

CHAPTER 245

GOVERNMENT - STATE

HOUSE BILL 02-1015

BY REPRESENTATIVE(S) Scott, Cadman, Coleman, Crane, Dean, Garcia, Grossman, Harvey, Jahn, King, Lawrence, Marshall, Miller, Mitchell, Paschall, Rhodes, Romanoff, Smith, Snook, Spradley, Stengel, Swenson, Veiga, Vigil, White, Williams T., and Young;
also SENATOR(S) Perlmutter, Arnold, Cairns, Hillman, Matsunaka, Nichol, Owen, Tate, Taylor, Teck, Tupa, and Windels.

AN ACT

CONCERNING A REQUIREMENT THAT A PORTION OF THE GENERAL FUND SURPLUS FOR ANY FISCAL YEAR BE RESERVED UNTIL SUCH TIME AS THE STATE RESUMES THE USE OF THE ACCRUAL SYSTEM OF ACCOUNTING, AS ENUNCIATED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD, TO DETERMINE THE GENERAL FUND SURPLUS.

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

SECTION 1. 24-75-201 (2), Colorado Revised Statutes, is amended to read:

24-75-201. General fund - general fund surplus. (2) (a) The general fund surplus shall be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board; except that any general fund revenues that are designated as state revenues in excess of the constitutional limitation on state fiscal year spending shall be included as unrestricted revenues in the general fund surplus for the fiscal year in which such excess revenues were accrued. Such excess revenues shall be restricted in the next fiscal year to preserve their availability for refund unless voters have authorized the state to retain such excess revenues.

(b) (I) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2002, THE GENERAL FUND SURPLUS SHALL BE DETERMINED AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2); EXCEPT THAT AN AMOUNT OF GENERAL FUND REVENUES THAT IS DESIGNATED AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING AND THAT IS EQUAL TO THE LESSER OF THE TOTAL AMOUNT OF GENERAL FUND REVENUES IN EXCESS OF THE AMOUNT NEEDED TO FUND GENERAL FUND OBLIGATIONS FOR THE CURRENT FISCAL YEAR OR TWENTY-FIVE MILLION DOLLARS SHALL BE RESERVED IN THE YEAR IN WHICH IT IS ACCRUED.

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

MONEYS RESERVED PURSUANT TO THIS SUBPARAGRAPH (I) MAY BE EXPENDED ONLY IF THE GENERAL ASSEMBLY BY LAW REQUIRES THE STATE TO RESUME THE USE OF THE ACCRUAL SYSTEM OF ACCOUNTING, AS ENUNCIATED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD, TO DETERMINE THE GENERAL FUND SURPLUS.

(II) AS USED IN THIS PARAGRAPH (b), "GENERAL FUND OBLIGATIONS" MEANS:

(A) GENERAL FUND APPROPRIATIONS REQUIRED BY PERMANENT STATUTE OR CONSTITUTIONAL PROVISION;

(B) GENERAL FUND APPROPRIATIONS UP TO THE AMOUNT OF THE STATUTORY LIMITATION ON STATE GENERAL FUND APPROPRIATIONS SET FORTH IN SECTION 24-75-201.1;

(C) GENERAL FUND APPROPRIATIONS THAT ARE EXCEPTIONS TO THE STATUTORY LIMITATION ON STATE GENERAL FUND APPROPRIATIONS SET FORTH IN SECTION 24-75-201.1;

(D) ANY MONEYS TRANSFERRED TO THE CONTROLLED MAINTENANCE TRUST FUND PURSUANT TO SECTION 24-75-302.5 FOR DESIGNATION AS ALL OR PART OF THE STATE EMERGENCY RESERVE REQUIRED BY SECTION 24-77-104 (1) (c);

(E) ANY MONEYS IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING THAT ARE REQUIRED TO BE REFUNDED IN THE CURRENT FISCAL YEAR OR EXPENDED IN THE CURRENT FISCAL YEAR IN A MANNER APPROVED BY THE VOTERS OF THE STATE PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION; AND

(F) THE RESERVE REQUIRED TO BE MAINTAINED PURSUANT TO SECTION 24-75-201.1 (1) (d).

SECTION 2. 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, 2002