

CHAPTER 449

**APPROPRIATIONS**

**HOUSE BILL 08-1037**

BY REPRESENTATIVE(S) Madden, May M., Casso, Hodge, Kerr A., Buescher, Butcher, Gallegos, Kerr J., Labuda, Roberts, Rose, and Todd;  
also SENATOR(S) Gordon, and Williams.

**AN ACT**

**CONCERNING EXPENDITURES OF THE LEGISLATIVE DEPARTMENT.**

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

**SECTION 1.** Section 1 of chapter 440, Session Laws of Colorado 2007, is amended to read:

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 ~~thirty million eight hundred seventy thousand three hundred seventeen dollars (\$30,870,317)~~ THIRTY MILLION NINE HUNDRED SEVENTY-TWO THOUSAND FOUR HUNDRED SIXTY-EIGHT DOLLARS (\$30,972,468), or so much thereof as may be necessary, of which amount ~~thirty million three hundred fifty-nine dollars (\$30,000,359)~~ THIRTY MILLION ONE HUNDRED TWO THOUSAND FIVE HUNDRED TEN DOLLARS (\$30,102,510) shall be out of any moneys in the general fund not otherwise appropriated, ninety thousand dollars (\$90,000) shall be from cash funds, and seven hundred seventy-nine thousand nine hundred fifty-eight dollars (\$779,958) shall be from cash funds exempt, for payment of the expenses of the legislative department for the fiscal year beginning July 1, 2007, to be allocated as follows:

House of representatives and senate	\$ <del>11,792,666</del> <sup>1/</sup> 11,894,817 <sup>1/</sup> (76.75 FTE)
State auditor	7,469,747 <sup>2/</sup> (73.0 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.*

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	Joint budget committee	1,417,752 (16.0 FTE)
	Legislative council	4,858,208 (55.2 FTE)
	Committee on legal services	5,056,955 <sup>3/</sup> (56.1 FTE)
	PERA Amortization Equalization Disbursement	233,324
	PERA Supplemental Amortization Equalization Disbursement	41,665
	Total legislative department	\$30,870,317 30,972,468

<sup>1/</sup> Of this amount, \$90,000 is appropriated out of cash funds generated by the sale of bill boxes and legislative directories and \$11,702,666 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 2007-08 fiscal year that are not expended for this purpose during the 2007 interim, as well as any other moneys that are estimated to be unexpended by the close of the 2007-08 fiscal year, shall be expended for legislative aides during the 2008 regular session; HOWEVER, THE AMOUNT OF MONEYS EXPENDED FROM THESE SOURCES FOR LEGISLATIVE AIDES SHALL NOT EXCEED \$368,280. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT, OF THIS AMOUNT, \$102,151 SHALL BE BUDGETED DURING THE 2007-08 FISCAL YEAR FOR LEGISLATIVE AIDES AND SHALL BE EXPENDED FOR LEGISLATIVE AIDES DURING THE 2008 REGULAR SESSION. The executive committee of the legislative council shall determine the TOTAL amount of moneys available for expenditure for legislative aides no later than December 1, 2007; however, the total amount of moneys expended for legislative aides during the 2008 session shall not exceed ~~\$368,280~~ \$470,431.

<sup>2/</sup> Of this amount, \$6,689,789 is appropriated out of the general fund, \$700,000 is appropriated out of cash funds exempt received from various departments for audits, and \$79,958 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.

<sup>3/</sup> In addition, it is anticipated that, during the 2007-08 fiscal year, the tax levy on civil actions provided for in section 2-5-119, Colorado Revised Statutes, will return approximately \$275,000 to the general fund to offset expenses of the revision of statutes by the office of legislative legal services.

**SECTION 2.** 2-2-317 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

**2-2-317. Expense, subsistence, and travel allowance - repeal.**  
(1) (b) (I) (A) In lieu of the expenses allowed in paragraph (a) of this subsection (1), if a member does not reside in the Denver metropolitan area, which area consists of the counties of Adams, Arapahoe, Boulder, Clear Creek, Douglas, Gilpin, and Jefferson and the city and county of Broomfield and the city and county

of Denver, the member shall be entitled to receive up to ~~an amount equal to eighty-five percent of the federal per diem rate for the city and county of Denver, rounded up to the nearest whole dollar, as determined annually by the United States general services administration, or such succeeding entity, and used for purposes of the federal income tax deduction as specified in 26 U.S.C. sec. 162 (h) (1) (B) (ii) of the federal "Internal Revenue Code of 1986", as amended;~~ ONE HUNDRED FIFTY DOLLARS per legislative day for expenses incurred during the sessions of the general assembly.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE OCTOBER 1, 2010.

(II) IN LIEU OF THE EXPENSES ALLOWED IN PARAGRAPH (a) OF THIS SUBSECTION (1), IF A MEMBER DOES NOT RESIDE IN THE DENVER METROPOLITAN AREA, WHICH AREA CONSISTS OF THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, CLEAR CREEK, DOUGLAS, GILPIN, AND JEFFERSON AND THE CITY AND COUNTY OF BROOMFIELD AND THE CITY AND COUNTY OF DENVER, THE MEMBER SHALL BE ENTITLED TO RECEIVE PER LEGISLATIVE DAY FOR EXPENSES INCURRED DURING THE SESSIONS OF THE GENERAL ASSEMBLY UP TO AN AMOUNT EQUAL TO EIGHTY-FIVE PERCENT OF THE FEDERAL PER DIEM RATE FOR THE CITY AND COUNTY OF DENVER, ROUNDED UP TO THE NEAREST WHOLE DOLLAR, AS DETERMINED BY THE UNITED STATES GENERAL SERVICES ADMINISTRATION, OR SUCH SUCCEEDING ENTITY, AS OF OCTOBER 1 OF THE CALENDAR YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR IN WHICH THE PER DIEM RATE IS TO BE USED.

(c) (I) (A) The per diem lodging and expense allowances of the general assembly as fixed by SUBPARAGRAPH (I) OF PARAGRAPH (b) OF this subsection (1) shall apply to regular or special sessions of the general assembly subsequent to ~~July 1, 2007~~ JANUARY 1, 2008, AND PRIOR TO JULY 1, 2010.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE OCTOBER 1, 2010.

(II) THE PER DIEM LODGING AND EXPENSE ALLOWANCES OF THE GENERAL ASSEMBLY AS FIXED BY SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL APPLY TO REGULAR OR SPECIAL SESSIONS OF THE GENERAL ASSEMBLY SUBSEQUENT TO JULY 1, 2010.

**SECTION 3.** 2-2-316, Colorado Revised Statutes, is amended to read:

**2-2-316. Legislative declaration.** Considering the greatly improved highways and airways of this state which permit greater mobility with less cost in money and time, considering the increasing length of legislative sessions, the increasing complexity and importance of the problems presented, and the benefits to be derived from frequent contact between legislator and constituents, and considering the desirability of preserving the concept of part-time citizen-legislators and, therefore, the need to allow them a reasonable opportunity to attend to their own personal, family, and business affairs even during sessions of the general assembly, it is hereby declared to be necessary, within the meaning of the state constitution and in the best interests of the general assembly and the state of Colorado, that members of the senate and house of representatives travel to their homes OR OTHER LOCATIONS WITHIN THEIR DISTRICTS and back to the capitol during sessions of the general assembly when the house to which they belong is in adjournment for periods

not exceeding seventy-two hours.

**SECTION 4.** 2-2-317 (2) (b), Colorado Revised Statutes, is amended to read:

**2-2-317. Expense, subsistence, and travel allowance.** (2) (b) Each member of the general assembly who is entitled to claim an expense per diem pursuant to paragraph (b) of subsection (1) of this section shall also be entitled to receive travel expenses to ANY LOCATION WITHIN such member's ~~home~~ DISTRICT and back to Denver once each week, pursuant to section 2-2-316.

**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: February 7, 2008