

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

REVISED

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

LLS NO. 23-0395.01 Carolyn Kampman x4959

SENATE BILL 23-214

SENATE SPONSORSHIP

Zenzinger, Bridges, Kirkmeyer, Buckner, Coleman, Cutter, Exum, Fenberg, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Sullivan

HOUSE SPONSORSHIP

Bird, Bockenfeld, Sirota

Senate Committees
Appropriations

House Committees
Appropriations

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, 2023,**
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 law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 4, 2023

SENATE
3rd Reading Unamended
March 30, 2023

SENATE
Amended 2nd Reading
March 29, 2023

institutions, for and during the fiscal year beginning July 1, 2023, 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 2023-24 fiscal year are:

9 (a) The disaster emergency fund created in section 24-33.5-706
10 (2)(a), C.R.S., up to a maximum of \$44,000,000;

11 (b) The state emergency reserve cash fund created in section
12 24-77-104 (6), C.R.S., up to a maximum of \$266,600,000;

13 (c) The marijuana tax cash fund created in section 39-28.8-501
14 (1), C.R.S., up to a maximum of \$100,000,000;

15 (d) The controlled maintenance trust fund created in section
16 24-75-302.5 (2)(a), C.R.S., up to a maximum of \$69,400,000;

17 (e) The unclaimed property tourism promotion trust fund created
18 in section 38-13-801.5 (1), C.R.S., up to a maximum of \$5,000,000;

19 (f) The major medical insurance fund created in section 8-46-202
20 (1)(a), C.R.S., up to a maximum of \$25,000,000;

21 (g) The Colorado water conservation board construction fund
22 created in section 37-60-121 (1)(a), C.R.S., up to a maximum of
23 \$33,000,000.

24 **SECTION 2. Appropriation.** (1) The sums included in this
25 section are appropriated out of any money in the general fund, the

1 indicated cash funds, and reappropriated funds, for the payment of the
2 ordinary operating costs of the executive, legislative, and judicial
3 departments of the state, and of its agencies and institutions, for and
4 during the fiscal year beginning July 1, 2023; and:

5 (a) The figures in the column headed "item & subtotal" are the
6 amounts made available by appropriation for expenditure within each line
7 item, except for the figures that appear directly beneath a line, which
8 figures are subtotals of the preceding line item appropriation amounts.
9 The figures in the "total" column are the amounts made available by
10 appropriation for expenditure by the department, division, institution, or
11 program to which the totals relate.

12 (b) The figures in the "general fund", "general fund exempt",
13 "cash funds", "reappropriated funds", and "federal funds" columns
14 indicate the source of funds for the amounts authorized in the expenditure
15 columns or the source of funds for the figures that are included for
16 informational purposes only.

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

20 (d)(I) Where the letter "(M)" appears directly to the right of a
21 general fund or general fund exempt figure, that general fund or general
22 fund exempt appropriation, when combined with the related general fund
23 or general fund exempt transfers from the centralized appropriations to
24 the office of the executive director, is used to support a federally
25 supported program and is the maximum amount of general fund or
26 general fund exempt money that may be expended in that program, except
27 where otherwise provided.

1 (II) In the event that additional federal funds are available for a
2 federally supported program, the combined general fund or general fund
3 exempt amount noted as "(M)" is reduced by the amount of federal funds
4 earned or received in excess of the figure shown in the "federal funds"
5 column for that program. In the event that the federal funds earned or
6 received are less than the amount shown in the "federal funds" column,
7 the combined general fund or general fund exempt amount noted as "(M)"
8 is reduced proportionately. Where general fund or general fund exempt
9 support is required as a condition for the acceptance of federal funds and
10 the state matching requirements are reduced, the combined general fund
11 or general fund exempt amount noted as "(M)" is reduced proportionately.
12 This subsection (1)(d)(II) only applies to the general fund or general fund
13 exempt amount that remains unexpended at the time of the change in
14 federal requirements or funding. This subsection (1)(d)(II) does not apply
15 to an appropriation noted as "(M)" to the department of health care policy
16 and financing, unless the appropriation is in a line item for the executive
17 director's office. It is intended that the general fund or general fund
18 exempt amount and the federal funds amount be expended in equally
19 proportioned amounts throughout the year.

20 (e)(I) The figures in the "cash funds" or "reappropriated funds"
21 columns, including the figures in any related letter notes, indicate all
22 non-general fund and non-general fund exempt sources and all nondirect
23 federal fund sources and may be cash funds established by statute,
24 nonstatutory cash accounts, tuitions, overhead reimbursements, certain
25 fees, governmental and nongovernmental "third-party" payments,
26 payments for services, and interagency transfers. Such figures indicate the
27 maximum amount that may be expended from cash funds or the specified

1 cash fund sources for the purposes shown. The amount of each cash funds
2 or reappropriated funds appropriation is expressly declared to be
3 nonseverable from the agency, source, and purpose of such appropriation,
4 and such amount shall not be used for any other agency, source, or
5 purpose.

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

12 (III) Whenever a state agency receives cash funds or
13 reappropriated funds from a centralized appropriation made to the office
14 of the executive director of such agency's department and this act does not
15 set forth such funds as a duplicate appropriation to said receiving agency,
16 the provisions of this subsection (1)(e) shall not apply to the receipt of
17 such funds.

18 (IV) Whenever the controller creates an account solely for the
19 purpose of establishing the obligation of a state agency to generate cash
20 funds or reappropriated funds for distribution to another state agency to
21 which such funds are appropriated by this act, the provisions of this
22 subsection (1)(e) shall not apply to the account created or to such
23 distribution.

24 (f) Where the letter "(H)" appears directly to the right of a cash
25 funds or reappropriated funds figure, that appropriation, when combined
26 with the related cash funds or reappropriated funds transfers from the
27 centralized appropriations to the office of the executive director, is used

1 to support a federally supported program and is the maximum amount of
2 cash funds or reappropriated money that may be expended in that
3 program, except where otherwise provided. In the event that additional
4 federal funds are available for the program, the combined cash funds or
5 reappropriated funds amount noted as "(H)" shall be reduced by the
6 amount of federal funds earned or received in excess of the figure shown
7 in the "federal funds" column for that program. In the event that the
8 federal funds earned or received are less than the amount shown in the
9 "federal funds" column, the combined cash funds or reappropriated funds
10 amount noted as "(H)" shall be reduced proportionately. Where cash
11 funds or reappropriated funds support is required as a condition for the
12 acceptance of federal funds and the state matching requirements are
13 reduced, the combined cash funds or reappropriated funds amount noted
14 as "(H)" shall be reduced proportionately. These provisions shall apply
15 only to the cash funds or reappropriated funds amount which remains
16 unexpended at the time of the change in federal requirements or funding.
17 It is intended that the cash funds or reappropriated funds amount and the
18 federal funds amount shall be expended in equally proportioned amounts
19 throughout the year.

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

25 (h)(I) The figures in the "federal funds" column earned or
26 received under the following federal programs which are subject to a state
27 match or which are subject to transfer to other block grants shall be limits

1 on the amount of expenditures of such funds, and such funds shall be
2 expended in accordance with applicable state and federal statutes,
3 including all provisions of this act:

4 Title XX Social Services Block Grant

5 Maternal and Child Health Block Grant

6 (II) The figures in the "federal funds" column earned or received
7 under the following federal programs shall be limits on the amount of
8 expenditures of such funds, and such funds shall be expended in
9 accordance with applicable state and federal statutes, including all
10 provisions of this act:

11 Child Care Development Funds

12 Temporary Assistance for Needy Families Block Grant

13 (III) The figures in the "federal funds" column for all other
14 programs are anticipated federal funds, and, although these funds are not
15 appropriated in this act, they are noted for the purpose of indicating the
16 assumption used relative to those funds in developing the basic
17 appropriations amounts.

18 (i) The general assembly accepts no obligation directly or
19 indirectly for support or continuation of non-state-funded programs or
20 grants where no direct or indirect state contribution is required.
21 Furthermore, the general assembly accepts no obligation for costs
22 incurred by or claimed against nonappropriated federally funded
23 programs.

24 (j) No money appropriated by this act shall knowingly be paid to
25 any organization, business firm, person, agency, or club which places
26 restrictions on employment or membership based on sex, sexual
27 orientation, race, age, marital status, creed, color, religion, national origin,

1 ancestry, or disability.

2 (k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes,
3 the controller shall examine all state contracts entered into during the
4 fiscal year commencing July 1, 2023, to determine whether such contracts
5 are authorized by an appropriation within this act, and, pursuant to section
6 24-30-202 (3), Colorado Revised Statutes, no agency shall incur
7 obligations by contract in excess of the amounts appropriated by this act.

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

14 (II) The "(I)" notation applies to a general fund, general fund
15 exempt, or cash funds figure when the amount is continuously
16 appropriated to, or otherwise authorized by law to be spent by, a
17 department or agency of state government pursuant to a provision of state
18 statute or the state constitution.

19 (III) The "(I)" notation applies to a reappropriated funds figure
20 when the amount is continuously appropriated to, or otherwise authorized
21 by law to be spent by, a department or agency of state government
22 pursuant to a provision of state statute or the state constitution or, in some
23 instances, when the underlying federal funds source from which the
24 amount is reappropriated is subject to the "(I)" notation.

25 (IV) The "(I)" notation applies to all federal funds except when the
26 federal funds represent a limit on expenditures as specified in subsection
27 (1)(h) of this section, when the letter "(M)" or "(H)" appears to the right

1 of a general fund, cash funds, or reappropriated funds figure in the same
2 line item, or when the general assembly has the authority to appropriate
3 the federal funds.