

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee
FROM John Ziegler, JBC Staff (303-866-4956)
DATE March 21, 2017
SUBJECT Long Bill Headnote Recommendation

Attached to this memorandum are recommendations on the proposed changes to the FY 2017-18 long bill headnotes. The headnotes are the first several pages of the long bill that provide definitions and general provisions of the bill.

Recommendations Regarding Changes to the Headnotes

The following outlines the recommended changes to the headnotes as contained in Attachment 2:

- Page 1 and 2, line 104, line 105, and bill summary - Updates the fiscal year to which the bill refers.
- Page 2, lines 9-24 and page 3, lines 1-16 - Reflects the designation of the TABOR reserve for FY 2017-18 as recommended by staff (staff will update the amounts to reflect the Committees decisions once those decisions have been made) including reordering the way in which the various components are to be utilized.
- Page 3, line 22 - Updates the fiscal year for which the long bill appropriations are in effect.
- Page 8, line 19 - Updates the date pertaining to state contracts authorized by appropriation in the act.

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 17-0428.01 John Ziegler

SENATE BILL

SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

Hamner,

Senate Committees

House 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 2017, 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 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, 2016 **2017**, 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 2016-17 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 \$83,000,000;

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 ~~\$68,328,000~~ **\$68,528,000**;

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 ~~\$142,272,000~~ **\$160,272,000** 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 ~~\$11,694,000~~ **\$11,986,350**;

5 (II) The legislative services building located at 200 E. 14th
6 Avenue, Denver, Colorado 80203, which has a value of ~~\$16,934,000~~
7 **\$17,357,350**;

8 (III) The centennial building located at 1313 Sherman Street,
9 Denver, Colorado, 80203, which has a value of ~~\$36,399,000~~ **\$37,308,975**;

10 (IV) The state services building located at 1525 Sherman Street,
11 Denver, Colorado, 80203, which has a value of ~~\$43,785,000~~ **\$44,879,625**;

12 (V) The human services building located at 1575 Sherman Street,
13 Denver, Colorado, 80203, which has a value of ~~\$31,396,000~~ **\$32,180,900**;

14 and

15 (VI) The capitol annex building located at 1375 Sherman Street,
16 Denver, Colorado, 80203, which has a value of ~~\$28,225,000~~ **\$28,930,625**.

17 **SECTION 2. Appropriation.** (1) The sums included in this
18 section are appropriated out of any money in the general fund, the
19 indicated cash funds, and reappropriated funds, for the payment of the
20 ordinary operating costs of the executive, legislative, and judicial
21 departments of the state, and of its agencies and institutions, for and
22 during the fiscal year beginning July 1, ~~2016~~ **2017**, and:

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

1 appropriation for expenditure by the department, division, institution, or
2 program to which the totals relate.

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

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

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

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

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

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

27 (III) Whenever a state agency receives cash funds or

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

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

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

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

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

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

19 Title XX Social Services Block Grant

20 Maternal and Child Health Block Grant

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

26 Child Care Development Funds

27 Temporary Assistance for Needy Families Block Grant

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

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

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

17 (k) Pursuant to section 24-30-202 (2), C.R.S., the controller shall
18 examine all state contracts entered into during the fiscal year commencing
19 July 1, 2016 **2017**, to determine whether such contracts are authorized by
20 an appropriation within this act, and, pursuant to section 24-30-202 (3),
21 C.R.S., no agency shall incur obligations by contract in excess of the
22 amounts appropriated by 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 when
8 the amount is continuously appropriated to, or otherwise authorized by
9 law to be spent by, a department or agency of state government pursuant
10 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 paragraph
15 (h) of this section, when the letter (M) or (H) appears to the right of a
16 general fund, cash funds, or reappropriated funds figure in the same line
17 item, or when the general assembly has the authority to appropriate the
18 federal funds.