

CHAPTER 85

**GOVERNMENT - STATE**

HOUSE BILL 08-1320

BY REPRESENTATIVE(S) Buescher, Pommer, White, Labuda, and McFadyen;  
also SENATOR(S) Keller, Morse, and Johnson.

**AN ACT**

**CONCERNING A CHANGE IN THE DESIGNATION OF CERTAIN APPROPRIATIONS THAT ARE CURRENTLY DESIGNATED AS CASH FUNDS EXEMPT APPROPRIATIONS.**

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

**SECTION 1.** 23-1-104 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**23-1-104. Financing the system of postsecondary education.** (1) (a) (I) The general assembly shall make annual appropriations of general fund moneys, of cash funds received from tuition income, and of ~~cash funds exempt~~ FUNDS that are estimated to be received by an institution, under the direction and control of the governing board, as stipends, as defined in section 23-18-102, as a single line item to each governing board for the operation of its campuses.

**SECTION 2.** 23-18-202 (3) (a), Colorado Revised Statutes, is amended to read:

**23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement.** (3) (a) For the state fiscal year commencing July 1, 2005, and for each state fiscal year thereafter, the general assembly shall appropriate spending authority to each governing board for the ~~cash funds exempt~~ FUNDS estimated to be received by an institution, under the direction and control of the governing board, as stipends, consistent with the provisions of section 23-1-104. The spending authority for the stipends estimated to be received shall be calculated by multiplying the amount of the applicable per-credit-hour stipend by the number of eligible student credit hours that are estimated to be attributable to each state institution of higher education under the direction and control of the governing board.

**SECTION 3.** 24-35-113 (2), Colorado Revised Statutes, is amended to read:

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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.*

**24-35-113. Employees interchangeable.** (2) In any fiscal year in which employees are shifted between divisions, groups, or branches of the department OF REVENUE pursuant to subsection (1) of this section, the executive director OF THE DEPARTMENT shall prepare a report that demonstrates that the total ~~cash fund, cash fund exempt, and federally funded~~ FTE FUNDED WITH CASH FUNDS, REAPPROPRIATED FUNDS, AND FEDERAL FUNDS AND appropriated to such a division, group, or branch of the department for such fiscal year has not been exceeded in that fiscal year by such division, group, or branch. Such report shall be submitted with the department's annual budget request to the joint budget committee.

**SECTION 4.** 24-75-106 (1), Colorado Revised Statutes, is amended to read:

**24-75-106. Transfers between departments of health care policy and financing and human services for medicaid programs - repeal.** (1) Notwithstanding the effect of the "M" provision in the 1990-91 and subsequent general appropriation acts, the governor may transfer unlimited amounts of general fund ~~and cash funds exempt~~ appropriations AND REAPPROPRIATED FUNDS to and from the departments of health care policy and financing and human services when required by changes from the appropriated levels in the amount of medicaid cash funds earned through programs or services provided under the supervision of the department of human services or the department of health care policy and financing.

**SECTION 5.** 24-75-107.5 (1) and (3), Colorado Revised Statutes, are amended to read:

**24-75-107.5. Transfers of spending authority - cash fund appropriations and reappropriated funds - repeal.** (1) (a) Upon approval of the governor, the head of a principal department may transfer ~~cash-spending~~ SPENDING authority within any item of appropriation ~~which operates to increase a cash fund exempt appropriation by decreasing a cash fund appropriation in a corresponding amount~~ so that such transfer does not increase the total ~~cash fund~~ spending authority within the item of appropriation AS FOLLOWS:

(I) TO INCREASE A CASH FUND APPROPRIATION BY DECREASING AN AMOUNT OF REAPPROPRIATED FUNDS IN A CORRESPONDING AMOUNT; OR

(II) TO INCREASE AN AMOUNT OF REAPPROPRIATED FUNDS BY DECREASING A CASH FUND APPROPRIATION IN A CORRESPONDING AMOUNT.

(b) THE AMOUNT OF THE SPENDING AUTHORITY TRANSFERRED PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY BE LIMITED BY AN AMOUNT SPECIFIED IN A FOOTNOTE RELATED TO THE APPROPRIATION IN THE ANNUAL GENERAL APPROPRIATION BILL FOR THAT BUDGET YEAR.

(c) FOR STATE FISCAL YEAR 2008-09, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL DESIGNATE IN THE NOVEMBER 1 SUBMISSION OF AGENCY BUDGET REQUESTS FOR THE UPCOMING YEAR ALL LINE ITEMS WITH TRANSFERS OF SPENDING AUTHORITY APPROVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, INCLUDING THE BASIS FOR AND THE AMOUNT OF EACH TRANSFER.

(3) This section is repealed, effective ~~September 1, 2009~~ JUNE 30, 2010.

**SECTION 6.** 25.5-3-112 (3) (a), Colorado Revised Statutes, is amended to read:

**25.5-3-112. Health care services fund - creation - state plan amendment.**

(3) (a) The state department shall submit a state plan amendment for federal financial participation for moneys appropriated to primary care clinics operated by a licensed or certified health care facility. Upon approval of the state plan amendment, the state department is authorized to receive and expend all available federal moneys without a corresponding reduction in ~~cash funds exempt~~ spending authority from the fund.

**SECTION 7.** 25.5-3-207 (4) (b), Colorado Revised Statutes, is amended to read:

**25.5-3-207. Program funding - comprehensive primary and preventive care fund - supplemental tobacco litigation settlement moneys account - creation.**

(4) (b) The state department shall pursue federal financial participation for all moneys appropriated or transferred to the account. The state department may receive and expend all available federal moneys without A corresponding reduction in ~~cash funds exempt~~ spending authority from the fund.

**SECTION 8. Applicability.** This act shall apply to fiscal years beginning on or after July 1, 2008.

**SECTION 9. 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: March 31, 2008