

NOTE: The governor signed this measure on 5/31/2014.

An Act

HOUSE BILL 14-1393

BY REPRESENTATIVE(S) Gerou, Duran, May, Court, Foote, Kraft-Tharp, Labuda, Moreno, Schafer, Young;
also SENATOR(S) Hodge, Steadman, Lambert.

CONCERNING A CLARIFICATION REGARDING THE TREATMENT OF FEDERAL FUNDS FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 13 to article 1 of title 29 as follows:

PART 13
FEDERAL FUNDS RECEIVED BY
LOCAL GOVERNMENTS

29-1-1301. Federal funds received by local governments - enterprises - definitions. (1) FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION:

(a) ANY FEDERAL FUNDS THAT A LOCAL GOVERNMENT RECEIVES, REGARDLESS OF WHETHER SUCH FEDERAL FUNDS PASS THROUGH THE STATE

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

PRIOR TO RECEIPT BY THE LOCAL GOVERNMENT, SHALL NOT BE INCLUDED IN THE LOCAL GOVERNMENT'S CALCULATION OF ITS FISCAL YEAR SPENDING; AND

(b) ANY GRANT OF FEDERAL FUNDS THAT AN ENTERPRISE RECEIVES, REGARDLESS OF WHETHER SUCH FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT PRIOR TO RECEIPT BY THE ENTERPRISE, SHALL NOT BE INCLUDED IN THE ENTERPRISE'S CALCULATION OF THE PERCENTAGE OF ANNUAL REVENUES THAT IT RECEIVES IN GRANTS FROM THE STATE AND LOCAL GOVERNMENTS IN COLORADO COMBINED.

(2) FOR THE PURPOSES OF THIS PART 13:

(a) "ENTERPRISE" HAS THE SAME MEANING AS PROVIDED IN SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) "FEDERAL FUNDS" MEANS ANY PECUNIARY RESOURCES FROM THE NATIONAL GOVERNMENT OF THE UNITED STATES.

(c) "FISCAL YEAR SPENDING" HAS THE SAME MEANING AS PROVIDED IN SECTION 20 (2) (e) OF ARTICLE X OF THE STATE CONSTITUTION.

(d) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE THAT IS NOT REQUIRED TO BE REPAYED.

(e) "LOCAL GOVERNMENT" MEANS A DISTRICT FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, OTHER THAN THE STATE.

(f) "STATE" MEANS THE CENTRAL CIVIL GOVERNMENT OF THE STATE OF COLORADO, WHICH CONSISTS OF THE FOLLOWING:

(I) THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES OF GOVERNMENT ESTABLISHED BY ARTICLE III OF THE STATE CONSTITUTION;

(II) ALL ORGANS OF THE BRANCHES OF GOVERNMENT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), INCLUDING THE DEPARTMENTS OF THE EXECUTIVE BRANCH; THE LEGISLATIVE HOUSES AND AGENCIES; AND THE APPELLATE AND TRIAL COURTS AND COURT PERSONNEL; AND

(III) ANY STATE INSTITUTION OF HIGHER EDUCATION THAT HAS NOT BEEN DESIGNATED AS AN ENTERPRISE.

SECTION 2. 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.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO