

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0594.01 John Ziegler x4956

HOUSE BILL 18-1322

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

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, 2018,**
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://leg.colorado.gov>.)

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 or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

institutions, for and during the fiscal year beginning July 1, 2018, except as otherwise noted.

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

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

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

7 (2) The funds designated to constitute the state emergency reserve
8 for the 2018-19 fiscal year are:

9 (a) The major medical insurance fund, created in section 8-46-202
10 (1)(a), Colorado Revised Statutes, up to a maximum of \$74,000,000;

11 (b) The controlled maintenance trust fund, created in section
12 24-75-302.5 (2)(a), Colorado Revised Statutes, up to a maximum of
13 \$93,996,000;

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

17 (d) The severance tax perpetual base fund, created in section
18 39-29-109 (2)(a)(I.5), Colorado Revised Statutes, up to a maximum of
19 \$33,000,000;

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

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

- 1 (g) Up to \$160,272,000 of state properties as follows:
- 2 (I) The state parking garage located at 1350 Lincoln Street,
3 Denver, Colorado 80203, which has a value of \$11,986,350;
- 4 (II) The legislative services building located at 200 E. 14th
5 Avenue, Denver, Colorado 80203, which has a value of \$17,357,350;
- 6 (III) The centennial building located at 1313 Sherman Street,
7 Denver, Colorado, 80203, which has a value of \$37,308,975;
- 8 (IV) The state services building located at 1525 Sherman Street,
9 Denver, Colorado, 80203, which has a value of \$44,879,625;
- 10 (V) The human services building located at 1575 Sherman Street,
11 Denver, Colorado, 80203, which has a value of \$32,180,900; and
- 12 (VI) The capitol annex building located at 1375 Sherman Street,
13 Denver, Colorado, 80203, which has a value of \$28,930,625.

14 **SECTION 2. Appropriation.** (1) The sums included in this
15 section are appropriated out of any money in the general fund, the
16 indicated cash funds, and reappropriated funds, for the payment of the
17 ordinary operating costs of the executive, legislative, and judicial
18 departments of the state, and of its agencies and institutions, for and
19 during the fiscal year beginning July 1, 2018, and:

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

1 (b) The figures in the "general fund", "general fund exempt",
2 "cash funds", "reappropriated funds", and "federal funds" columns
3 indicate the source of funds for the amounts authorized in the expenditure
4 columns or the source of funds for the figures that are included for
5 informational purposes only.

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

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

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

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

19 (II) The provisions of this subsection (1)(e) shall not apply where
20 this act specifically provides otherwise or where cash funds are marked
21 with an "(L)". The "(L)" designation refers to the funds of local
22 governments or to the funds of service organizations from which the state
23 purchases services, the amounts of which are not appropriated in this act
24 and the inclusion of which is informational only.

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

1 set forth such funds as a duplicate appropriation to said receiving agency,
2 the provisions of this subsection (1)(e) shall not apply to the receipt of
3 such funds.

4 (IV) Whenever the controller creates an account solely for the
5 purpose of establishing the obligation of a state agency to generate cash
6 funds or reappropriated funds for distribution to another state agency to
7 which such funds are appropriated by this act, the provisions of this
8 subsection (1)(e) shall not apply to the account created or to such
9 distribution.

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

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

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

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

17 Title XX Social Services Block Grant

18 Maternal and Child Health Block Grant

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

24 Child Care Development Funds

25 Temporary Assistance for Needy Families Block Grant

26 (III) The figures in the "federal funds" column for all other
27 programs are anticipated federal funds, and, although these funds are not

1 appropriated in this act, they are noted for the purpose of indicating the
2 assumption used relative to those funds in developing the basic
3 appropriations amounts.

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

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

15 (k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes,
16 the controller shall examine all state contracts entered into during the
17 fiscal year commencing July 1, 2018, to determine whether such contracts
18 are authorized by an appropriation within this act, and, pursuant to section
19 24-30-202 (3), Colorado Revised Statutes, no agency shall incur
20 obligations by contract in excess of the amounts appropriated by this act.

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

27 (II) The "(I)" notation applies to a general fund, general fund

1 exempt, or cash funds figure when the amount is continuously
2 appropriated to, or otherwise authorized by law to be spent by, a
3 department or agency of state government pursuant to a provision of state
4 statute or the state constitution.

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

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