to a provision of state
3 statute or the state constitution.

4 (III) The (I) notation applies to a reappropriated funds figure when
5 the amount is continuously appropriated to, or otherwise authorized by
6 law to be spent by, a department or agency of state government pursuant
7 to a provision of state statute or the state constitution or, in some
8 instances, when the underlying federal funds source from which the
9 amount is reappropriated is subject to the (I) notation.

10 (IV) The (I) notation applies to all federal funds except when the
11 federal funds represent a limit on expenditures as specified in paragraph
12 (h) of this section, when the letter (M) or (H) appears to the right of a
13 general fund, cash funds, or reappropriated funds figure in the same line
14 item, or when the general assembly has the authority to appropriate the
15 federal funds.