

CHAPTER 77

GOVERNMENT - STATE

HOUSE BILL 04-1222

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

AN ACT

CONCERNING THE ELIMINATION OF THE DESIGNATED CASH FLOW RESERVE WITHIN THE CONTROLLED MAINTENANCE TRUST FUND, AND, IN CONNECTION THEREWITH, TRANSFERRING THE BALANCE OF THE RESERVE TO THE STATE GENERAL FUND.

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

SECTION 1. 24-75-302.5 (2) (a) and (2) (e), Colorado Revised Statutes, are amended, and the said 24-75-302.5 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-75-302.5. Controlled maintenance - trust fund - repeal. (2) (a) There is hereby created the controlled maintenance trust fund, the principal of which shall consist of general fund revenues transferred thereto as provided in section 24-75-201.1 (1) (c.5) (II) AND proceeds of leveraged leasing agreements deposited thereto pursuant to section 24-82-1003 (3). ~~and moneys identified in paragraph (c) of this subsection (2).~~ Except as otherwise provided in paragraph (e) of this subsection (2), For the 1996-97 fiscal year and fiscal years thereafter, the principal of the trust fund may constitute all or some portion of the state emergency reserve established pursuant to section 24-77-104 and may be expended in any given fiscal year as provided in said section. The principal of the trust fund shall not be expended or appropriated for any purpose other than use as part of the state emergency reserve. ~~or the cash flow reserve.~~ The state treasurer may in the state treasurer's discretion deposit, redeposit, invest, and reinvest moneys accrued or accruing to the controlled maintenance trust fund in the types of deposits and investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.

(e) ~~(f)~~ ~~In addition to any general fund revenues transferred to the controlled maintenance trust fund as provided in section 24-75-201.1 (1) (c.5) (II), the trust fund shall also consist of the following moneys, which shall be designated as a cash flow~~

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

reserve:

~~(A) Any moneys deposited pursuant to section 24-82-1102 (2) (a);~~

~~(B) Forty million dollars of moneys transferred to the controlled maintenance trust fund from the general fund on July 1, 2003, which transfer is hereby required; and~~

~~(C) Any moneys deposited pursuant to subparagraph (II) of this paragraph (e).~~

~~(H) Moneys designated as part of the cash flow reserve shall only be expended by the state treasurer to resolve a cash flow emergency. To determine if a cash flow emergency exists, on a daily basis the state treasurer shall determine if the state's available moneys are sufficient to fully fund the obligations of the state that are due and payable on that day. If the available moneys are not sufficient, the state treasurer in consultation with the office of the governor shall declare a cash flow emergency and utilize the moneys in the reserve to meet the state's obligations. For purposes of this subparagraph (H), "available moneys" means moneys on deposit in the accounts of the general fund and those cash funds subject to the provisions of section 24-75-208.~~

~~(III) If the state treasurer expends moneys from the controlled maintenance trust fund during any state fiscal year as permitted by this paragraph (e), an amount of moneys equal to the amount of moneys expended shall be deposited in the trust fund on or before the last day of the following state fiscal year and designated as a cash flow reserve as specified in this paragraph (e).~~

~~(IV) Moneys designated as a cash flow reserve pursuant to this paragraph (e) shall not be used to meet any other constitutional or statutory reserve requirement.~~

~~(V) In addition to the types of investments specified in paragraph (a) of this subsection (2), the state treasurer may invest moneys that are deposited in the controlled maintenance trust fund pursuant to section 24-82-1102 (2) (a) in any type of security in which a public entity may invest public funds pursuant to section 24-75-601.1 (1) (d) or (1) (e). Notwithstanding any provision in section 24-75-601.1 to the contrary, such security may have a maturity date that is greater than five years, may have a coupon rate that is not fixed, and may bear interest at variable rates.~~

(f) (I) THE BALANCE OF THE CASH FLOW RESERVE THAT WAS DESIGNATED IN THE CONTROLLED MAINTENANCE TRUST FUND PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (2) PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (f) IS HEREBY TRANSFERRED TO THE GENERAL FUND ON THE EFFECTIVE DATE OF THIS PARAGRAPH (f).

(II) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JULY 1, 2004.

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: April 5, 2004