

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0908.01 Conrad Imel x2313

HOUSE BILL 26-1393

HOUSE SPONSORSHIP

Brown and Taggart, Sirota

SENATE SPONSORSHIP

Amabile and Kirkmeyer, Bridges

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SUBJECTING SPECIFIED CASH FUNDS TO A THREE-YEAR
102 MAXIMUM RESERVE LIMITATION INSTEAD OF THE ANNUAL
103 MAXIMUM RESERVE LIMITATION, AND, IN CONNECTION
104 THEREWITH, SUBJECTING THE PUBLIC SCHOOL CONSTRUCTION
105 AND INSPECTION CASH FUND AND THE HEALTH FACILITY
106 CONSTRUCTION AND INSPECTION CASH FUND TO THE
107 THREE-YEAR LIMITATION.

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/>.)

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.

Joint Budget Committee. Under existing law, cash funds are subject to a maximum amount of uncommitted funds that may be held in reserve at the end of each fiscal year (maximum reserve). If a fund's uncommitted reserves exceed the maximum reserve, the entity that imposes fees that are deposited in the fund shall reduce the amount of one or more of the fees to an amount calculated to reduce the uncommitted reserves to an amount that does not exceed the maximum reserve.

The bill exempts the public school construction and inspection cash fund and the health facility construction and inspection cash fund from the annual maximum reserve limitations. Instead, the funds are subject to the same substantive requirements if the uncommitted reserves of the fund exceed the maximum reserve for 3 consecutive fiscal years.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend**
3 24-33.5-1207.7 as follows:

4 **24-33.5-1207.7. Public school construction and inspection cash**
5 **fund - created - limit on uncommitted reserves - definitions.**

6 (1) THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH
7 FUND IS CREATED IN THE STATE TREASURY. All ~~moneys~~ MONEY collected
8 by the division pursuant to sections 22-32-124 (2), and 23-71-122 (1)(v),
9 ~~C.R.S., or section~~ AND 24-33.5-1213.3 shall be transmitted to the state
10 treasurer, who shall credit the same to the ~~public school construction and~~
11 ~~inspection cash fund, which is hereby created~~ FUND. All ~~moneys~~ MONEY
12 credited to the fund and all interest earned ~~thereon~~ ON THE MONEY IN THE
13 FUND are subject to annual appropriation by the general assembly for
14 paying the expenses of the public school construction and inspection
15 program. Any unexpended and unencumbered ~~moneys~~ MONEY remaining
16 in the fund at the end of a fiscal year ~~shall remain~~ REMAINS in the fund
17 and shall not be credited or transferred to the general fund or another
18 fund.

1 (2) (a) THE FUND IS EXCLUDED FROM THE LIMITATIONS SPECIFIED
2 IN SECTION 24-75-402.

3 (b) IF, FOR EACH OF THREE CONSECUTIVE FISCAL YEARS, THE
4 UNCOMMITTED RESERVES OF THE FUND AT THE CONCLUSION OF A FISCAL
5 YEAR EXCEED THE MAXIMUM RESERVE FOR THAT FISCAL YEAR, THE
6 DIVISION SHALL REDUCE THE AMOUNT OF ONE OR MORE OF THE FEES
7 CREDITED TO THE FUND TO AN AMOUNT CALCULATED TO RESULT IN AN
8 AMOUNT OF UNCOMMITTED RESERVES OF THE FUND FOR THE CURRENT
9 FISCAL YEAR THAT DOES NOT EXCEED THE MAXIMUM RESERVE. IF THE
10 DIVISION REDUCES THE AMOUNT OF A FEE PURSUANT TO THIS SECTION, THE
11 DIVISION MAY SUBSEQUENTLY RAISE THE AMOUNT OF THE FEE SO LONG AS
12 DOING SO WOULD NOT CAUSE THE PROJECTED AMOUNT OF UNCOMMITTED
13 RESERVES OF THE FUND TO EXCEED THE MAXIMUM RESERVE.

14 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "FUND" MEANS THE PUBLIC SCHOOL CONSTRUCTION AND
17 INSPECTION CASH FUND CREATED IN THIS SECTION.

18 (b) "MAXIMUM RESERVE" HAS THE MEANING SET FORTH IN
19 SECTION 24-75-402 (2).

20 (c) "UNCOMMITTED RESERVES" HAS THE MEANING SET FORTH IN
21 SECTION 24-75-402 (2).

22 **SECTION 2.** In Colorado Revised Statutes, **amend**
23 24-33.5-1207.8 as follows:

24 **24-33.5-1207.8. Health facility construction and inspection**
25 **cash fund - created - limit on uncommitted reserves - definitions.**

26 (1) THE HEALTH FACILITY CONSTRUCTION AND INSPECTION CASH
27 FUND IS CREATED IN THE STATE TREASURY. All ~~moneys~~ MONEY collected

1 by the division pursuant to section 24-33.5-1212.5 shall be transmitted to
2 the state treasurer, who shall credit the same to the ~~health facility~~
3 ~~construction and inspection cash fund, which is hereby created~~ FUND. All
4 ~~moneys~~ MONEY credited to the fund and all interest earned ~~thereon~~ ON
5 THE MONEY IN THE FUND are subject to annual appropriation by the
6 general assembly for paying the expenses of the health facility
7 construction and inspection program. Any unexpended and
8 unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a fiscal
9 year ~~shall remain~~ REMAINS in the fund and shall not be credited or
10 transferred to the general fund or another fund.

11 (2) (a) THE FUND IS EXCLUDED FROM THE LIMITATIONS SPECIFIED
12 IN SECTION 24-75-402.

13 (b) IF, FOR EACH OF THREE CONSECUTIVE FISCAL YEARS, THE
14 UNCOMMITTED RESERVES OF THE FUND AT THE CONCLUSION OF A FISCAL
15 YEAR EXCEED THE MAXIMUM RESERVE FOR THAT FISCAL YEAR, THE
16 DIVISION SHALL BY RULE OR AS OTHERWISE PROVIDED BY LAW REDUCE
17 THE AMOUNT OF THE FEE CHARGED BY THE DIVISION PURSUANT TO
18 SECTION 24-33.5-1212.5 TO AN AMOUNT CALCULATED TO RESULT IN AN
19 AMOUNT OF UNCOMMITTED RESERVES OF THE FUND FOR THE CURRENT
20 FISCAL YEAR THAT DOES NOT EXCEED THE MAXIMUM RESERVE. IF THE
21 DIVISION REDUCES THE AMOUNT OF THE FEE PURSUANT TO THIS SECTION,
22 THE DIVISION MAY SUBSEQUENTLY RAISE THE AMOUNT OF THE FEE SO
23 LONG AS DOING SO WOULD NOT CAUSE THE PROJECTED AMOUNT OF
24 UNCOMMITTED RESERVES OF THE FUND TO EXCEED THE MAXIMUM
25 RESERVE.

26 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "FUND" MEANS THE HEALTH FACILITY CONSTRUCTION AND
2 INSPECTION CASH FUND CREATED IN THIS SECTION.

3 (b) "MAXIMUM RESERVE" HAS THE MEANING SET FORTH IN
4 SECTION 24-75-402 (2).

5 (c) "UNCOMMITTED RESERVES" HAS THE MEANING SET FORTH IN
6 SECTION 24-75-402 (2).

7 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **amend**
8 (5)(mmm); and **add** (5)(ooo) and (5)(ppp) as follows:

9 **24-75-402. Cash funds - limit on uncommitted reserves -**
10 **reduction in the amount of fees - exclusions - definitions.**

11 (5) Notwithstanding any provision of this section to the contrary,
12 the following cash funds are excluded from the limitations specified in
13 this section:

14 (mmm) The reentry services for justice-involved individuals
15 reinvestment cash fund created in section 25.5-4-505.7; ~~and~~

16 (ooo) THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH
17 FUND CREATED IN SECTION 24-33.5-1207.7; AND

18 (ppp) THE HEALTH FACILITY CONSTRUCTION AND INSPECTION
19 CASH FUND CREATED IN SECTION 24-33.5-1207.8.

20 **SECTION 4. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.