

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

REREVISED

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

LLS NO. 21-0450.01 Carolyn Kampman x4959

SENATE BILL 21-205

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Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
April 15, 2021

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, 2021,**
105 **EXCEPT AS OTHERWISE NOTED.**

HOUSE
Amended 2nd Reading
April 14, 2021

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>.)

SENATE
3rd Reading Unamended
April 9, 2021

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.

SENATE
Amended 2nd Reading
April 8, 2021

institutions, for and during the fiscal year beginning July 1, 2021, 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, section 24-75-112, Colorado Revised Statutes, provides definitions
4 in order to specify the purpose of certain line items of appropriation.

5 **SECTION 2. Appropriation.** (1) The sums included in this
6 section are appropriated out of any money in the general fund, the
7 indicated cash funds, and reappropriated funds, for the payment of the
8 ordinary operating costs of the executive, legislative, and judicial
9 departments of the state, and of its agencies and institutions, for and
10 during the fiscal year beginning July 1, 2021; and:

11 (a) The figures in the column headed "item & subtotal" are the
12 amounts made available by appropriation for expenditure within each line
13 item, except for the figures that appear directly beneath a line, which
14 figures are subtotals of the preceding line item appropriation amounts.
15 The figures in the "total" column are the amounts made available by
16 appropriation for expenditure by the department, division, institution, or
17 program to which the totals relate.

18 (b) The figures in the "general fund", "general fund exempt",
19 "cash funds", "reappropriated funds", and "federal funds" columns
20 indicate the source of funds for the amounts authorized in the expenditure
21 columns or the source of funds for the figures that are included for
22 informational purposes only.

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

1 (d)(I) Where the letter "(M)" appears directly to the right of a
2 general fund or general fund exempt figure, that general fund or general
3 fund exempt appropriation, when combined with the related general fund
4 or general fund exempt transfers from the centralized appropriations to
5 the office of the executive director, is used to support a federally
6 supported program and is the maximum amount of general fund or
7 general fund exempt money that may be expended in that program, except
8 where otherwise provided.

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

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

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

20 (III) Whenever a state agency receives cash funds or
21 reappropriated funds from a centralized appropriation made to the office
22 of the executive director of such agency's department and this act does not
23 set forth such funds as a duplicate appropriation to said receiving agency,
24 the provisions of this subsection (1)(e) shall not apply to the receipt of
25 such funds.

26 (IV) Whenever the controller creates an account solely for the
27 purpose of establishing the obligation of a state agency to generate cash

1 funds or reappropriated funds for distribution to another state agency to
2 which such funds are appropriated by this act, the provisions of this
3 subsection (1)(e) shall not apply to the account created or to such
4 distribution.

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

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

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

- 12 Title XX Social Services Block Grant
- 13 Maternal and Child Health Block Grant

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

- 19 Child Care Development Funds
- 20 Temporary Assistance for Needy Families Block Grant

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

26 (i) The general assembly accepts no obligation directly or
27 indirectly for support or continuation of non-state-funded programs or

1 grants where no direct or indirect state contribution is required.
2 Furthermore, the general assembly accepts no obligation for costs
3 incurred by or claimed against nonappropriated federally funded
4 programs.

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

10 (k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes,
11 the controller shall examine all state contracts entered into during the
12 fiscal year commencing July 1, 2021, to determine whether such contracts
13 are authorized by an appropriation within this act, and, pursuant to section
14 24-30-202 (3), Colorado Revised Statutes, no agency shall incur
15 obligations by contract in excess of the amounts appropriated by this act.

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

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

27 (III) The "(I)" notation applies to a reappropriated funds figure

1 when the amount is continuously appropriated to, or otherwise authorized
2 by law to be spent by, a department or agency of state government
3 pursuant to a provision of state statute or the state constitution or, in some
4 instances, when the underlying federal funds source from which the
5 amount is reappropriated is subject to the "(I)" notation.

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