

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0579.01 Esther van Mourik

HOUSE BILL 11-1269

HOUSE SPONSORSHIP

Miklosi, Gardner D.

SENATE SPONSORSHIP

Tochtrop, Carroll

House Committees
Finance

Senate Committees

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.*

HOUSE
Am ended 2nd Reading
March 28, 2011

reserves.

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

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) (A) NOTWITHSTANDING ANY OTHER LAW, WHERE THE AMOUNT
22 OF 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 (B) FOR PURPOSES OF THIS SUBPARAGRAPH (II), "FEE" INCLUDES
7 ANY MONEYS RECEIVED FROM CHARGES OR ASSESSMENTS, THE AMOUNT
8 OF WHICH ARE NOT DETERMINED BY THE ENTITY.

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

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

17 SECTION 3. 39-2-117 (8), Colorado Revised Statutes, is
18 amended to read:

19 **39-2-117. Applications for exemption - review - annual reports**
20 **- procedures - rules.** (8) (a) All fees collected pursuant to this section
21 shall be transmitted to the state treasurer who shall credit such revenues
22 to the property tax exemption fund, which fund is hereby created in the
23 state treasury. The moneys in the fund shall be subject to annual
24 appropriation by the general assembly for the direct and indirect costs of
25 the administration of this article.

26 (b) FOR THE 2010-11 FISCAL YEAR AND FOR EACH FISCAL YEAR
27 THEREAFTER, THE ALTERNATIVE RESERVE BALANCE FOR THE PROPERTY

1 TAX EXEMPTION FUND, FOR PURPOSES OF THE APPLICATION OF SECTION
2 24-75-402, C.R.S., SHALL BE EQUAL TO THE LEVEL OF THE PRIOR YEAR'S
3 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
4 INDIRECT COSTS OF THE ADMINISTRATION OF THIS ARTICLE FROM THE
5 FUND.

6 **SECTION 4. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.