

CHAPTER 231

GOVERNMENT - STATE

HOUSE BILL 09-1222

BY REPRESENTATIVE(S) Ferrandino, Pommer, Marostica, Gerou, Court;
also SENATOR(S) Keller, Tapia, White, Boyd, Tochtrop.

AN ACT**CONCERNING THE ADMINISTRATION OF APPROPRIATED MONEYS.**

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

SECTION 1. 24-75-105 (2), Colorado Revised Statutes, is amended to read:

24-75-105. Transfers required to implement conditional and centralized appropriations - repeal. (2) This section is repealed, effective ~~September 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 2. 24-75-106, Colorado Revised Statutes, is amended to read:

24-75-106. Transfers between departments of health care policy and financing and human services for materially similar items of appropriation for medicaid programs - limitation - 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 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 IF THE TRANSFER OF APPROPRIATIONS IS BETWEEN ONE OR MORE MATERIALLY SIMILAR ITEMS OF APPROPRIATION AND IS FOR PURPOSES OTHER THAN DEPARTMENT ADMINISTRATIVE COSTS ASSOCIATED WITH PROGRAMS OR SERVICES.

(2) This section is repealed, effective ~~September 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 3. Part 1 of article 75 of title 24, Colorado Revised Statutes, is

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

amended BY THE ADDITION OF A NEW SECTION to read:

24-75-106.5. Transfers between departments of health care policy and financing and human services for corresponding items of appropriation - limitations - repeal. (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, UPON APPROVAL OF THE GOVERNOR:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY TRANSFER GENERAL FUND OR REAPPROPRIATED FUNDS SPENDING AUTHORITY FROM ONE OR MORE ITEMS OF APPROPRIATION MADE TO THAT DEPARTMENT IN THE ANNUAL GENERAL APPROPRIATIONS ACT TO ONE OR MORE CORRESPONDING ITEMS OF APPROPRIATION MADE TO THE DEPARTMENT OF HUMAN SERVICES IN THE ACT.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES MAY TRANSFER GENERAL FUND OR REAPPROPRIATED FUNDS SPENDING AUTHORITY FROM ONE OR MORE ITEMS OF APPROPRIATION MADE TO THAT DEPARTMENT IN THE ANNUAL GENERAL APPROPRIATIONS ACT TO ONE OR MORE CORRESPONDING ITEMS OF APPROPRIATION MADE TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN THE ACT.

(2) THE GOVERNOR MAY APPROVE A TRANSFER OF SPENDING AUTHORITY BETWEEN ONE OR MORE CORRESPONDING ITEMS OF APPROPRIATION OF THE DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING AND HUMAN SERVICES PURSUANT TO SUBSECTION (1) OF THIS SECTION ONLY IF:

(a) AUTHORITY FOR THE TRANSFER OF SPENDING AUTHORITY HAS BEEN EXPRESSLY GRANTED IN A FOOTNOTE IN THE ANNUAL GENERAL APPROPRIATIONS ACT;

(b) THE AMOUNT OF SPENDING AUTHORITY TO BE TRANSFERRED DOES NOT EXCEED THE MAXIMUM AMOUNT, IF ANY, SPECIFIED IN THE FOOTNOTE AUTHORIZING THE TRANSFER; AND

(c) THE TRANSFER IS NOT OTHERWISE AUTHORIZED PURSUANT TO SECTION 24-75-106.

(3) THE TRANSFERS AUTHORIZED BY THIS SECTION SHALL:

(a) BE IN ADDITION TO ANY OTHER TRANSFERS BETWEEN THE DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING AND HUMAN SERVICES AUTHORIZED BY LAW; AND

(b) APPLY TO THE 2008-09 AND SUBSEQUENT GENERAL APPROPRIATIONS ACTS.

(4) THE GOVERNOR SHALL REPORT TO THE JOINT BUDGET COMMITTEE NO LATER THAN OCTOBER 1 AFTER THE CLOSE OF THE FISCAL YEAR ON ANY TRANSFERS APPROVED BY THE GOVERNOR PURSUANT TO THIS SECTION.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2014.

SECTION 4. 24-75-107 (2), Colorado Revised Statutes, is amended to read:

24-75-107. Cash fund transfers pursuant to sections 24-75-105 and 24-75-106 - repeal. (2) This section is repealed, effective ~~September 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 5. 24-75-108 (11), Colorado Revised Statutes, is amended to read:

24-75-108. Intradepartmental transfers between appropriations - repeal. (11) This section is repealed, effective ~~September 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 6. 24-75-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal. (1) For the purpose of closing the state's books, and subject to the provisions of this section, the controller may, on or after May 1 of any fiscal year and before the forty-fifth day after the close thereof, upon approval of the governor, allow any department, institution, or agency of the state, including any institution of higher education, to make an expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:

(a.6) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE REQUIRED STATE CONTRIBUTION PAYMENT PURSUANT TO THE FEDERAL "MEDICARE MODERNIZATION ACT OF 2003", PUB.L. 108-173; OR

SECTION 7. 24-75-109 (6), Colorado Revised Statutes, is amended to read:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal. (6) The controller may allow overexpenditures pursuant to this section only for the fiscal years beginning July 1, 1998, July 1, 1999, July 1, 2000, July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004, July 1, 2005, July 1, 2006, July 1, 2007, ~~and~~ July 1, 2008, JULY 1, 2009, JULY 1, 2010, JULY 1, 2011, JULY 1, 2012, AND JULY 1, 2013, and this section is repealed, effective ~~July 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 8. 24-75-110 (2), Colorado Revised Statutes, is amended to read:

24-75-110. Limitation on judicial department - repeal. (2) This section is repealed, effective ~~July 1, 2009~~ SEPTEMBER 1, 2014.

SECTION 9. 26-2-721.7 (1) (a), Colorado Revised Statutes, is amended to read:

26-2-721.7. Colorado works statewide strategic use fund - created - allocations - rules - report. (1) (a) There is hereby created the Colorado works statewide strategic use fund, referred to in this section as the "statewide strategic use fund", which shall consist of the moneys annually appropriated thereto by the general assembly from the Colorado long-term works reserve. The moneys in the statewide strategic use fund shall be ~~subject to annual appropriation by the general assembly~~ CONTINUOUSLY APPROPRIATED to the state department for the purposes

specified in this section. Any unexpended moneys remaining in the statewide strategic use fund at the end of a fiscal year shall REMAIN IN THE STATEWIDE STRATEGIC USE FUND AND SHALL NOT revert to the Colorado long-term works reserve OR ANY OTHER FUND.

SECTION 10. 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: May 4, 2009