

CHAPTER 131

APPROPRIATIONS

HOUSE BILL 04-1369

BY REPRESENTATIVE(S) King, Spradley, Crane, Hefley, Lee, Stengel, Welker, and Young;
also SENATOR(S) Hillman, Andrews, Arnold, Chlouber, Jones, Lamborn, and May R.

AN ACT

**CONCERNING PAYMENT OF EXPENSES OF THE LEGISLATIVE DEPARTMENT, AND MAKING
APPROPRIATIONS IN CONNECTION THEREWITH.**

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

SECTION 1. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the legislative department of the state of Colorado, the sum of twenty-six million nine hundred ten thousand five hundred ninety-eight dollars (\$26,910,598), or so much thereof as may be necessary, of which amount twenty-six million one hundred eighty-two thousand eight hundred ninety-seven dollars (\$26,182,897) shall be out of any moneys in the general fund not otherwise appropriated, ninety thousand dollars (\$90,000) shall be from cash funds, and six hundred thirty-seven thousand seven hundred one dollars (\$637,701) shall be from cash funds exempt, for payment of the expenses of the legislative department for the fiscal year beginning July 1, 2004, to be allocated as follows:

House of representatives and senate	\$ 10,514,849 ^{1/} (73.2 FTE)
State auditor	6,413,033 ^{2/} (73.0 FTE)
Joint budget committee	1,256,007 (16.0 FTE)
Legislative council	4,315,909 (54.6 FTE)

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

Committee on legal services	4,410,800 ^{3/} <u>(56.0 FTE)</u>
Total legislative department	\$26,910,598

^{1/} Of this amount, \$90,000 is appropriated out of cash funds generated by the sale of bill boxes and legislative directories and \$10,424,849 is appropriated out of the general fund. In addition, it is the intent of the general assembly that, of this amount, any moneys budgeted for special session costs during the 2004-05 fiscal year that are not expended for this purpose during the 2004 interim, as well as any other moneys that are estimated to be unexpended by the close of the 2004-05 fiscal year, shall be expended for legislative aides during the 2005 regular session. The executive committee of legislative council shall determine the amount of moneys available for expenditure for legislative aides no later than December 1, 2004, however, the total amount of moneys expended for legislative aides during the 2005 session shall not exceed \$405,900.

^{2/} Of this amount, \$5,775,332 is appropriated out of the general fund, \$550,000 is appropriated out of cash funds exempt received from various departments for audits, and \$87,701 is appropriated out of cash funds exempt received from the agencies audited under the provisions of tobacco settlement programs pursuant to section 2-3-113 (7), Colorado Revised Statutes.

^{3/} In addition, it is anticipated that, during the 2004-05 fiscal year, the tax levy on civil actions provided for in section 2-5-119, Colorado Revised Statutes, will return approximately \$250,000 to the general fund to offset expenses of the revision of statutes by the office of legislative legal services.

SECTION 2. Section 2 of chapter 426, Session Laws of Colorado 2003, is amended to read:

Section 2. **Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the legislative department of the state of Colorado, the sum of twenty-six million eighty-one thousand seven hundred six dollars (\$26,081,706), or so much thereof as may be necessary, of which amount twenty-four million eight hundred thirty-seven thousand nine hundred forty-nine dollars (\$24,837,949) shall be out of any moneys in the general fund not otherwise appropriated, ninety thousand dollars (\$90,000) shall be from cash funds, and one million one hundred fifty-three thousand seven hundred fifty-seven dollars (\$1,153,757) shall be from cash funds exempt, for payment of the expenses of the legislative department for the fiscal year beginning July 1, 2003, to be allocated as follows:

House of representatives and senate	\$ 10,036,070 ^{1/} 9,744,945 ^{1/} (73.2 FTE)
State auditor	6,612,976 ^{2/} 6,566,396 ^{2/} (73.0 FTE)
Joint budget committee	1,190,793 1,183,340

	(16.0 FTE)
Legislative council	4,121,032 4,113,579 (54.6 FTE)
Committee on legal services	4,120,835^{3/} 4,473,446 ^{3/} <u>(56.0 FTE)</u>
Total legislative department	\$26,081,706

^{1/} Of this amount, \$90,000 is appropriated out of cash funds generated by the sale of bill boxes and legislative directories and ~~\$9,946,070~~ \$9,654,945 is appropriated out of the general fund. It is the intent of the general assembly that, of this amount, any moneys budgeted for special session costs during the 2003-04 fiscal year that are not expended for this purpose during the 2003 interim be expended for legislative aides during the 2004 regular session. The executive committee of legislative council shall determine the amount of moneys available for expenditure for legislative aides no later than December 1, 2003.

^{2/} Of this amount, ~~\$5,459,219~~ \$5,412,639 is appropriated out of the general fund, \$550,000 is appropriated out of cash funds exempt received from various departments for audits, \$500,000 is appropriated out of cash funds exempt received from the department of human services for evaluation of the works program pursuant to section 26-2-723, Colorado Revised Statutes, and \$103,757 is appropriated out of cash funds exempt received from the agencies audited under the provisions of tobacco settlement programs pursuant to section 2-3-113 (7), Colorado Revised Statutes.

^{3/} In addition, it is anticipated that, during the 2003-04 fiscal year, the tax levy on civil actions provided for in section 2-5-119, Colorado Revised Statutes, will return approximately \$250,000 to the general fund to offset expenses of the revision of statutes by the office of legislative legal services.

SECTION 3. 1-40-124.5 (3), Colorado Revised Statutes, is amended to read:

1-40-124.5. Ballot information booklet. (3) (a) There is hereby established in the state treasury the ballot information publication and distribution revolving fund. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), moneys shall be appropriated to the fund each year by the general assembly in the annual general appropriation act. All interest earned on the investment of moneys in the fund shall be credited to the fund. Moneys in the revolving fund are continuously appropriated to the legislative council of the general assembly to pay the costs of publishing the text and title of each constitutional amendment, initiated or referred measure, or part of a measure, and the text of a referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), in every legal newspaper in the state, as required by section 1-40-124, and the costs of distributing the ballot information booklet, as required by subsection (2) of this section. Any moneys credited to the revolving fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

(b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY MONEYS APPROPRIATED FROM THE GENERAL FUND TO THE LEGISLATIVE DEPARTMENT OF THE STATE GOVERNMENT FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2003, THAT ARE UNEXPENDED OR NOT ENCUMBERED AS OF THE CLOSE OF THE FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND AND SHALL BE TRANSFERRED BY THE STATE TREASURER AND THE CONTROLLER TO THE BALLOT INFORMATION PUBLICATION AND DISTRIBUTION REVOLVING FUND CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (3); EXCEPT THAT THE AMOUNT SO TRANSFERRED SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS.

SECTION 4. Part 10 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-3-1002. Legislative legal expenses cash fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LEGISLATIVE LEGAL EXPENSES CASH FUND. THE FUND SHALL BE COMPRISED OF SUCH MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION AND ANY OTHER MONEYS APPROPRIATED TO THE FUND. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE COMMITTEE ON LEGAL SERVICES TO PAY THE COMPENSATION AND EXPENSES OF ANY LEGAL COUNSEL RETAINED BY THE COMMITTEE PURSUANT TO SECTION 2-3-1001 AND TO PAY ANY NECESSARY EXPENSE OF SUCH ACTIONS AND PROCEEDINGS FOR WHICH SUCH LEGAL COUNSEL IS RETAINED. ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY MONEYS APPROPRIATED FROM THE GENERAL FUND TO THE LEGISLATIVE DEPARTMENT OF THE STATE GOVERNMENT FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2003, THAT ARE UNEXPENDED OR NOT ENCUMBERED AS OF THE CLOSE OF THE FISCAL YEAR AND ARE NOT TRANSFERRED TO THE BALLOT INFORMATION PUBLICATION AND DISTRIBUTION CASH FUND PURSUANT TO SECTION 1-40-124.5 (3) (b), C.R.S., SHALL NOT REVERT TO THE GENERAL FUND AND SHALL BE TRANSFERRED BY THE STATE TREASURER AND THE CONTROLLER TO THE LEGISLATIVE LEGAL EXPENSES CASH FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

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: April 8, 2004