

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0274.01 Ed DeCecco

SENATE BILL 09-228

SENATE SPONSORSHIP

Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams

HOUSE SPONSORSHIP

Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann

Senate Committees

Finance

House Committees

Transportation & Energy

Appropriations

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE FLEXIBILITY OF THE GENERAL**
102 **ASSEMBLY TO DETERMINE THE APPROPRIATE USE OF STATE**
103 **REVENUES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Eliminates the limit on the growth of total general fund appropriations (appropriations limit). If the appropriations limit was used as a trigger for some other event, establishes a new trigger that is based on the amount actually appropriated from the general fund, or in the case of certain tax credits, that is 6% over the general fund appropriations from the prior year. Eliminates references to provisions that state that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 17, 2009

SENATE
Amended 2nd Reading
March 3, 2009

appropriations are made in accordance with or as exceptions to the appropriations limit. Eliminates obsolete provisions related to the appropriations limit, and makes other conforming amendments related to the elimination of the appropriations limit.

Eliminates the automatic transfer to the controlled maintenance trust fund that is a percentage of excess general fund revenue.

Eliminates the automatic transfer of general fund surplus to the highway users tax fund (HUTF) and the capital construction fund. Permits the general assembly to transfer moneys to such funds, which amount transferred to the HUTF shall be used in the same manner as the moneys that are automatically transferred thereto under current law.

Eliminates the automatic diversion of sales and use tax revenue to the sales and use tax holding fund. Permits the general assembly to transfer moneys to the fund, which shall be used in the same manner as the moneys that are automatically diverted thereto under current law.

Eliminates the limit on the amount that the general assembly may appropriate from the HUTF for specified state agencies.

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

2 **SECTION 1.** 12-47.1-701 (4) (a) (IV) (A.5), (4) (a) (IV) (B), (4)
3 (a) (V) (B), (4) (a) (V) (C), and (5) (c), Colorado Revised Statutes, are
4 amended to read:

5 **12-47.1-701. Limited gaming fund.** (4) (a) At the end of each
6 fiscal year, the state treasurer shall distribute the balance remaining in the
7 limited gaming fund in accordance with the provisions of section 9 (5) (b)
8 (II) of article XVIII of the state constitution and paragraph (c) of
9 subsection (1) of this section; except that:

10 (IV) (A.5) If, based on the March revenue forecast prepared by the
11 legislative council, the joint budget committee determines that the amount
12 of general fund revenues for the fiscal year in which the forecast is
13 prepared will be insufficient to ~~allow the maximum~~ COVER THE amount
14 of general fund appropriations ~~permitted by section 24-75-201.1 (1) (a)~~
15 ~~(H), C.R.S.~~, to be made for that fiscal year AS INCLUDED IN THE JOINT
16 BUDGET COMMITTEE'S APPROPRIATIONS REPORT, the joint budget

1 committee, acting by bill, shall determine the amount of limited gaming
2 fund moneys, if any, that should be transferred to the state council on the
3 arts cash fund, the new jobs incentives cash fund, and the Colorado travel
4 and tourism promotion fund at the end of that fiscal year.

5 (B) If the joint budget committee, pursuant to sub-subparagraph
6 (A.5) of this subparagraph (IV), does not determine the amount of limited
7 gaming fund moneys, if any, to be transferred to the funds specified in
8 sub-subparagraph (A) of this subparagraph (IV) and if, based on the June
9 revenue forecast prepared by the legislative council, the state treasurer
10 determines that the amount of general fund revenues for the fiscal year in
11 which the forecast is prepared will be insufficient to ~~allow the maximum~~
12 ~~COVER THE~~ amount of general fund appropriations ~~permitted by section~~
13 ~~24-75-201.1 (1) (a) (H), C.R.S.,~~ to be made for that fiscal year AS
14 INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,
15 the state treasurer shall transfer to the general fund from the moneys that
16 would otherwise be transferred to the state council on the arts cash fund,
17 the new jobs incentives cash fund, and the Colorado travel and tourism
18 promotion fund pursuant to sub-subparagraph (A) of this subparagraph
19 (IV) at the end of the fiscal year an amount equal to the lesser of the full
20 amount that would otherwise be transferred to the state council on the arts
21 cash fund, the new jobs incentives cash fund, and the Colorado travel and
22 tourism promotion fund or the amount necessary to ~~allow the maximum~~
23 ~~COVER THE~~ amount of general fund appropriations to be made for the
24 fiscal year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S
25 APPROPRIATIONS REPORT. Any reduction in the amounts transferred to the
26 state council on the arts cash fund, the new jobs incentives cash fund, and
27 the Colorado travel and tourism promotion fund required by this

1 sub-subparagraph (B) shall be pro-rated based on the amounts otherwise
2 required to be transferred to said funds pursuant to sub-subparagraph (A)
3 of this subparagraph (IV).

4 (V) (B) If, based on the March revenue forecast prepared by the
5 legislative council, the joint budget committee determines that the amount
6 of general fund revenues for the fiscal year in which the forecast is
7 prepared will be insufficient to ~~allow the maximum~~ COVER THE amount
8 of general fund appropriations ~~permitted by section 24-75-201.1 (1) (a)~~
9 ~~(H), C.R.S.~~, to be made for that fiscal year AS INCLUDED IN THE JOINT
10 BUDGET COMMITTEE'S APPROPRIATIONS REPORT, the joint budget
11 committee, acting by bill, shall determine the amount of limited gaming
12 fund moneys, if any, that should be transferred to the film incentives cash
13 fund pursuant to sub-subparagraph (A) of this subparagraph (V) at the
14 end of that fiscal year.

15 (C) If the joint budget committee, pursuant to sub-subparagraph
16 (B) of this subparagraph (V), does not determine the amount of limited
17 gaming fund moneys, if any, to be transferred to the film incentives cash
18 fund specified in sub-subparagraph (A) of this subparagraph (V) and if,
19 based on the June revenue forecast prepared by the legislative council, the
20 state treasurer determines that the amount of general fund revenues for
21 the fiscal year in which the forecast is prepared will be insufficient to
22 ~~allow the maximum~~ COVER THE amount of general fund appropriations
23 ~~permitted by section 24-75-201.1 (1) (a) (H), C.R.S.~~, to be made for that
24 fiscal year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S
25 APPROPRIATIONS REPORT, the state treasurer shall transfer to the general
26 fund from the moneys that would otherwise be transferred to the film
27 incentives cash fund pursuant to sub-subparagraph (A) of this

1 subparagraph (V) at the end of the fiscal year an amount equal to the
2 lesser of the full amount that would otherwise be transferred to the film
3 incentives cash fund or the amount necessary to ~~allow the maximum~~
4 COVER THE amount of general fund appropriations to be made for the
5 fiscal year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S
6 APPROPRIATIONS REPORT. Any reduction in the amount transferred to the
7 film incentives cash fund required by this sub-subparagraph (C) and the
8 amounts transferred to the state council on the arts cash fund, the new
9 jobs incentives cash fund, and the Colorado travel and tourism promotion
10 fund required by sub-subparagraph (B) of subparagraph (IV) of this
11 paragraph (a) shall be pro-rated based on the amounts otherwise required
12 to be transferred to said funds pursuant to sub-subparagraph (A) of this
13 subparagraph (V) and sub-subparagraph (A) of subparagraph (IV) of this
14 paragraph (a).

15 (5) (c) If, based on the revenue forecast prepared by the staff of
16 the legislative council in June of any fiscal year, the state treasurer
17 determines that the amount of general fund revenues for the fiscal year
18 will be insufficient to ~~allow the maximum~~ COVER THE amount of general
19 fund appropriations ~~permitted by section 24-75-201.1 (1) (a), C.R.S.~~, to
20 be made for the fiscal year AS INCLUDED IN THE JOINT BUDGET
21 COMMITTEE'S APPROPRIATIONS REPORT, the state treasurer shall transfer
22 to the general fund from the moneys that would otherwise be transferred
23 to the clean energy fund pursuant to either paragraph (a) or paragraph (b)
24 of this subsection (5) at the end of the fiscal year an amount equal to the
25 lesser of the full amount that would otherwise be transferred to the clean
26 energy fund or the amount necessary to ~~allow the maximum~~ COVER THE
27 amount of general fund appropriations to be made for the fiscal year AS

1 INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT.

2 **SECTION 2.** 22-55-102 (15), Colorado Revised Statutes, is
3 amended to read:

4 **22-55-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (15) "Statutory limitation on general fund appropriations ~~growth~~"
7 means the limitation on annual general fund appropriations set forth in
8 section 24-75-201.1, C.R.S.

9 **SECTION 3.** 22-55-103 (5) (c), Colorado Revised Statutes, is
10 amended to read:

11 **22-55-103. State education fund - creation - transfers to fund**
12 **- use of moneys in fund - permitted investments - exempt from**
13 **spending limitations.** (5) Pursuant to section 17 (3) of article IX of the
14 state constitution, all moneys credited to the [] fund, appropriated by the
15 general assembly out of the fund, or distributed from the fund and
16 expended by any school district shall be exempt from:

17 [] (c) The statutory limitation on general fund appropriations.
18 ~~growth.~~

19 **SECTION 4.** 23-19.9-102 (2) (b) (II), Colorado Revised Statutes,
20 is amended to read:

21 **23-19.9-102. Higher education federal mineral lease revenues**
22 **fund - higher education maintenance and reserve fund - creation -**
23 **sources of revenues - use.** (2) (b) (II) If, at any time during a fiscal year,
24 the most recent available quarterly revenue estimate prepared by the staff
25 of the legislative council indicates that the amount of total general fund
26 revenues for the fiscal year will not be sufficient to allow the state to
27 maintain the four percent OR HIGHER reserve required by section

1 ~~24-75-201.1 (1) (d) (H)~~ SECTION 24-75-201.1 (1), C.R.S., the general
2 assembly may make supplemental appropriations of principal of the
3 maintenance and reserve fund or the state controller may allow
4 overexpenditures to be made from principal of the maintenance and
5 reserve fund pursuant to and in accordance with the requirements of
6 section 24-75-111, C.R.S., in order to offset any reduction in the amount
7 of one or more general fund appropriations for the fiscal year for
8 operating expenses of state-supported institutions of higher education that
9 resulted from the insufficiency in the amount of total general fund
10 revenues.

11 **SECTION 5.** 23-20-136 (3) (a), Colorado Revised Statutes, is
12 amended to read:

13 **23-20-136. Fitzsimons trust fund - creation - legislative**
14 **declaration - repeal.** (3) (a) There is hereby created in the state treasury
15 the university of Colorado health sciences center at Fitzsimons trust fund,
16 referred to in this section as the "Fitzsimons trust fund", the principal of
17 which shall consist of those general fund revenues ~~in excess of the~~
18 ~~limitation in section 24-75-201.1 (1) (a) (H), C.R.S.,~~ that may be
19 transferred to the capital construction fund as provided in section
20 24-75-302 (2), C.R.S., and then appropriated from the capital construction
21 fund to the Fitzsimons trust fund and of moneys appropriated to the
22 Fitzsimons trust fund from the capital construction fund pursuant to
23 subsection (3.5) of this section. The principal and interest of the
24 Fitzsimons trust fund shall not be expended or appropriated for any
25 purpose other than that stated in subsection (5) of this section. The state
26 treasurer may, in the state treasurer's discretion, deposit, redeposit, invest,
27 and reinvest moneys accrued or accruing to the Fitzsimons trust fund in

1 the types of deposits and investments authorized in sections 24-36-109,
2 24-36-112, and 24-36-113, C.R.S.

3

4 **SECTION 6.** 24-75-201.1 (1) (a) (II), the introductory portion to
5 24-75-201.1 (1) (a) (III), 24-75-201.1 (1) (a) (IV), the introductory
6 portion to 24-75-201.1 (1) (a) (V), and 24-75-201.1 (1) (c.5) (II),
7 Colorado Revised Statutes, are amended, and the said 24-75-201.1 (1) (a)
8 is further amended BY THE ADDITION OF A NEW
9 SUBPARAGRAPH, to read:

10 **24-75-201.1. Restriction on state appropriations - legislative**
11 **declaration - definitions.** (1) (a) (II) Except as otherwise provided for
12 in subparagraphs (III) and (IV) of this paragraph (a), for the fiscal year
13 1991-92 and each fiscal year thereafter ENDING WITH THE FISCAL YEAR
14 2008-09, the total state general fund appropriations shall be limited to
15 such moneys as are necessary for reappraisals of any class or classes of
16 taxable property for property tax purposes as required by section
17 39-1-105.5, C.R.S., plus the lesser of:

18 (A) An amount equal to five percent of Colorado personal
19 income; or

20 (B) Six percent over the total state general fund appropriations for
21 the previous fiscal year.

22 (II.5) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (III)
23 AND (IV) OF THIS PARAGRAPH (a), FOR THE FISCAL YEAR 2009-10 AND
24 EACH FISCAL YEAR THEREAFTER, THE TOTAL STATE GENERAL FUND
25 APPROPRIATIONS SHALL BE LIMITED TO SUCH MONEYS AS ARE NECESSARY
26 FOR REAPPRAISALS OF ANY CLASS OR CLASSES OF TAXABLE PROPERTY FOR
27 PROPERTY TAX PURPOSES AS REQUIRED BY SECTION 39-1-105.5, C.R.S.,

1 PLUS AN AMOUNT EQUAL TO FIVE PERCENT OF COLORADO PERSONAL
2 INCOME.

3 (III) The limitation on the level of state general fund
4 appropriations set forth in ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND
5 (II.5) of this paragraph (a) shall not apply to:

6 (IV) (A) The limitation on the level of state general fund
7 appropriations as set forth in ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND
8 (II.5) of this paragraph (a) may be exceeded for a given fiscal year upon
9 the declaration of a state fiscal emergency by the general assembly. A
10 state fiscal emergency may be declared by the passage of a joint
11 resolution which is approved by a two-thirds majority vote of the
12 members of both houses of the general assembly and which is approved
13 by the governor in accordance with section 39 of article V of the state
14 constitution.

15 (B) Any funds appropriated in a given fiscal year which exceed
16 the limitation on state general fund appropriations established by
17 ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (a)
18 because of the declaration of a state fiscal emergency by the general
19 assembly pursuant to sub-subparagraph (A) of this subparagraph (IV)
20 shall not be included in the calculation of the maximum level of state
21 general fund appropriations pursuant to sub-subparagraph (B) of
22 subparagraph (II) of this paragraph (a) for subsequent fiscal years.

23 (V) No state cash fund appropriation which either supplants any
24 state general fund appropriation or, if not made, would necessitate a state
25 general fund appropriation shall be made in order to circumvent the
26 limitation on the level of state general fund appropriations set forth in
27 ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (a).

1 The provisions of this subparagraph (V) shall not apply to any state cash
2 fund appropriation:

3 (c.5) (II) (A) ~~(Deleted by amendment, L. 2002, p. 1005, § 1,
4 effective August 7, 2002.)~~

5 (B) ~~Except as otherwise provided in sub-subparagraph (B.8) of
6 this subparagraph (II), for each fiscal year, following the adoption by the
7 general assembly of the general appropriation bill, there may be
8 transferred to the controlled maintenance trust fund fifty percent of the
9 general fund revenues for the prior fiscal year in excess of general fund
10 appropriations, statutory rebates, and statutory transfers, not to exceed
11 fifty million dollars, and after retention of the reserve required by
12 paragraph (d) of this subsection (1). The capital development committee
13 shall consider the extent to which excess general fund revenues are the
14 result of expenditures of other general fund dollars and make a
15 recommendation to the joint budget committee regarding excess dollars
16 to be allocated to the controlled maintenance trust fund. The general
17 assembly shall, by joint resolution, presented to and signed by the
18 governor, determine the amount to be transferred and direct the state
19 treasurer and the controller to make such transfer to the controlled
20 maintenance trust fund.~~

21 (B.5) and (B.7) ~~(Deleted by amendment, L. 2002, p. 1005, § 1,
22 effective August 7, 2002.)~~

23 (B.8) ~~The state treasurer and controller shall transfer fifty-five
24 million dollars from the general fund to the controlled maintenance trust
25 fund on June 30, 2005.~~

26 (C) ~~The interest earned on the trust fund balance may be
27 appropriated by the general assembly pursuant to the provisions of section~~

1 ~~24-75-302.5. Any transfer made pursuant to the provisions of this~~
2 ~~subparagraph (H) shall not be deemed to be an appropriation subject to~~
3 ~~the limitations of this section.~~

4 **SECTION 7.** The introductory portion to 24-75-201.1 (1) (d) and
5 24-75-201.1 (1) (d) (III), Colorado Revised Statutes, are amended, and
6 the said 24-75-201.1 (1) (d) is further amended BY THE ADDITION OF
7 THE FOLLOWING NEW SUBPARAGRAPHS, to read:

8 **24-75-201.1. Restriction on state appropriations - legislative**
9 **declaration - definitions.** (1) (d) EXCEPT AS OTHERWISE PROVIDED IN
10 PARAGRAPH (e) OF THIS SUBSECTION (1), for each fiscal year, unrestricted
11 general fund year-end balances shall be retained as a reserve in the
12 following amounts:

13 (III) For the fiscal year 1988-89 and each fiscal year thereafter
14 ENDING WITH THE FISCAL YEAR 2011-12, except for the fiscal years
15 1990-91, 1991-92, 1992-93, 2001-02, 2002-03, 2003-04, and 2006-07, as
16 provided in subparagraphs (IV), (V), (VI), (VII), (VIII), and (IX) of this
17 paragraph (d), four percent of the amount appropriated for expenditure
18 from the general fund for that fiscal year;

19 (X) FOR THE FISCAL YEAR 2012-13, FOUR AND ONE-HALF PERCENT
20 OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL
21 FUND FOR THAT FISCAL YEAR;

22 (XI) FOR THE FISCAL YEAR 2013-14, FIVE PERCENT OF THE
23 AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR
24 THAT FISCAL YEAR;

25 (XII) FOR THE FISCAL YEAR 2014-15, FIVE AND ONE-HALF PERCENT
26 OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL
27 FUND FOR THAT FISCAL YEAR;

1 (XIII) FOR THE FISCAL YEAR 2015-16, SIX PERCENT OF THE
2 AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR
3 THAT FISCAL YEAR;

4 (XIV) FOR THE FISCAL YEAR 2016-17 AND EACH FISCAL YEAR
5 THEREAFTER, AT LEAST SIX AND ONE-HALF PERCENT OF THE AMOUNT
6 APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR THAT
7 FISCAL YEAR.

8 **SECTION 8.** 24-75-201.1 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10 **24-75-201.1. Restriction on state appropriations - legislative**
11 **declaration - definitions.** (1) (e) (I) SUBPARAGRAPH (X) OF PARAGRAPH
12 (d) OF THIS SUBSECTION (1) SHALL NOT APPLY IN THE FISCAL YEAR
13 2012-13 IF COLORADO PERSONAL INCOME INCREASES BY LESS THAN FIVE
14 PERCENT FROM THE CALENDAR YEAR 2011 TO THE CALENDAR YEAR 2012.
15 IN SUCH CASE, THE UNRESTRICTED GENERAL FUND YEAR-END BALANCE
16 FOR FISCAL YEAR 2012-13 SHALL BE FOUR PERCENT OF THE AMOUNT
17 APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR THAT
18 FISCAL YEAR, AND THE ANNUAL RESERVE REQUIRED FOR EACH
19 SUCCEEDING FISCAL YEAR SHALL REMAIN THE SAME UNTIL THE NEXT
20 FISCAL YEAR DURING WHICH COLORADO PERSONAL INCOME INCREASES BY
21 AT LEAST FIVE PERCENT. FOR SUCH FISCAL YEAR, THE UNRESTRICTED
22 GENERAL FUND YEAR-END BALANCE RETAINED AS A RESERVE SHALL BE
23 FOUR AND ONE-HALF PERCENT. FOR PURPOSES OF THIS SUBPARAGRAPH (I),
24 COLORADO PERSONAL INCOME SHALL BE CONSIDERED TO INCREASE BY AT
25 LEAST FIVE PERCENT DURING A GIVEN FISCAL YEAR IF, FROM THE
26 CALENDAR YEAR THAT COMMENCES EIGHTEEN MONTHS PRIOR TO THE
27 FIRST DAY OF THE FISCAL YEAR, AND TO THE NEXT CALENDAR YEAR,

1 COLORADO PERSONAL INCOME INCREASES BY AT LEAST FIVE PERCENT.

2 (II) THE RESERVE REQUIREMENTS SET FORTH IN SUBPARAGRAPHS
3 (XI), (XII), (XIII), AND (XIV) OF PARAGRAPH (d) OF THIS SUBSECTION (1)
4 SHALL BE DELAYED BY THE NUMBER OF FISCAL YEARS THAT THE RESERVE
5 IS FOUR PERCENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
6 (e).

7 (III) AS USED IN THIS PARAGRAPH (e), "COLORADO PERSONAL
8 INCOME" MEANS THE TOTAL PERSONAL INCOME FOR COLORADO, AS
9 DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC
10 ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE.

11 **SECTION 9.** 24-75-201.3 (2), Colorado Revised Statutes, is
12 amended to read:

13 **24-75-201.3. Procedures relating to revenue estimates.** (2) No
14 later than June 20 prior to the beginning of each fiscal year, and no later
15 than September 20, December 20, and March 20 within each fiscal year,
16 the governor, with the assistance of the controller, the office of state
17 planning and budgeting, and the governor's revenue-estimating advisory
18 group, shall make an estimate of general fund revenues for such fiscal
19 year. ~~The estimate shall include as general fund revenues any amount of~~
20 ~~state sales and use tax net revenue allocated and credited to the sales and~~
21 ~~use tax holding fund pursuant to section 39-26-123 (3) (a) (I), C.R.S., that~~
22 ~~is expected at the time of the estimate to be accrued to the general fund~~
23 ~~effective June 30 of the fiscal year by the state controller and~~
24 ~~subsequently transferred to the general fund by the state treasurer~~
25 ~~pursuant to section 39-26-123 (4) (a), C.R.S.~~ Copies of each such
26 revenue estimate shall be promptly transmitted to the general assembly.
27 Such revenue estimates shall be used in the implementation of section

1 24-75-201.5 but shall not be binding on the general assembly in
2 determining the amount of general funds available for appropriation for
3 the next ensuing fiscal year pursuant to subsection (1) of this section.

4

5 **SECTION 10.** 24-75-216 (1) (b), Colorado Revised Statutes, is
6 amended to read:

7 **24-75-216. Temporary state motor vehicle registration fee**
8 **reduction.** (1) (b) For each month, the state controller shall ~~adjust the~~
9 ~~allocation of moneys between the sales and use tax holding fund and the~~
10 ~~general fund required by section 39-26-123 (3) (a), C.R.S., so that the~~
11 ~~allocations to the sales and use tax holding fund are increased, and the~~
12 ~~allocations to the general fund correspondingly decreased, in TRANSFER~~
13 ~~FROM THE GENERAL FUND TO THE SALES AND USE TAX HOLDING FUND an~~
14 ~~amount equal to the reduction in receipts from vehicle registration fees as~~
15 ~~reported by the executive director of the department of revenue pursuant~~
16 ~~to section 42-3-304 (23), C.R.S., during the immediately preceding~~
17 ~~month. As soon as possible after receiving the report of the amount of~~
18 ~~registration fees not collected due to the fee reductions, the state~~
19 ~~controller shall adjust the allocation TRANSFER for the previous month to~~
20 ~~reflect that amount. The adjustment shall be based upon the written~~
21 ~~reports from the executive director of the department of revenue~~
22 ~~submitted pursuant to section 42-3-304 (23), C.R.S.~~

23 **SECTION 11. Repeal.** 24-75-218, Colorado Revised Statutes,
24 is repealed as follows:

25 **24-75-218. Transfers of general fund surplus.** ~~(1) On July 1,~~
26 ~~2003, on July 1 in each succeeding state fiscal year through the 2005-06~~
27 ~~state fiscal year, and on the dates and in the manner specified in~~

1 subsection (2) of this section for the 2006-07 state fiscal year and for each
2 succeeding state fiscal year, the general fund surplus designated in
3 accordance with section 24-75-201 (1), less the four percent reserve
4 required by section 24-75-201.1 (1) (d) (III), and less any general fund
5 revenues that are designated as state revenues in excess of the
6 constitutional limitation on state fiscal year spending for the immediately
7 preceding state fiscal year, shall be credited and allocated as follows:

8 (a) Two-thirds of the surplus to the highway users tax fund created
9 in section 43-4-201, C.R.S.; and

10 (b) One-third of the surplus to the capital construction fund
11 created in section 24-75-302.

12 (2) For the 2006-07 state fiscal year and for each
13 succeeding state fiscal year, the state shall credit and allocate the
14 estimated amounts of general fund surplus required to be credited and
15 allocated to the highway users tax fund and the capital construction fund
16 pursuant to subsection (1) of this section as follows:

17 (a) On September 20 of the state fiscal year, the state controller
18 shall credit and allocate amounts estimated by the controller to equal
19 ninety percent of the amounts required to be credited and allocated.

20 (b) On the date during the state fiscal year on which the state
21 controller distributes the comprehensive annual financial report of the
22 state, the controller shall credit and allocate amounts equal to the
23 differences between the actual amounts required to be credited and
24 allocated and the estimated amounts previously credited and allocated
25 pursuant to paragraph (a) of this subsection (2).

26 **SECTION 12.** Part 2 of article 75 of title 24, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **24-75-219. Transfers - transportation - capital construction -**

3 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
4 OTHERWISE REQUIRES:

5 (a) "CAPITAL CONSTRUCTION FUND" MEANS THE CAPITAL
6 CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

7 (b) "COLORADO PERSONAL INCOME" MEANS THE TOTAL PERSONAL
8 INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE
9 BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF
10 COMMERCE.

11 (c) "FUNDS" MEANS THE HIGHWAY USERS TAX FUND AND THE
12 CAPITAL CONSTRUCTION FUND.

13 (d) "HIGHWAY USERS TAX FUND" MEANS THE HIGHWAY USERS TAX
14 FUND CREATED IN SECTION 43-4-201, C.R.S.

15 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF
16 THIS SUBSECTION (2), FOR THE STATE FISCAL YEAR 2012-13, THE STATE
17 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE:

18 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO
19 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL
20 YEAR; AND

21 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO
22 ONE-HALF OF ONE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR
23 SUCH STATE FISCAL YEAR.

24 (b) EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (e) OF THIS
25 SUBSECTION (2), FOR THE STATE FISCAL YEAR 2013-14, THE STATE
26 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE:

27 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO

1 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL
2 YEAR; AND

3 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO
4 ONE-HALF OF ONE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR
5 SUCH STATE FISCAL YEAR.

6 (c) EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (e) OF THIS
7 SUBSECTION (2), FOR EACH STATE FISCAL YEAR FROM 2014-15 THROUGH
8 THE STATE FISCAL YEAR 2016-17, THE STATE TREASURER SHALL TRANSFER
9 FROM THE GENERAL FUND TO THE:

10 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO
11 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL
12 YEAR IN WHICH THE TRANSFER IS MADE; AND

13 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO ONE
14 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL
15 YEAR IN WHICH THE TRANSFER IS MADE.

16 (d) FOR EACH STATE FISCAL YEAR AFTER THE LAST STATE FISCAL
17 YEAR IN WHICH A TRANSFER IS REQUIRED TO BE MADE PURSUANT TO
18 PARAGRAPH (c) OF THIS SUBSECTION (2), THE GENERAL ASSEMBLY MAY
19 APPROPRIATE OR TRANSFER, IN ITS SOLE DISCRETION, MONEYS FROM THE
20 GENERAL FUND TO THE HIGHWAY USERS TAX FUND, THE CAPITAL
21 CONSTRUCTION FUND, OR BOTH FUNDS.

22 (e) (I) PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT APPLY
23 IN THE FISCAL YEAR 2012-13 IF PERSONAL INCOME INCREASES BY LESS
24 THAN FIVE PERCENT FROM THE CALENDAR YEAR 2011 TO THE CALENDAR
25 YEAR 2012, AND IN SUCH CASE THE TRANSFERS REQUIRED BY PARAGRAPH
26 (a) SHALL BE MADE INSTEAD IN THE NEXT STATE FISCAL YEAR DURING
27 WHICH COLORADO PERSONAL INCOME INCREASES BY AT LEAST FIVE

1 PERCENT. FOR PURPOSES OF THIS SUBPARAGRAPH (I), COLORADO
2 PERSONAL INCOME SHALL BE CONSIDERED TO INCREASE BY AT LEAST FIVE
3 PERCENT DURING A GIVEN STATE FISCAL YEAR, IF, FROM THE CALENDAR
4 YEAR THAT COMMENCES EIGHTEEN MONTHS PRIOR TO THE FIRST DAY OF
5 THE STATE FISCAL YEAR, AND TO THE NEXT CALENDAR YEAR, COLORADO
6 PERSONAL INCOME INCREASES BY AT LEAST FIVE PERCENT.

7 (II) THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPHS (b) AND
8 (c) OF THIS SUBSECTION (2) SHALL BE DELAYED BY THE SAME NUMBER OF
9 STATE FISCAL YEARS THAT THE TRANSFER REQUIRED PURSUANT TO
10 PARAGRAPH (a) OF THIS SUBSECTION (2) WAS DELAYED.

11 (3) (a) EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (4) OF
12 THIS SECTION, THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPH (a) OF
13 SUBSECTION (2) OF THIS SECTION SHALL BE MADE AS FOLLOWS:

14 (I) ON APRIL 15 OF THE STATE FISCAL YEAR IN WHICH THE
15 TRANSFERS ARE REQUIRED, EIGHTY PERCENT OF THE TOTAL AMOUNTS
16 THAT ARE REQUIRED TO BE TRANSFERRED TO THE HIGHWAY USERS TAX
17 FUND AND THE CAPITAL CONSTRUCTION FUND FOR SUCH STATE FISCAL
18 YEAR, WHICH AMOUNTS SHALL BE BASED ON THE MOST RECENT REVENUE
19 ESTIMATE PREPARED BY THE LEGISLATIVE COUNCIL STAFF THAT IS
20 AVAILABLE AT THE TIME OF THE TRANSFERS, SHALL BE TRANSFERRED TO
21 THE RESPECTIVE FUNDS.

22 (II) ON THE DATE DURING THE STATE FISCAL YEAR ON WHICH THE
23 STATE CONTROLLER DISTRIBUTES THE COMPREHENSIVE ANNUAL
24 FINANCIAL REPORT OF THE STATE, THE STATE TREASURER SHALL
25 TRANSFER AN AMOUNT EQUAL TO THE DIFFERENCES BETWEEN THE ACTUAL
26 AMOUNTS REQUIRED TO BE TRANSFERRED TO THE FUNDS AND THE
27 ESTIMATED AMOUNTS PREVIOUSLY TRANSFERRED PURSUANT TO

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

2 (b) EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (4) OF THIS
3 SECTION, THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPHS (b) AND
4 (c) OF SUBSECTION (2) OF THIS SECTION SHALL BE MADE AS FOLLOWS:

5 (I) ON THE FIFTEENTH DAY OF THE FIRST MONTH OF EACH QUARTER
6 OF EACH STATE FISCAL YEAR IN WHICH THE TRANSFERS ARE REQUIRED, AN
7 AMOUNT EQUAL TO TWENTY PERCENT OF THE TOTAL AMOUNTS THAT ARE
8 REQUIRED TO BE TRANSFERRED TO THE HIGHWAY USERS TAX FUND AND
9 THE CAPITAL CONSTRUCTION FUND FOR SUCH STATE FISCAL YEAR, WHICH
10 AMOUNTS SHALL BE BASED ON THE MOST RECENT REVENUE ESTIMATE
11 PREPARED BY LEGISLATIVE COUNCIL STAFF THAT IS AVAILABLE AT THE
12 TIME OF THE TRANSFERS, SHALL BE TRANSFERRED TO THE RESPECTIVE
13 FUNDS.

14 (II) ON THE DATE DURING THE STATE FISCAL YEAR ON WHICH THE
15 STATE CONTROLLER DISTRIBUTES THE COMPREHENSIVE ANNUAL
16 FINANCIAL REPORT OF THE STATE, THE STATE TREASURER SHALL
17 TRANSFER AN AMOUNT EQUAL TO THE DIFFERENCES BETWEEN THE ACTUAL
18 AMOUNTS REQUIRED TO BE TRANSFERRED TO THE FUNDS AND THE
19 ESTIMATED AMOUNTS PREVIOUSLY TRANSFERRED PURSUANT TO
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

21 (4) (a) FOR ANY STATE FISCAL YEAR FOR WHICH THERE ARE
22 EXCESS STATE REVENUES THAT ARE REQUIRED TO BE REFUNDED
23 PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
24 QUARTERLY AND YEAR-END AMOUNTS THAT ARE REQUIRED TO BE
25 TRANSFERRED TO THE FUNDS PURSUANT TO SUBSECTION (3) OF THIS
26 SECTION SHALL:

27 (I) BE REDUCED BY FIFTY PERCENT, IF THE AMOUNT OF THE

1 REFUND IS GREATER THAN ONE PERCENT OF THE GENERAL FUND REVENUES
2 FOR THE STATE FISCAL YEAR BUT LESS THAN OR EQUAL TO THREE PERCENT
3 OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL YEAR;
4 AND

5 (II) NOT BE MADE IF THE AMOUNT OF THE REFUND IS GREATER
6 THAN THREE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE
7 STATE FISCAL YEAR.

8 (b) THE CALCULATIONS REQUIRED PURSUANT TO PARAGRAPH (a)
9 OF THIS SUBSECTION (4) SHALL BE BASED ON THE MOST RECENT REVENUE
10 ESTIMATE PREPARED BY THE LEGISLATIVE COUNCIL STAFF THAT IS
11 AVAILABLE AT THE TIME OF EACH TRANSFER; EXCEPT THAT THE LAST
12 TRANSFER MADE FOR EACH STATE FISCAL YEAR SHALL BE BASED ON THE
13 ACTUAL REVENUES FOR THE STATE FISCAL YEAR.

14 **SECTION 13.** 24-75-302.5 (2) (a), Colorado Revised Statutes, is
15 amended to read:

16 **24-75-302.5. Controlled maintenance - trust fund.**

17 (2) (a) There is hereby created the controlled maintenance trust fund, the
18 principal of which shall consist of ~~general fund revenues transferred~~
19 ~~thereto as provided in section 24-75-201.1 (1) (c.5) (H)~~, any general fund
20 revenues appropriated OR TRANSFERRED thereto by law and proceeds of
21 leveraged leasing agreements deposited thereto pursuant to section
22 24-82-1003 (3). For the 1996-97 fiscal year and fiscal years thereafter,
23 the principal of the trust fund may constitute all or some portion of the
24 state emergency reserve established pursuant to section 24-77-104 and
25 may be expended in any given fiscal year as provided in said section. The
26 principal of the trust fund shall not be expended or appropriated for any
27 purpose other than use as part of the state emergency reserve. The state

1 treasurer may in the state treasurer's discretion deposit, redeposit, invest,
2 and reinvest moneys accrued or accruing to the controlled maintenance
3 trust fund in the types of deposits and investments authorized in sections
4 24-36-109, 24-36-112, and 24-36-113.

5 **SECTION 14.** 24-77-103.6 (3), Colorado Revised Statutes,
6 is amended to read:

7 **24-77-103.6. Retention of excess state revenues - general fund**
8 **exempt account - required uses - excess state revenues legislative**
9 **report.** (3) The statutory limitation on general fund appropriations
10 set forth in ~~section 24-75-201.1 (1) (a) (H)~~ SECTION 24-75-201.1 (1) (a),
11 and the exceptions or exclusions thereto, shall apply to the moneys in the
12 general fund exempt account.

13 **SECTION 15.** 27-10.5-104.2 (2), Colorado Revised Statutes, is
14 amended to read:

15 **27-10.5-104.2. Services and supports - waiting list reduction**
16 **- cash fund.** (2) During each regular session of the general assembly, the
17 joint budget committee and the health and human services committees of
18 the senate and the house of representatives, or any successor committees,
19 shall hold a joint hearing and take public testimony on the status of the
20 waiting lists for adult comprehensive services, adult supported living
21 services, and family support services for persons with developmental
22 disabilities and the availability of general fund moneys to reduce the
23 number of persons on the waiting lists and the amount of time eligible
24 persons wait for such services. The goal of the hearing shall be to
25 propose an appropriation from the general fund to the developmental
26 disabilities services cash fund. ~~in an amount equal to two percent of the~~
27 ~~amount by which total state general fund appropriations for the fiscal year~~

1 may increase over the prior fiscal year in accordance with the limitation
2 imposed by section ~~24-75-201.1 (1) (a) (II), C.R.S.~~, as determined based
3 on the revenue estimate certified pursuant to section ~~24-75-201.3 (1),~~
4 ~~C.R.S.~~

5

6 **SECTION 16.** 39-22-121 (6.7) (a), Colorado Revised Statutes, is
7 amended to read:

8 **39-22-121. Credit for child care facilities - repeal.** (6.7) (a) If
9 the revenue estimate prepared by the staff of the legislative council in
10 December 2010 and each December thereafter indicates that the amount
11 of the total general fund revenues for that particular fiscal year will not
12 be sufficient to ~~maintain the limit on appropriations specified in section~~
13 ~~24-75-201.1 (1), C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND
14 APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE
15 PREVIOUS FISCAL YEAR, then the credit authorized in this section shall not
16 be allowed for any income tax year commencing during the calendar year
17 following the year in which the estimate is prepared; except that any
18 taxpayer who would have been eligible to claim a credit pursuant to this
19 section in the income tax year in which the credit is not allowed shall be
20 allowed to claim the credit earned in such income tax year in the next
21 income tax year in which the estimate indicates that the amount of the
22 total general fund revenues will be sufficient to ~~maintain the limit on~~
23 ~~appropriations specified in section 24-75-201.1 (1), C.R.S.~~ GROW THE
24 TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX PERCENT OVER SUCH
25 APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR.

26 **SECTION 17.** 39-22-514 (11.7) (a), Colorado Revised Statutes,
27 is amended to read:

1 **39-22-514. Tax credit for qualified costs incurred in**
2 **preservation of historic properties.** (11.7) (a) If the revenue estimate
3 prepared by the staff of the legislative council in December 2010 and
4 each December thereafter indicates that the amount of the total general
5 fund revenues for that particular fiscal year will not be sufficient to
6 ~~maintain the limit on appropriations specified in section 24-75-201.1 (1);~~
7 ~~C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX
8 PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR,
9 then the credit authorized in this section shall not be allowed for any
10 income tax year commencing during the calendar year following the year
11 in which the estimate is prepared; except that any taxpayer who would
12 have been eligible to claim a credit pursuant to this section in the income
13 tax year in which the credit is not allowed shall be allowed to claim the
14 credit earned in such income tax year in the next income tax year in which
15 the estimate indicates that the amount of the total general fund revenues
16 will be sufficient to ~~maintain the limit on appropriations specified in~~
17 ~~section 24-75-201.1 (1), C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND
18 APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE
19 PREVIOUS FISCAL YEAR.

20 **SECTION 18.** 39-22-530 (5) (a), Colorado Revised Statutes, is
21 amended to read:

22 **39-22-530. Credit for employers that hire persons with**
23 **developmental disabilities - definitions.** (5) (a) If the revenue estimate
24 prepared by the staff of the legislative council in December 2008,
25 December 2009, or December 2010 indicates that the amount of total
26 general fund revenues for the current fiscal year will not be sufficient to
27 ~~reach the limit on appropriations specified in section 24-75-201.1 (1);~~

1 ~~C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX
2 PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR,
3 then the credit authorized by this section shall not be allowed for the
4 income tax year following the year in which the estimate is prepared;
5 except that a taxpayer who would have been eligible to claim a credit
6 pursuant to this section in an income tax year in which the credit is not
7 allowed may claim the credit in the next income tax year in which the
8 revenue estimate indicates that the amount of total general fund revenues
9 will be sufficient to reach the limit on appropriations specified in section
10 ~~24-75-201.1 (1), C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND
11 APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE
12 PREVIOUS FISCAL YEAR.

13 **SECTION 19.** 39-26-123 (2), the introductory portion to
14 39-26-123 (3) (a), 39-26-123 (3) (a) (I), (3) (a) (II) (C), (3) (a) (II) (D),
15 (3) (a) (II) (E), (3) (a) (III) (C), (3) (a) (IV) (A), (3) (b), the introductory
16 portion to 39-26-123 (4) (a), 39-26-123 (4) (a) (I), (4) (a) (II), (4) (a) (III),
17 the introductory portions to 39-26-123 (4) (a) (IV) and (4) (a) (V), and
18 39-26-123 (4) (a) (VI) (B), (4) (b) (I), (4) (b) (II), and (5), Colorado
19 Revised Statutes, are amended, and the said 39-26-123 is further amended
20 BY THE ADDITION OF A NEW SUBSECTION, to read:

21 **39-26-123. Receipts - disposition - transfers of general fund**
22 **surplus - sales and use tax holding fund - creation - definitions -**
23 **repeal.** (2) The sales and use tax holding fund is hereby created in the
24 state treasury and shall be administered by the state treasurer. The fund
25 shall consist of ~~net revenue allocated and credited~~ MONEYS TRANSFERRED
26 to the fund pursuant to ~~subsection (3)~~ SUBSECTION (3.5) of this section.
27 Interest and income earned on the deposit and investment of moneys in

1 the fund shall be credited to the fund and shall not revert to the general
2 fund of the state or to any other fund. Moneys in the fund shall be
3 transferred from the fund only to the highway users tax fund created in
4 section 43-4-201, C.R.S., and the general fund and only in the manner
5 specified in subsection (4) of this section.

6 (3) (a) For any state fiscal year commencing on or after July 1,
7 2006, eighty-five percent of all net revenue collected under the provisions
8 of this article shall be credited to the old age pension fund created in
9 section 1 of article XXIV of the state constitution. The remaining fifteen
10 percent shall be allocated among ~~the sales and use tax holding fund~~
11 ~~created in subsection (2) of this section~~, the general fund, the older
12 Coloradans cash fund created in section 26-11-205.5 (5), C.R.S., and the
13 supplemental old age pension health and medical care fund created in
14 section 25.5-2-101 (3), C.R.S., and credited to the funds by the state
15 treasurer as follows:

16 (I) ~~Ten and three hundred fifty-five thousandths percent of all net~~
17 ~~revenue to the sales and use tax holding fund;~~

18 (II) (C) ~~For the state fiscal year commencing on July 1, 2007, four~~
19 ~~and six hundred forty-five thousandths percent of all net revenue, less~~
20 ~~five million seven hundred fifty thousand dollars, to the general fund.~~

21 (D) ~~For the state fiscal year commencing on July 1, 2008, four and~~
22 ~~six hundred forty-five thousandths percent of all net revenue, less eight~~
23 ~~million seven hundred fifty thousand dollars, to the general fund.~~

24 (E) For any state fiscal year commencing on or after July 1, 2009,
25 ~~four and six hundred forty-five thousandths~~ FIFTEEN percent of all net
26 revenue, less ten million eight hundred fifty thousand dollars, to the
27 general fund.

1 (III) (C) For the state fiscal year commencing on July 1, 2007, five
2 million dollars to the older Coloradans cash fund.

3 (IV) (A) For the state fiscal years 2007-08 and 2008-09, seven
4 hundred fifty thousand dollars to the supplemental old age pension health
5 and medical care fund.

6 (b) Notwithstanding the provisions of subparagraphs (I) and (II)
7 of paragraph (a) of this subsection (3), the amount of the net revenue
8 allocated and credited to the sales and use tax holding fund shall be
9 increased and the amount allocated and credited to the general fund shall
10 be decreased in accordance with section 24-75-216, C.R.S., in order to
11 offset lower motor vehicle registration fees pursuant to the application of
12 the fee reductions enacted by House Bill 00-1227, enacted at the second
13 regular session of the sixty-second general assembly.

14 (3.5) FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER
15 _____ THE FIRST STATE FISCAL YEAR IN WHICH AN APPROPRIATION OR
16 TRANSFER IS PERMITTED PURSUANT TO SECTION 24-75-219 (2) (d), C.R.S.,
17 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER, IN ITS SOLE
18 DISCRETION, MONEYS FROM THE GENERAL FUND TO THE SALES AND USE
19 TAX HOLDING FUND.

20 (4) (a) Except as otherwise provided in sub-subparagraph (B) of
21 subparagraph (VI) of this paragraph (a), all moneys in the sales and use
22 tax holding fund shall be transferred to the highway users tax fund, as a
23 portion of the sales and use taxes attributable to sales or use of vehicles
24 and related items, as follows:

25 (I) If the revenue estimate prepared by the staff of the legislative
26 council in September of state fiscal year 2006-07 indicates that the
27 amount of total general fund revenues for the state fiscal year will be

1 sufficient to maintain the four percent reserve required by section
2 24-75-201.1 (1) (d) (III), C.R.S., on October 15, 2006, the state treasurer
3 shall transfer from the sales and use tax holding fund to the highway users
4 tax fund an amount equal to the lesser of:

5 (A) ~~Twenty-five percent of the amount estimated in the September~~
6 ~~revenue estimate to be accrued and transferred to the highway users tax~~
7 ~~fund pursuant to this section for the entire fiscal year; or~~

8 (B) ~~The balance of the sales and use tax holding fund.~~

9 (II) ~~If the revenue estimate prepared by the staff of the legislative~~
10 ~~council in December of state fiscal year 2006-07 indicates that the amount~~
11 ~~of total general fund revenues for the state fiscal year will be sufficient to~~
12 ~~maintain the four percent reserve required by section 24-75-201.1 (1) (d)~~
13 ~~(III), C.R.S., on February 1 of the fiscal year the state treasurer shall~~
14 ~~transfer from the sales and use tax holding fund to the highway users tax~~
15 ~~fund an amount equal to the lesser of:~~

16 (A) ~~The amount needed to ensure that the cumulative amount~~
17 ~~transferred from the sales and use tax holding fund to the highway users~~
18 ~~tax fund through February 1, 2007, equals fifty percent of the amount~~
19 ~~estimated in the December revenue estimate to be accrued and transferred~~
20 ~~to the highway users tax fund pursuant to this section for the entire fiscal~~
21 ~~year; or~~

22 (B) ~~The balance of the sales and use tax holding fund.~~

23 (III) ~~If the revenue estimate prepared by the staff of the legislative~~
24 ~~council in March of state fiscal year 2006-07 indicates that the amount of~~
25 ~~total general fund revenues for the state fiscal year will be sufficient to~~
26 ~~maintain the four percent reserve required by section 24-75-201.1 (1) (d)~~
27 ~~(III), C.R.S., on April 15, 2007 the state treasurer shall transfer from the~~

1 sales and use tax holding fund to the highway users tax fund the lesser of:

2 (A) ~~The amount needed to ensure that the cumulative amount~~
3 ~~transferred from the sales and use tax holding fund to the highway users~~
4 ~~tax fund through April 15 equals seventy-five percent of the amount~~
5 ~~estimated in the March revenue estimate to be accrued and transferred to~~
6 ~~the highway users tax fund pursuant to this section for the entire fiscal~~
7 ~~year; or~~

8 (B) ~~The balance of the sales and use tax holding fund.~~

9 (IV) If the revenue estimate prepared by the staff of the legislative
10 council in December of state fiscal year ~~2007-08~~ YEAR 2017-18 or in
11 December of any succeeding state fiscal year indicates that the amount of
12 total general fund revenues for the state fiscal year will be sufficient to
13 maintain the four percent OR HIGHER reserve required by section
14 ~~24-75-201.1(1)(d)(HH)~~ SECTION 24-75-201.1 (1), C.R.S., on February 1
15 of the fiscal year the state treasurer shall transfer from the sales and use
16 tax holding fund to the highway users tax fund an amount equal to the
17 lesser of:

18 (V) If the revenue estimate prepared by the staff of the legislative
19 council in March of state fiscal year ~~2007-08~~ YEAR 2017-18 or in March
20 of any succeeding state fiscal year indicates that the amount of total
21 general fund revenues for the state fiscal year will be sufficient to
22 maintain the four percent OR HIGHER reserve required by section
23 ~~24-75-201.1(1)(d)(HH)~~ SECTION 24-75-201.1 (1), C.R.S., on April 15 of
24 the fiscal year the state treasurer shall transfer from the sales and use tax
25 holding fund to the highway users tax fund the lesser of:

26 (VI) (B) Notwithstanding the provisions of sub-subparagraph (A)
27 of this subparagraph (VI), the state controller shall reduce the amount

1 accrued to the highway users tax fund pursuant to said sub-subparagraph
2 and accrue moneys in the sales and use tax holding fund to the general
3 fund to the extent necessary to ensure that the amount of general fund
4 revenues for the state fiscal year is sufficient to maintain the four percent
5 reserve required by ~~section 24-75-201.1(1)(d)(III)~~ SECTION 24-75-201.1
6 (1), C.R.S.

7 (b) If a change in tax policy resulting in a significant reduction of
8 general fund revenues is implemented, the general assembly shall:

9 (I) Examine the exception set forth in sub-subparagraph (B) of
10 subparagraph (VI) of paragraph (a) of this subsection (4) to the general
11 requirement set forth in paragraph (a) of this subsection (4) that all
12 moneys in the sales and use tax holding fund be accrued and transferred
13 to the highway users tax fund and determine whether the exception should
14 be modified in light of the change. ~~and~~

15 (II) ~~Examine the amount of sales and use taxes credited to the~~
16 ~~sales and use tax holding fund pursuant to subparagraph (I) of paragraph~~
17 ~~(a) of subsection (3) of this section and paragraph (b) of subsection (3) of~~
18 ~~this section and determine whether that amount should be modified in~~
19 ~~light of the change.~~

20 (5) ~~In addition to the transfers required by subsection (4) of this~~
21 ~~section, the general fund surplus designated in accordance with section~~
22 ~~24-75-201 (1), C.R.S., shall be allocated and credited to the highway~~
23 ~~users tax fund and the capital construction fund created in section~~
24 ~~24-75-302, C.R.S., in the manner specified in section 24-75-218, C.R.S.~~

25 **SECTION 20.** 39-26-722 (3), Colorado Revised Statutes, is
26 amended to read:

27 **39-26-722. Cleanrooms - definitions - repeal.** (3) If the revenue

1 estimate prepared by the staff of the legislative council in June 2008 and
2 each June thereafter through June 2016 indicates that the amount of the
3 total general fund revenues for the fiscal year will not be sufficient to
4 ~~maintain the limit on appropriations specified in section 24-75-201.1 (1),~~
5 ~~C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX
6 PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR,
7 then the exemption as specified in subsection (1) of this section for the
8 fiscal year commencing immediately following the June revenue estimate
9 shall not be allowed.

10 **SECTION 21.** 40-9.7-108 (3) (b) (I), Colorado Revised Statutes,
11 is amended to read:

12 **40-9.7-108. Colorado clean energy development authority**
13 **fund - creation - authorization of projects.** (3) (b) (I) Notwithstanding
14 the provisions of subsection (4) of this section, and subject to the
15 limitations set forth in paragraphs (e) and (f) of this subsection (3), the
16 authority, with prior approval by enacted legislation of the general
17 assembly in accordance with paragraph (c) of this subsection (3), may
18 agree in any resolution or trust indenture authorizing the issuance of
19 bonds that, if the balance in the fund pledged as a reserve for the payment
20 of all or any portion of bonds or obligations of the authority under any
21 bond, financing agreement, contract, agreement, or other obligation of the
22 authority authorized by this article falls below the debt service reserve
23 fund requirement established in such resolution or trust indenture, the
24 board shall, on or before January 1 of each year, make and deliver to the
25 governor a certificate stating the sum, if any, required to restore the debt
26 service reserve fund to the reserve fund requirement and, if the project is
27 located partly or wholly outside the state, the percentage of the total value

1 of the project that is located within the state. If the governor determines
2 that the sum of the amount of anticipated general fund revenues for the
3 fiscal year in which the board delivers a certificate to the governor and
4 the amount of available moneys in or to be credited to state funds other
5 than the general fund for the fiscal year are sufficient to allow the general
6 assembly to make general fund appropriations, ~~up to the limit specified~~
7 ~~in section 24-75-201.1 (1) (a), C.R.S.~~, maintain the four percent OR
8 HIGHER reserve required by ~~section 24-75-201.1 (1) (d) (HH)~~ SECTION
9 24-75-201.1 (1) (d), C.R.S., and restore the debt service reserve fund to
10 the reserve fund requirement, the governor shall transmit to the general
11 assembly a request for the amount, if any, required to restore the debt
12 service reserve fund to the debt service reserve fund requirement; except
13 that, if the project is located partly or wholly outside the state, the
14 governor shall transmit to the general assembly only a request for an
15 amount equal to the product of the amount, if any, required to restore the
16 debt service reserve fund to the debt service reserve fund requirement and
17 the percentage of the total value of the project located within the state.
18 The general assembly may, but shall not be required to, make any
19 appropriations so requested. All sums appropriated and paid by the
20 general assembly for the restoration shall be deposited by the authority in
21 the debt service reserve fund. Nothing in this section shall create or
22 constitute a debt or liability of the state.

23

24 **SECTION 22.** 43-4-205 (6.5) (a) and (6.6), Colorado Revised
25 Statutes, are amended to read:

26 **43-4-205. Allocation of fund.** (6.5) (a) Except as provided in
27 paragraph (d) of this subsection (6.5), the revenues accrued to and

1 transferred to the highway users tax fund pursuant to section 39-26-123
2 (4) (a) ~~C.R.S.~~, OR 24-75-219, C.R.S., or appropriated to the highway users
3 tax fund pursuant to House Bill 02-1389, enacted during the second
4 regular session of the sixty-third general assembly, shall be paid to the
5 state highway fund for allocation to the department of transportation and
6 shall be expended as provided in section 43-4-206 (2).

7 (6.6) ~~The revenues credited to the highway users tax fund~~
8 ~~pursuant to section 24-75-218 (1) (a), C.R.S., shall be paid to the state~~
9 ~~highway fund for allocation to the department of transportation and shall~~
10 ~~be expended for state highway reconstruction, repair, maintenance, and~~
11 ~~capital expansion projects.~~

12 **SECTION 23.** The introductory portion to 43-4-206 (2) (a),
13 Colorado Revised Statutes, is amended to read:

14 **43-4-206. State allocation.** (2) (a) Notwithstanding the
15 provisions of subsection (1) of this section, the revenues accrued to and
16 transferred to the highway users tax fund pursuant to section 39-26-123
17 (4) (a), ~~C.R.S.~~, OR 24-75-219, C.R.S., OR appropriated to the highway
18 users tax fund pursuant to House Bill 02-1389, enacted at the second
19 regular session of the sixty-third general assembly, and credited to the
20 state highway fund pursuant to section 43-4-205 (6.5) shall be expended
21 by the department of transportation for the implementation of the strategic
22 transportation project investment program in the following manner:

23 **SECTION 24. Effective date.** This act shall take effect July 1,
24 2009.

25 **SECTION 25. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.