

CHAPTER 371

GOVERNMENT - STATE

SENATE BILL 03-349

BY SENATOR(S) Owen, Reeves, Teck, Arnold, and Chlouber;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT

CONCERNING THE AUTHORITY OF THE GOVERNOR TO UTILIZE STATE MONEYS NOT OTHERWISE APPROPRIATED FOR THE 2002-03 STATE FISCAL YEAR TO COVER GENERAL FUND APPROPRIATIONS IN THE EVENT OF A REVENUE SHORTFALL, AND, IN CONNECTION THEREWITH, AUTHORIZING THE GOVERNOR TO DIRECT THE DISBURSEMENT OF GENERAL FUND MONEYS COMPRISING THE STATUTORILY REQUIRED GENERAL FUND RESERVE FOR SUCH PURPOSE AND AUTHORIZING THE TRANSFER OF MONEYS FROM CERTAIN CASH FUNDS UNDER CERTAIN CIRCUMSTANCES TO AUGMENT THE GENERAL FUND.

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

SECTION 1. 24-75-201.1 (1) (d) (III), Colorado Revised Statutes, is amended, and the said 24-75-201.1 (1) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (1) (d) For each fiscal year, unrestricted general fund year-end balances shall be retained as a reserve in the following amounts:

(III) For the fiscal year 1988-89 and each fiscal year thereafter, except for the fiscal years 1990-91, 1991-92, 1992-93, ~~and~~ 2001-02, AND 2002-03, as provided in subparagraphs (IV), (V), ~~and~~ (VI), AND (VII), of this paragraph (d), four percent of the amount appropriated for expenditure from the general fund for that fiscal year;

(VII) FOR THE FISCAL YEAR 2002-03, FOUR PERCENT OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR THAT FISCAL YEAR REDUCED BY THE AMOUNT OF GENERAL FUND MONEYS COMPRISING SUCH RESERVE THAT ARE DISBURSED PURSUANT TO SECTION 24-75-201.5 (1) (d) (III) (A).

SECTION 2. 24-75-201.1 (1) (d) (VII), Colorado Revised Statutes, as enacted

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

by Senate Bill 03-285, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (1) (d) For each fiscal year, unrestricted general fund year-end balances shall be retained as a reserve in the following amounts:

(VII) For the fiscal year 2002-03, three percent of the amount appropriated for expenditure from the general fund for that fiscal year reduced by thirty-one million one hundred seventy-five thousand dollars AND AS FURTHER REDUCED BY THE AMOUNT OF GENERAL FUND MONEYS COMPRISING SUCH RESERVE THAT ARE DISBURSED PURSUANT TO SECTION 24-75-201.5 (1) (d) (III) (A). The additional amount of general fund moneys made available for appropriation by the reduction in the required reserve from four percent to ~~the amount provided in this subparagraph~~ ~~(VII)~~ THREE PERCENT REDUCED BY THIRTY-ONE MILLION ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS may be appropriated during the fiscal year 2002-03 for any lawful purpose.

SECTION 3. 24-75-201.5 (1) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-75-201.5. Revenue shortfalls - required actions by the governor with respect to the reserve. (1) (d) (III) FOR THE FISCAL YEAR 2002-03 ONLY, IF THE REVENUE ESTIMATE PREPARED IN ACCORDANCE WITH SECTION 24-75-201.3 (2) IN JUNE OF 2003 INDICATES THAT GENERAL FUND EXPENDITURES FOR SUCH FISCAL YEAR BASED ON APPROPRIATIONS THEN IN EFFECT WILL EXCEED THE AMOUNT OF GENERAL FUND REVENUES AVAILABLE, EXCLUDING THE RESERVE REQUIRED BY SECTION 24-75-101.1 (1) (d), THE GOVERNOR SHALL, FROM TIME TO TIME DURING THE PERIOD BEGINNING ON JUNE 20, 2003, AND ENDING ON JUNE 30, 2003:

(A) UPON WRITTEN ORDER, DIRECT THE TREASURER TO DISBURSE AN AMOUNT OF GENERAL FUND MONEYS OTHERWISE COMPRISING SUCH RESERVE AS IS NECESSARY TO COVER ANY APPROPRIATIONS THEN IN EFFECT MADE FROM THE GENERAL FUND FOR WHICH GENERAL FUND REVENUES WOULD NOT OTHERWISE BE AVAILABLE, NOT TO EXCEED ONE HUNDRED THIRTY-TWO MILLION DOLLARS; AND

(B) IN THE EVENT THAT THE DISBURSEMENTS MADE PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) ARE INSUFFICIENT TO COVER ANY SUCH APPROPRIATIONS, UPON WRITTEN ORDER, DIRECT THE STATE TREASURER AND CONTROLLER TO TRANSFER, AND SAID STATE TREASURER AND CONTROLLER SHALL TRANSFER, TO THE GENERAL FUND, FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110 (1) (a) (I), C.R.S., OR THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5) (a) (I), C.R.S., OR BOTH, SUCH AMOUNTS AS ARE REQUIRED TO PERMIT PROMPT DISBURSEMENT FROM THE GENERAL FUND OF ANY APPROPRIATION MADE THEREFROM; EXCEPT THAT THE AMOUNT TRANSFERRED FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL NOT EXCEED EIGHTEEN MILLION DOLLARS AND THE AMOUNT TRANSFERRED FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL NOT EXCEED NINE MILLION DOLLARS.

SECTION 4. Effective date. Section 1 of this act shall take effect upon passage only if Senate Bill 03-285 is not enacted at the First Regular Session of the Sixty-fourth General Assembly and does not become law, and section 2 of this act shall take effect upon passage only if Senate Bill 03-285 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law.

SECTION 5. 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 5, 2003