

**Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 02-7001.01 Matthew Dawkins

**SENATE BILL 02-701**

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**SENATE SPONSORSHIP**

**Reeves, Owen, and Tate**

**HOUSE SPONSORSHIP**

**Young,**

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**Senate Committees**

Judiciary

Appropriations

**House Committees**

Civil Justice & Judiciary

Appropriations

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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, 2002,**  
105            **EXCEPT AS OTHERWISE NOTED.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2000, except as otherwise noted.

**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.*

For explanatory purposes only, footnotes that have not appeared in a previous long bill are indicated by an underlined footnote number.

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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) (a) "Capital outlay" means:

5 (I) Equipment, furniture, motor vehicles, software, and other items  
6 that have a useful life of one year or more and that cost less than fifty  
7 thousand dollars;

8 (II) Alterations and replacements, meaning major and extensive  
9 repair, remodeling, or alteration of buildings, the replacement thereof, or  
10 the replacement and renewal of the plumbing, wiring, electrical, fiber  
11 optic, heating, and air conditioning systems therein, costing less than  
12 fifteen thousand dollars;

13 (III) New structures, meaning the construction of entirely new  
14 buildings where the cost will be less than fifteen thousand dollars,  
15 including the value of materials and labor, either state-supplied or  
16 supplied by contract;

17 (IV) Nonstructural improvements to land, meaning the grading,  
18 leveling, drainage, irrigation, and landscaping thereof and the  
19 construction of roadways, fences, ditches, and sanitary and storm sewers,  
20 where the cost will be less than five thousand dollars.

21 (b) "Capital outlay" does not include those things defined as  
22 capital construction by section 24-75-301, Colorado Revised Statutes.

23 (2) "Centralized appropriation" means the appropriation of funds  
24 to a department's executive director's office or central administrative  
25 program intended for subsequent allocation and expenditure at and among

1 a department's divisions, programs, agencies, or long bill groups in order  
2 to reflect the amount of such resources actually used in each program or  
3 division. Such centralized appropriations may include salary survey,  
4 anniversary increases, senior executive service, shift differential, group  
5 health and life insurance, capital outlay, ADP capital outlay, information  
6 technology asset maintenance, legal services, purchase of services from  
7 computer center, vehicle lease payments, leased space, lease purchase,  
8 payment to risk management and property funds, short-term disability  
9 insurance, utilities, administrative law judge services, and centralized  
10 ADP. As provided in subsection (10) of this section, capital outlay is  
11 included within the appropriation for "operating expenses". Capital  
12 outlay may be reallocated to divisions or programs within the department  
13 solely for capital outlay expenditure.

14 (3) (a) (I) Except as otherwise provided in paragraph (b) of this  
15 subsection, "full time equivalent" or "FTE" means the budgetary  
16 equivalent of one permanent position continuously filled full time for an  
17 entire fiscal year by elected state officials or by state employees who are  
18 paid for at least two thousand eighty hours per fiscal year, with  
19 adjustments made to:

20 (A) Include in such time computation any sick, annual,  
21 administrative, or other paid leave; and

22 (B) Exclude from such time computation any overtime or shift  
23 differential payments made in excess of regular or normal hours worked  
24 and any leave payouts upon termination of employment.

25 (II) "Full time equivalent" or "FTE" does not include contractual,  
26 temporary, or permanent seasonal positions.

27 (III) As used in this paragraph (a), "state employee" means a

1 person employed by the state, whether or not such person is a classified  
2 employee in the state personnel system.

3 (b) For purposes of higher education professional personnel and  
4 assistants in resident instruction and professional personnel in organized  
5 research and activities relating to instruction, "full time equivalent" or  
6 "FTE" means the equivalent of one permanent position continuously  
7 filled for a nine-month or ten-month academic year.

8 (c) The maximum limitation on the number of FTE that are  
9 allowed for the fiscal year to which this act pertains may comprise any  
10 combination of part-time positions or full-time positions so long as the  
11 maximum FTE limitation is not exceeded.

12 (4) "Health, life, and dental" means the state contribution to  
13 employee health, life, and dental insurance pursuant to section 24-50-609,  
14 Colorado Revised Statutes. No funds appropriated for health, life, and  
15 dental shall be expended for any other purpose.

16 (5) "Indirect cost recoveries" means reimbursements made to an  
17 agency of the state from federal funds, other nonstate funds, cash funds,  
18 or cash funds exempt for the indirect expenses which have been incurred  
19 by the state in operating such programs. These recoveries are made by  
20 the departments using the approved indirect cost rate, as required by the  
21 state fiscal rules.

22 (6) "Lease purchase" means the use and acquisition of equipment  
23 under an agreement to purchase, pursuant to which payments are made  
24 for a period of longer than one year and are subject to annual  
25 appropriation. "Lease purchase" may also include payments made under  
26 the agreement for the maintenance of the equipment. No funds shall be  
27 expended for lease purchases except those specifically appropriated for

1 such purpose. The provisions of this subsection (6) shall not apply to the  
2 board of regents of the university of Colorado; the state board of  
3 agriculture; the board of trustees of the Colorado school of mines; the  
4 board of trustees of the university of northern Colorado; the trustees of  
5 the state colleges in Colorado; the state board for community colleges and  
6 occupational education (except for administration and the division of  
7 occupational education); the board for the Auraria higher education  
8 center; the state historical society; the Colorado council on the arts; the  
9 division of wildlife; the water conservation board; the county departments  
10 of social services; and the low-income energy assistance block grant.

11 (7) "Leased space" means the use and acquisition of office  
12 facilities and office and parking space pursuant to a rental agreement. No  
13 funds shall be expended for leased space except pursuant to a specific  
14 appropriation for such purpose. The provisions of this subsection (7)  
15 shall not apply to the board of regents of the university of Colorado; the  
16 state board of agriculture; the board of trustees of the Colorado school of  
17 mines; the board of trustees of the university of northern Colorado; the  
18 trustees of the state colleges in Colorado; the state board for community  
19 colleges and occupational education (except for administration and the  
20 division of occupational education); the board for the Auraria higher  
21 education center; the state historical society; the Colorado council on the  
22 arts; the division of wildlife; the water conservation board; the county  
23 departments of social services; and the low-income energy assistance  
24 block grant.

25 (8) "Legal services" means the purchase of legal services from the  
26 department of law; however, up to ten percent of the amount appropriated  
27 for legal services may instead be expended for operating expenses,

1 contractual services, and tuition for employee training. No funds shall be  
2 expended for legal services except those specifically appropriated for  
3 such purpose. The provision of this subsection (8) shall not apply to the  
4 departments of education, higher education, transportation, and the risk  
5 management fund in the department of personnel.

6 (9) "Motor vehicle" means a motor truck designated three-quarters  
7 of one ton or less, automobile, or other self-propelled vehicle costing less  
8 than fifty thousand dollars.

9 (10) "Operating expenses" means:

10 (a) Supplies and materials, meaning items that by their nature are  
11 consumable and that have a useful life of less than one year or that, after  
12 usage, undergo an impairment of, or a material change in, physical  
13 condition, including, but not limited to, books, periodicals, and  
14 educational, laboratory, medical, data processing, custodial, postal,  
15 office, photographic, and road maintenance supplies and materials;

16 (b) Current charges, meaning charges for items or services not  
17 otherwise defined in this section for which a separate appropriation is not  
18 made, including, but not limited to, charges for utilities, trash removal,  
19 custodial services, telecommunications, data processing, advertising,  
20 freight, rentals of equipment and property, storage, parking, minor repair  
21 or maintenance, and printing and reproduction, and insurance premiums,  
22 dues, subscriptions, casualty losses, commissions, royalties, interest, fees,  
23 fines, reimbursements, and payments of prizes, awards, and judgments  
24 other than to state employees as compensation; except that no funds  
25 appropriated for operating expenses may be expended for vehicle lease  
26 payments, leased space, or lease purchase unless otherwise authorized by  
27 law;

1 (c) Capital outlay, as defined in subsection (1) of this section.

2 (d) The cost of travel by common carrier or by state-owned or  
3 privately owned conveyance and the costs of meals and lodging incident  
4 to such travel.

5 (11) "Personal services" means:

6 (a) All salaries and wages, whether to full-time, part-time, or  
7 temporary employees of the state, and also includes the state's  
8 contribution to the public employees' retirement fund and the state's share  
9 of federal Medicare tax paid for state employees. Payments for overtime  
10 shall be in compliance with rules and procedures adopted by the state  
11 personnel director.

12 (b) Professional services, meaning services requiring advanced  
13 study in a specialized discipline that are rendered or performed by firms  
14 or individuals for the state other than for employment compensation as an  
15 employee of the state, including but not limited to accounting, consulting,  
16 architectural, engineering, physician, nurse, specialized computer, and  
17 construction management services. Payments for professional services  
18 shall be in compliance with section 24-30-202 (2) and (3), Colorado  
19 Revised Statutes.

20 (c) Temporary services, meaning clerical, administrative, and  
21 casual labor rendered or performed by firms or individuals for the state  
22 other than for employment compensation as an employee of the state.  
23 Payments for temporary services shall be in compliance with section  
24 24-30-202 (2) and (3), Colorado Revised Statutes.

25 (d) Tuition, meaning payments for graduate or undergraduate  
26 courses taken by state employees at institutions of higher education.

27 (e) Payments for unemployment insurance as required by the

1 department of labor and employment.

2 (12) "Purchase of services from computer center" means the  
3 purchase of automated data processing services from the general  
4 government computer center.

5 (13) "Short-term disability" means the state contribution for  
6 employee short-term disability pursuant to section 24-50-603, Colorado  
7 Revised Statutes. No funds appropriated for short-term disability shall  
8 be expended for any other purpose.

9 (14) "Utilities" means water, sewer service, electricity, payments  
10 to energy service companies, purchase of energy conservation equipment,  
11 and all heating fuels.

12 (15) "Vehicle lease payments" means the annual payments to the  
13 department of personnel for the cost of administration, repayment of a  
14 loan from the state treasury, and lease-purchase payments for new and  
15 replacement vehicles. No funds shall be expended for vehicle lease  
16 payments except those specifically appropriated for such purposes. The  
17 provisions of this subsection (15) shall not apply to the departments of  
18 education, higher education, and transportation.

19 (16) Where no purpose is specified or where a special program is  
20 specified, the appropriation shall be for contractual services, tuition, and  
21 operating expenses and, only if the appropriation includes a specified  
22 FTE limitation, for personal services other than contractual services.

23 (17) Expenditures of funds appropriated for the purchase of goods  
24 and services shall be in accord with section 17-24-111, Colorado Revised  
25 Statutes, which requires institutions, agencies, and departments to  
26 purchase such goods and services as are produced by the division of  
27 correctional industries from said division.



1           (18) When it is not feasible, due to the format of this act, to set  
2 forth fully in the line item description the purpose of an item of  
3 appropriation or a condition or limitation on the item of appropriation, the  
4 footnotes at the end of each section of this act refer to provisions which  
5 set forth such purposes, conditions, or limitations, and such provisions are  
6 therefore intended to be binding portions of the items of appropriation to  
7 which they relate. In other cases, where clearly expressed, footnotes refer  
8 to statements which are not intended by the general assembly to be  
9 binding portions of appropriations but which are related to the indicated  
10 item or items of appropriation. Such nonbinding statements include  
11 explanations of the assumptions used in making appropriations, the  
12 general assembly's intent with respect to future appropriations, and  
13 requests on the part of the general assembly for particular administrative  
14 action in connection with items of appropriation.

15           (19) For purposes of complying with the provisions of subsection  
16 (5) of section 20 of article X in the state constitution, the balance of funds  
17 in the controlled maintenance trust fund, created in section 24-75-302.5  
18 (2), Colorado Revised Statutes, is hereby designated to constitute the state  
19 emergency reserve for the 2000-2001 fiscal year.

20           **SECTION 2. Appropriation.** (1) The sums in this section  
21 hereinafter specified, or so much thereof as may be necessary for the  
22 purpose, are hereby appropriated out of any moneys in the general fund,  
23 the indicated cash funds, and federal funds, for the payment of the  
24 ordinary operating costs of the executive, legislative, and judicial  
25 departments of the state, and of its agencies and institutions, for and  
26 during the fiscal year beginning July 1, 2000, and:

27           (a) The figures in the column headed "item & subtotal" are the

1 amounts made available by appropriation for expenditure within each line  
2 item, except for the figure beneath the line, which is the subtotal of the  
3 figures preceding. The figures in the "total" column are the amounts  
4 made available by appropriation for expenditure by the department,  
5 division, institution, or program to which the totals relate.

6 (b) The figures in the "general fund", "general fund exempt",  
7 "cash funds", "cash funds exempt", and "federal funds" columns indicate  
8 the source of funds for the amounts authorized in the expenditure  
9 columns. The figures in the "general fund exempt" and "cash funds  
10 exempt" columns are amounts not included in the term "fiscal year  
11 spending" as such term is defined in section 20 (2) (e) of article X of the  
12 state constitution.

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

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

1 funds earned or received are less than the amount shown in the "federal  
2 funds" column, the combined general fund or general fund exempt  
3 amount noted as "(M)" shall be reduced proportionately. Where general  
4 fund or general fund exempt support is required as a condition for the  
5 acceptance of federal funds and the state matching requirements are  
6 reduced, the combined general fund or general fund exempt amount noted  
7 as "(M)" shall be reduced proportionately. These provisions shall apply  
8 only to the general fund or general fund exempt amount which remains  
9 unexpended at the time of the change in federal requirements or funding.  
10 It is intended that the general fund or general fund exempt amount and the  
11 federal funds amount shall be expended in equally proportioned amounts  
12 throughout the year.

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

26 (II) The provisions of this paragraph (e) shall not apply where this  
27 act specifically provides otherwise or where a cash funds or cash funds

1 exempt amount is marked with an "(L)". The "(L)" designation refers to  
2 the funds of local governments or to the funds of service organizations  
3 from which the state purchases services, the amounts of which are not  
4 appropriated in this act and the inclusion of which is informational only.

5 (III) Whenever a state agency receives cash funds or exempt cash  
6 funds from a centralized appropriation made to the office of the executive  
7 director of such agency's department and this act does not set forth such  
8 funds as a duplicate appropriation to said receiving agency, the provisions  
9 of this paragraph (e) shall not apply to the receipt of such funds.

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

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

1 funds" column, the combined cash funds or cash funds exempt amount  
2 noted as "(H)" shall be reduced proportionately. Where cash funds or  
3 cash funds exempt support is required as a condition for the acceptance  
4 of federal funds and the state matching requirements are reduced, the  
5 combined cash funds or cash funds exempt amount noted as "(H)" shall  
6 be reduced proportionately. These provisions shall apply only to the cash  
7 funds or cash funds exempt amount which remains unexpended at the  
8 time of the change in federal requirements or funding. It is intended that  
9 the cash funds or cash funds exempt amount and the federal funds amount  
10 shall be expended in equally proportioned amounts throughout the year.

11 (g) Where a "(T)" appears directly to the right of a cash funds or  
12 cash funds exempt figure, that figure is a transfer of funds anticipated to  
13 be made from one state agency to another and may be a combination of  
14 various funding sources. A "(T)" is a duplicated appropriation, appearing  
15 both in the distributing agency's appropriation where the funding details  
16 are indicated and in the receiving agency's appropriation where the  
17 amount transferred is categorized as a cash funds or cash funds exempt  
18 receipt.

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

- 25 Title XX Social Services Block Grant
- 26 Preventive Health Services Block Grant
- 27 Maternal and Child Health Block Grant

1 (II) The figures in the "federal funds" column earned or received  
2 under the following federal programs shall be limits on the amount of  
3 expenditures of such funds, and such funds shall be expended in  
4 accordance with applicable state and federal statutes, including all  
5 provisions of this act:

6 Child Care Development Funds

7 Temporary Assistance to Needy Families Block Grant

8 Welfare-to-Work Block Grant

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

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

20 (j) No moneys appropriated by this act shall knowingly be paid to  
21 any organization, business firm, person, agency, or club which places  
22 restrictions on employment or membership based on sex, race, age,  
23 marital status, creed, color, religion, national origin, ancestry, or physical  
24 handicap.

25 (k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes,  
26 the controller shall examine all state contracts entered into during the  
27 fiscal year commencing July 1, 2000, to determine whether such contracts

1 are authorized by an appropriation within this act, and, pursuant to  
2 section 24-30-202 (3), Colorado Revised Statutes, no agency shall incur  
3 obligations by contract in excess of the amounts appropriated by this act.