

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0579.01 Esther van Mourik

HOUSE BILL 11-1269

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HOUSE SPONSORSHIP

Miklosi, Gardner D.

SENATE SPONSORSHIP

Tochtrop, Carroll

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House Committees  
Finance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE LIMITS ON UNCOMMITTED RESERVES IN CASH FUNDS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Legislative Audit Committee.** Section 1 of the bill allows entities to reduce by rule any fees that are set specifically in statute instead of requiring the entity to seek legislation for the reduction in order to meet the requirements of the limit on uncommitted reserves. Section 1 also allows a fee that was so reduced to be increased by rule instead of legislation, subject to specific requirements already in statute related to the increase of fees that were reduced to meet the limit on uncommitted

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.

reserves.

**Section 2** of the bill establishes a statutory alternative reserve balance for the Colorado auto theft prevention cash fund.

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

2 **SECTION 1.** 24-75-402 (3) (c), Colorado Revised Statutes, is  
3 amended to read:

4 **24-75-402. Cash funds - limit on uncommitted reserves -**  
5 **reduction in amount of fees - exclusions.** (3) (c) (I) For the 2002-03  
6 fiscal year and for each fiscal year thereafter, the uncommitted reserves  
7 of any cash fund at the conclusion of any given fiscal year shall not  
8 exceed the target reserve for that fiscal year; except that, for any cash  
9 fund for which an alternative reserve balance is otherwise specified in the  
10 constitution or by law, the uncommitted reserves of said cash fund shall  
11 not exceed the alternative reserve balance otherwise specified. If the  
12 amount of uncommitted reserves of any cash fund at the conclusion of  
13 any given fiscal year exceeds the target reserve or an alternative reserve  
14 balance otherwise specified for the cash fund in the constitution or by  
15 law, each entity that collects one or more of the fees deposited in the cash  
16 fund shall by rule or as otherwise provided by law reduce the amount of  
17 one or more of said fees to an amount calculated to result in an amount  
18 of uncommitted reserves of the cash fund for the current fiscal year that  
19 does not exceed the target reserve or the alternative reserve balance  
20 otherwise specified for the cash fund in the constitution or by law.

21 (II) NOTWITHSTANDING ANY OTHER LAW, WHERE THE AMOUNT OF  
22 ANY FEE COLLECTED BY AN ENTITY IS SPECIFICALLY SET FORTH IN  
23 STATUTE, THE ENTITY SHALL NOT BE REQUIRED TO SEEK LEGISLATION TO  
24 INITIATE A REDUCTION IN SUCH FEE TO MEET THE REQUIREMENTS OF

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) AND INSTEAD MAY REDUCE  
2 SUCH FEE BY RULE. WHEN A STATUTORY FEE IS REDUCED PURSUANT TO  
3 THIS SUBPARAGRAPH (II), THE ENTITY MAY SUBSEQUENTLY RAISE THE  
4 AMOUNT OF THE REDUCED FEE BY RULE SUBJECT TO THE REQUIREMENTS  
5 IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION.

6 **SECTION 2.** 42-5-112 (4), Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **42-5-112. Automobile theft prevention authority - board -**  
9 **creation - duties - rules - fund - repeal.** (4) (c) FOR THE 2010-11  
10 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE ALTERNATIVE  
11 RESERVE BALANCE FOR THE COLORADO AUTO THEFT PREVENTION CASH  
12 FUND, FOR PURPOSES OF THE APPLICATION OF SECTION 24-75-402, C.R.S.,  
13 SHALL BE TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.