NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

HOUSE BILL 08-1375

BY REPRESENTATIVE(S) Buescher, Pommer, White, Benefield, Borodkin, Butcher, Carroll M., Carroll T., Casso, Ferrandino, Fischer, Gagliardi, Gallegos, Green, Hodge, Judd, Kefalas, Kerr A., Labuda, Levy, Madden, McFadyen, McGihon, Merrifield, Peniston, Primavera, Riesberg, Romanoff, Scanlan, Solano, Todd, and Middleton;
also SENATOR(S) Keller, Morse, Johnson, Bacon, Gordon, Isgar, Romer, Schwartz, Shaffer, Tapia, Tupa, and Windels.

CONCERNING THE PROVISION FOR PAYMENT OF THE 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, 2008, EXCEPT AS OTHERWISE NOTED.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Definitions - general provisions. As used in this act, the following definitions and general provisions shall apply:

(1) Section 24-75-112, Colorado Revised Statutes, provides definitions in order to specify the purpose of certain line items of appropriation.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) (a) For purposes of complying with the provisions of subsection (5) of section 20 of article X in the state constitution, and in accordance with the provisions of this subsection (22), the balance of funds in the funds specified in paragraph (b) of this subsection (22), or such portions thereof as is necessary to be in compliance with said constitutional provision, are hereby designated to constitute the state emergency reserve for the 2008-09 fiscal year. The designation of the balance of funds in said funds shall be in the same order of priority as said funds are set forth in paragraph (b) of this subsection (22) and shall be made in the manner such that all of the balance of funds in one fund, to the extent permitted in accordance with paragraph (b) of this subsection (22), shall constitute all or a portion of said state emergency reserve before any balance of funds in any other fund lower in the order of priority of said funds set forth in paragraph (b) of this subsection (22) shall constitute all or part of said state emergency reserve. To the extent that the balance of funds, or any portion thereof, in one or more of the funds set forth in paragraph (b) of this subsection (22) are not necessary to be in compliance with said constitutional provision, said balance of funds, or portion thereof, shall not be designated to constitute any portion of said emergency reserve.

(b) The funds designated to constitute the state emergency reserve for the 2008-09 fiscal year are:

(I) The major medical insurance fund, created in section 8-46-202 (1) (a), Colorado Revised Statutes, up to a maximum of $64,000,000;

(II) The subsequent injury fund, created in section 8-46-101 (1) (b) (I), Colorado Revised Statutes, up to a maximum of $16,000,000;

(III) The workers' compensation cash fund, created in section 8-44-112 (7) (a), Colorado Revised Statutes, up to a maximum of $14,000,000;

(IV) The wildlife cash fund and fund equity, created in section 33-1-112 (1), Colorado Revised Statutes, up to a maximum of $100,000,000; and

(V) Up to $114,500,000 of state properties as designated by the Governor.

SECTION 2. Appropriation. (1) The sums in this section hereinafter specified, or so much thereof as may be necessary for the purpose, are hereby appropriated out of any moneys in the general fund, the indicated cash funds, reappropriated funds, and federal funds, for the payment of the ordinary operating costs of the executive, legislative, and judicial departments of the state, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2008, and:

(a) The figures in the column headed "item & subtotal" are the amounts made available by appropriation for expenditure within each line item, except for the figure beneath the line, which is the subtotal of the figures preceding. The figures in the "total" column are the amounts made available by appropriation for expenditure by the department, division, institution, or program to which the totals relate.

(b) The figures in the "general fund", "general fund exempt", "cash funds", "reappropriated funds", and "federal funds" columns indicate the source of funds for the amounts authorized in the expenditure columns.

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

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

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

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

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

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

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

(f) Where the letter "(H)" appears directly to the right of a cash funds or reappropriated funds figure, that appropriation, when combined with the related cash funds or reappropriated funds transfers from the centralized appropriations to the office of the executive director, is used to support a federally supported program and is the maximum amount of cash funds or reappropriated moneys that may be expended in that program, except where otherwise provided. In the event that additional federal funds are available for the program, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced by the amount of federal funds earned or received in excess of the figure shown in the "federal funds" column for that program. In the event that the federal funds earned or received are less than the amount shown in the "federal funds" column, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced proportionately. Where cash funds or reappropriated funds support is required as a condition for the acceptance of federal funds and the state matching requirements are reduced, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced proportionately. These provisions shall apply only to the cash funds or reappropriated funds amount which remains unexpended at the time of the change in federal requirements or funding. It is intended that the cash funds or reappropriated funds amount and the federal funds amount shall be expended in equally proportioned amounts throughout the year.

(g) Reappropriated funds means moneys appropriated a second or more times subsequent to an initial appropriation in the same fiscal year. The designation of moneys as reappropriated funds has no bearing on whether the moneys constitute a grant from the state of Colorado pursuant to section 20 (2) (d) of article X of the state constitution.

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

Title XX Social Services Block Grant
Preventive Health Services Block Grant
Maternal and Child Health Block Grant

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

Child Care Development Funds
Temporary Assistance to Needy Families Block Grant
Welfare-to-Work Block Grant

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

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

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

(k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes, the controller shall examine all state contracts entered into during the fiscal year commencing July 1, 2008, to determine whether such contracts are authorized by an appropriation within this act, and, pursuant to section 24-30-202 (3), Colorado Revised Statutes, no agency shall incur obligations by contract in excess of the amounts appropriated by this act.