

## CHAPTER 260

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**GOVERNMENT - STATE**


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**SENATE BILL 05-210**

BY SENATOR(S) Tapia, Keller, and Owen;  
also REPRESENTATIVE(S) Plant, Buescher, Hall, Butcher, Carroll M., and McFadyen.

**AN ACT**

**CONCERNING THE CONTROLLED MAINTENANCE TRUST FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 24-75-201.1 (1) (c.5) (II) (B), Colorado Revised Statutes, is amended, and the said 24-75-201.1 (1) (c.5) (II) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**24-75-201.1. Restriction on state appropriations - legislative declaration - definitions.** (1) (c.5) (II) (B) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B.8) OF THIS SUBPARAGRAPH (II), for each fiscal year, following the adoption by the general assembly of the general appropriation bill, there may be transferred to the controlled maintenance trust fund fifty percent of the general fund revenues for the prior fiscal year in excess of general fund appropriations, statutory rebates, and statutory transfers, not to exceed fifty million dollars, and after retention of the reserve required by paragraph (d) of this subsection (1). The capital development committee shall consider the extent to which excess general fund revenues are the result of expenditures of other general fund dollars and make a recommendation to the joint budget committee regarding excess dollars to be allocated to the controlled maintenance trust fund. The general assembly shall, by joint resolution, presented to and signed by the governor, determine the amount to be transferred and direct the state treasurer and the controller to make such transfer to the controlled maintenance trust fund.

(B.8) THE STATE TREASURER AND CONTROLLER SHALL TRANSFER FIFTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE CONTROLLED MAINTENANCE TRUST FUND ON JUNE 30, 2005.

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

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

**24-75-302.5. Controlled maintenance - trust fund.** (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), ANY GENERAL FUND REVENUES APPROPRIATED THERETO BY LAW, and proceeds of leveraged leasing agreements deposited thereto pursuant to section 24-82-1003 (3). 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. 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.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 1, 2006, THE STATE TREASURER AND CONTROLLER SHALL TRANSFER ONE HUNDRED EIGHTY-FIVE MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED ONE DOLLARS FROM THE TRUST FUND TO THE GENERAL FUND.

**SECTION 3. Appropriation.** In addition to any other appropriation, for the fiscal year beginning July 1, 2004, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, the sum of one hundred thirty million six hundred twenty-seven thousand eight hundred one dollars (\$130,627,801).

**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 2, 2005