

CHAPTER 266

GOVERNMENT - STATE**SENATE BILL 96-181**

BY SENATORS Tebedo, Johnson, Schaffer, Ament, Rizzuto, R. Powers;
also REPRESENTATIVE Owen.

AN ACT

CONCERNING GENERAL FUND APPROPRIATIONS TO THE DEPARTMENT OF STATE FOR ELECTIONS.

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

SECTION 1. Article 21 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

24-21-104.5. General fund appropriation - elections. THE GENERAL ASSEMBLY IS AUTHORIZED TO APPROPRIATE GENERAL FUNDS TO THE DEPARTMENT OF STATE TO COVER THE COSTS OF THE DUTIES PERFORMED BY LOCAL COUNTY CLERK AND RECORDERS RELATING TO THE CONDUCT OF ELECTIONS. ANY SUCH APPROPRIATION SHALL NOT BE USED IN CALCULATING THE FEES PROVIDED FOR IN SECTION 24-21-104 (3) (b). THE INTENT OF THE GENERAL ASSEMBLY IS TO AUTHORIZE THE APPROPRIATION OF GENERAL FUND MONEYS TO THE DEPARTMENT OF STATE TO OFFSET SOME OF THE COSTS OF LOCAL COUNTY CLERK AND RECORDERS ASSOCIATED WITH THE ADDITIONAL ELECTION DUTIES AND REQUIREMENTS RESULTING FROM THE PASSAGE OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, FROM THE PREPARATION AND CONDUCT OF THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO SECTION 1-4-1202, C.R.S., AND FROM THE INCREASED NUMBER OF INITIATIVES THAT ARE BEING FILED.

SECTION 2. 24-21-104 (3) (b) and (3) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-21-104. Fees of secretary of state. (3) (b) The department of state shall adjust its fees, except fees charged pursuant to section 4-11-102, C.R.S., every two years so that the revenue generated from ~~said~~ THE fees approximates its direct and indirect costs. SUCH COSTS SHALL NOT INCLUDE THE COSTS PAID BY THE AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE GENERAL FUND TO THE

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

DEPARTMENT OF STATE FOR ELECTIONS PURSUANT TO SECTION 24-21-104.5. Such fees shall remain in effect for the two subsequent fiscal years following the adjustment. All fees collected by said department shall be transmitted to the state treasurer, except moneys collected pursuant to subparagraph (II) of paragraph (f) of this subsection (3), who shall credit the same to the department of state cash fund, which fund is hereby created. All moneys credited to the department of state cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund. The moneys credited to the department of state cash fund shall be available for appropriation by the general assembly to the department of state in the general appropriation bill or pursuant to section 24-9-105 (2).

(c) Beginning July 1, 1984, and each July 1 thereafter, whenever moneys appropriated to the department of state during the prior fiscal year are unexpended, said moneys shall be made a part of the appropriation to the department of state for the next fiscal year, and such amount shall not be raised from fees collected by the department of state. If a supplemental appropriation is made to the department of state for its activities, the fees of the department of state shall be adjusted by an additional amount ~~which~~ THAT is sufficient to compensate for such supplemental appropriation. Funds appropriated to the department of state in the general appropriation bill FROM THE DEPARTMENT OF STATE CASH FUND shall be designated as cash funds and shall not exceed the amount anticipated to be raised from fees collected by the department of state.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996