

## CHAPTER 303

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**GOVERNMENT - STATE**

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**HOUSE BILL 05-1350**

BY REPRESENTATIVE(S) Romanoff, Berens, Buescher, Larson, Madden, Plant, Rose, Vigil, White, Merrifield, Solano, Todd, Cerbo, Coleman, Frangas, Paccione, and Riesberg;  
also SENATOR(S) Fitz-Gerald, Anderson, Entz, Gordon, Groff, Johnson, Keller, Kester, Tapia, Teck, Bacon, Isgar, Shaffer, Taylor, Tupa, and Williams.

**AN ACT**

**CONCERNING FURTHER SPECIFICATION OF THE USES OF MONEYS IN THE GENERAL FUND EXEMPT ACCOUNT.**

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

**SECTION 1.** Article 77 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-77-104.5. General fund exempt account - appropriations to critical needs fund - specification of uses for health care and education - definitions.** (1) THE MONEYS IN THE GENERAL FUND EXEMPT ACCOUNT CREATED IN SECTION 24-77-103.6 (2) SHALL BE APPROPRIATED OR TRANSFERRED IN THE FOLLOWING MANNER:

(a) (I) IF AVAILABLE, THE AMOUNT SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) SHALL BE USED AS FOLLOWS:

(A) IF THE VOTERS OF THE STATE APPROVE THE BALLOT ISSUE SET FORTH IN HOUSE JOINT RESOLUTION 05-1057, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND SUBMITTED TO THE VOTERS AS REFERENDUM "D", THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE ACCOUNT TO THE CRITICAL NEEDS FUND CREATED IN SECTION 24-115-111 TO MAKE PAYMENTS ON PRINCIPAL AND INTEREST ON CRITICAL NEEDS NOTES ISSUED PURSUANT TO SECTION 24-115-110. SUCH AN APPROPRIATION SHALL BE AN AUTHORIZED USE OF MONEYS IN THE ACCOUNT PURSUANT TO THE PROVISIONS OF SECTION 24-77-103.6 (2) (b), (2) (c), AND (2) (d).

(B) IF THE VOTERS OF THE STATE DO NOT APPROVE REFERENDUM "D", IF THE

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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.*

PRINCIPAL AND INTEREST ON NOTES ISSUED PURSUANT TO SECTION 24-115-110 IS LESS THAN THE AMOUNT SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), OR IF THE GENERAL ASSEMBLY ELECTS NOT TO APPROPRIATE MONEYS TO THE CRITICAL NEEDS FUND TO REPAY THE PRINCIPAL AND INTEREST ON NOTES ISSUED PURSUANT TO SECTION 24-115-110, MONEYS IN THE ACCOUNT SHALL BE USED IN A MANNER CONSISTENT WITH SECTION 24-77-103.6 (2).

(II) THE AMOUNT APPROPRIATED OR TRANSFERRED PURSUANT TO THIS SUBSECTION (1) SHALL BE FIFTY-FIVE MILLION DOLLARS IN THE STATE FISCAL YEAR 2005-06, NINETY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR 2006-07, AND ONE HUNDRED TWENTY-FIVE MILLION DOLLARS IN EACH SUBSEQUENT STATE FISCAL YEAR.

(b) IF THERE ARE ANY MONEYS IN THE ACCOUNT AFTER THE APPROPRIATIONS OR TRANSFERS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) ARE MADE, THEN ALL MONEYS REMAINING IN THE ACCOUNT SHALL BE SPLIT EQUALLY FOR THE FOLLOWING THREE PURPOSES:

(I) FUNDING FOR HEALTH CARE, WHICH SHALL BE LIMITED TO THE USES SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(II) FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE EDUCATION, WHICH SHALL BE LIMITED TO THE USES SET FORTH IN SUBSECTION (3) OF THIS SECTION; AND

(III) FUNDING FOR THE BENEFIT OF STUDENTS ATTENDING COMMUNITY COLLEGES AND OTHER INSTITUTIONS OF HIGHER EDUCATION, WHICH SHALL BE LIMITED TO THE USES SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(2) (a) FUNDING FOR HEALTH CARE, AS USED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, SHALL BE LIMITED TO FUNDING FOR:

(I) HEALTH CARE FOR COLORADO'S ELDERLY, LOW-INCOME, AND DISABLED POPULATIONS, INCLUDING:

(A) PHYSICIAN VISITS;

(B) HOSPITAL VISITS;

(C) LONG-TERM CARE SERVICES, INCLUDING NURSING HOME CARE, HOME-BASED CARE, AND COMMUNITY-BASED SERVICES;

(D) PRESCRIPTION DRUGS;

(E) MENTAL HEALTH SERVICES;

(F) PRENATAL CARE;

(G) IMMUNIZATIONS;

(H) SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES; AND

(I) MEDICAL SERVICES PREMIUMS.

(II) PROGRAMS TO LOWER THE COST OF HEALTH INSURANCE PREMIUMS FOR INDIVIDUALS AND SMALL BUSINESSES.

(b) ALL OF THE USES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2) ARE PERMITTED UNDER SECTION 24-77-103.6 (2) (a). THE GENERAL ASSEMBLY SHALL NOT BE REQUIRED TO APPROPRIATE OR TRANSFER MONEYS FROM THE ACCOUNT FOR ALL OF THE PROGRAMS AND SERVICES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) (a) FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE EDUCATION, AS USED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, SHALL BE LIMITED TO FUNDING FOR:

(I) PER-PUPIL FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE EDUCATION THROUGH THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S., OR ANY SUCCESSOR ACT;

(II) CAPITAL CONSTRUCTION PROJECTS RELATED TO PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION;

(III) KINDERGARTEN AND PRESCHOOL PROGRAMS;

(IV) LIBRARIES;

(V) TEXTBOOKS;

(VI) STUDENT ASSESSMENT AND ACCOUNTABILITY;

(VII) READ-TO-ACHIEVE PROGRAMS;

(VIII) SCHOOL BREAKFAST AND LUNCH PROGRAMS; AND

(IX) CATEGORICAL PROGRAMS AS DEFINED IN SECTION 17 (2) (a) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) AS USED IN SECTION 24-77-103.6 (6) (a) (I), "PUBLIC ELEMENTARY AND HIGH SCHOOL EDUCATION" MEANS PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION. ACCORDINGLY, ALL OF THE USES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) ARE PERMITTED UNDER SECTION 24-77-103.6 (2) (b). THE GENERAL ASSEMBLY SHALL NOT BE REQUIRED TO APPROPRIATE OR TRANSFER MONEYS FROM THE ACCOUNT FOR ALL OF THE PROGRAMS AND SERVICES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3).

(c) MONEYS FROM THE ACCOUNT APPROPRIATED OR TRANSFERRED FOR FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE EDUCATION MAY COUNT AS PART OF THE GENERAL ASSEMBLY'S GENERAL FUND MAINTENANCE OF EFFORT THAT IS REQUIRED PURSUANT TO SECTION 17 (5) OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) (a) FUNDING FOR THE BENEFIT OF STUDENTS ATTENDING COMMUNITY COLLEGES AND OTHER INSTITUTIONS OF HIGHER EDUCATION, AS USED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, SHALL

BE LIMITED TO FUNDING FOR:

(I) NEED-BASED FINANCIAL AID;

(II) MERIT-BASED FINANCIAL AID;

(III) THE COLLEGE OPPORTUNITY FUND PROGRAM CREATED IN ARTICLE 18 OF TITLE 23, C.R.S.;

(IV) FEE-FOR-SERVICE CONTRACTS AUTHORIZED PURSUANT TO SECTION 23-5-130, C.R.S.; AND

(V) CAPITAL CONSTRUCTION PROJECTS RELATED TO HIGHER EDUCATION.

(b) ALL OF THE USES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (4) ARE PERMITTED UNDER SECTION 24-77-103.6 (2) (b). THE GENERAL ASSEMBLY SHALL NOT BE REQUIRED TO APPROPRIATE OR TRANSFER MONEYS FROM THE ACCOUNT FOR ALL OF THE PROGRAMS AND SERVICES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) AS USED IN THIS SECTION, "ACCOUNT" MEANS THE GENERAL FUND EXEMPT ACCOUNT CREATED IN SECTION 24-77-103.6 (2).

**SECTION 2. Effective date.** This act shall take effect only if House Bill 05-1194 is enacted at the First Regular Session of the Sixty-fifth General Assembly, is approved by the voters at the 2005 statewide election, and becomes law.

**SECTION 3. 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 6, 2005