

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Joint Budget Committee  
FROM John Ziegler, JBC Staff (303-866-4956)  
DATE March 20, 2019  
SUBJECT Long Bill Headnote Recommendation

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Attached to this memorandum are recommendations on the proposed changes to the FY 2019-20 long bill headnotes. The headnotes are the first several pages of the Long Bill that provide definitions and general provisions of the bill. Additionally, staff requests permission to make other technical drafting changes that may be discovered in the process of drafting the bill.

### **Recommendations Regarding Changes to the Headnotes**

The following outlines the recommended changes to the headnotes as contained in the Attachment:

- Page 1, lines 104 and 105, and bill summary at the top of page 2: Updates the fiscal year to which the bill refers.
- Page 2, lines 7-25, and page 3, lines 1-14: Reflects the designation of the TABOR reserve for FY 2019-20 as recommended by staff (staff will update the amounts if necessary based on Committee action).
- Page 3, line 20: Updates the fiscal year for which the Long Bill appropriations are in effect.
- Page 8, line 18: Updates the date pertaining to state contracts authorized by appropriation in the act.

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

**DRAFT**

LLS NO. 19-0467.01 John Ziegler x4956

**SENATE BILL**

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**SENATE SPONSORSHIP**

**Moreno,**

**HOUSE SPONSORSHIP**

**Esgar,**

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**Senate Committees**

**House Committees**

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**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                    **2019 EXCEPT AS OTHERWISE NOTED.**

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**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.

institutions, for and during the fiscal year beginning July 1, ~~2018~~, 2019,  
except as otherwise noted.

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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~~ 2019-20 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 \$70,000,000;

12 (b) The controlled maintenance trust fund, created in section  
13 24-75-302.5 (2)(a), Colorado Revised Statutes, up to a maximum of  
14 ~~\$93,996,000~~; \$102,038,807

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

18 (d) The severance tax perpetual base fund, created in section  
19 39-29-109 (2)(a)(I.5), Colorado Revised Statutes, up to a maximum of  
20 \$33,000,000;

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

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

1 (g) Up to ~~\$160,272,000~~ \$172,643,825 of state properties as  
2 follows:

3 (I) The state parking garage located at 1350 Lincoln Street,  
4 Denver, Colorado 80203, which has a value of \$11,986,350;

5 (II) The legislative services building located at 200 E. 14th  
6 Avenue, Denver, Colorado 80203, which has a value of \$17,357,350;

7 (III) The centennial building located at 1313 Sherman Street,  
8 Denver, Colorado, 80203, which has a value of \$37,308,975;

9 (IV) The state services building located at 1525 Sherman Street,  
10 Denver, Colorado, 80203, which has a value of \$44,879,625;

11 (V) The human services building located at 1575 Sherman Street,  
12 Denver, Colorado, 80203, which has a value of \$32,180,900; and

13 (VI) The capitol annex building located at 1375 Sherman Street,  
14 Denver, Colorado, 80203, which has a value of \$28,930,625.

15 **SECTION 2. Appropriation.** (1) The sums included in this  
16 section are appropriated out of any money in the general fund, the  
17 indicated cash funds, and reappropriated funds, for the payment of the  
18 ordinary operating costs of the executive, legislative, and judicial  
19 departments of the state, and of its agencies and institutions, for and  
20 during the fiscal year beginning July 1, ~~2018~~, 2019; and:

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

1 program to which the totals relate.

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

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

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

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

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

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

26 (III) Whenever a state agency receives cash funds or  
27 reappropriated funds from a centralized appropriation made to the office

1 of the executive director of such agency's department and this act does not  
2 set forth such funds as a duplicate appropriation to said receiving agency,  
3 the provisions of this subsection (1)(e) shall not apply to the receipt of  
4 such funds.

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

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

1 as "(H)" shall be reduced proportionately. These provisions shall apply  
2 only to the cash funds or reappropriated funds amount which remains  
3 unexpended at the time of the change in federal requirements or funding.  
4 It is intended that the cash funds or reappropriated funds amount and the  
5 federal funds amount shall be expended in equally proportioned amounts  
6 throughout the year.

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

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

18 Title XX Social Services Block Grant

19 Maternal and Child Health Block Grant

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

25 Child Care Development Funds

26 Temporary Assistance for Needy Families Block Grant

27 (III) The figures in the "federal funds" column for all other

1 programs are anticipated federal funds, and, although these funds are not  
2 appropriated in this act, they are noted for the purpose of indicating the  
3 assumption used relative to those funds in developing the basic  
4 appropriations amounts.

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

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

16 (k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes,  
17 the controller shall examine all state contracts entered into during the  
18 fiscal year commencing July 1, ~~2018~~, 2019, to determine whether such  
19 contracts are authorized by an appropriation within this act, and, pursuant  
20 to section 24-30-202 (3), Colorado Revised Statutes, no agency shall  
21 incur obligations by contract in excess of the amounts appropriated by  
22 this act.

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

1 relative to those funds in developing appropriated amounts.

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

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

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