

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

**PREAMENDED**

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

LLS NO. 05-0666.01 Jason Gelender

**HOUSE BILL 05-1001**

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**HOUSE SPONSORSHIP**

**Garcia,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CHARGES CREDITED TO CASH FUNDS FOR SPECIFIC**  
102             **PURPOSES, AND, IN CONNECTION THEREWITH, PROHIBITING THE**  
103             **USE OF SUCH CHARGES FOR GENERAL GOVERNMENTAL**  
104             **PURPOSES.**

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**Bill Summary**

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

Prohibits moneys derived from a charge imposed by the state that are credited to a cash fund from being transferred to the general fund of the state or appropriated for purposes that are not related to the operation or administration of a specific program, achievement of a specific purpose, or provision of a specific service for which the state imposed the

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.*

charge or that were not statutorily authorized purposes for which moneys credited to the cash fund could be spent at the time the charge was credited to the cash fund. Specifies that a charge shall not exceed the amount estimated to be necessary to defray the costs of operating or administering the specific program, achieving the specific purpose, or providing the specific service for which the state imposed the charge and to provide for a reasonable reserve as defined by law.

Defines a "charge" as a tax, fee, assessment, fine, penalty, or toll that is credited to a cash fund and is imposed by the state to generate revenue to fund one or more specific programs, purposes, or services and not to fund unspecified general governmental purposes. Also defines other terms.

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

2 **SECTION 1.** Part 4 of article 75 of title 24, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **24-75-403. Cash funds - restriction on use of moneys -**  
6 **definitions.** (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
7 ON OR AFTER JULY 1, 2005, MONEYS DERIVED FROM A CHARGE:

8 (I) MAY ONLY BE TRANSFERRED TO THE GENERAL FUND OF THE  
9 STATE FOR A PURPOSE FOR WHICH TRANSFERS TO THE GENERAL FUND WERE  
10 STATUTORILY AUTHORIZED AT THE TIME THE CHARGE WAS CREDITED TO  
11 THE CASH FUND OR FOR THE PURPOSE OF DEFRAYING THE INDIRECT  
12 ADMINISTRATIVE COSTS ASSOCIATED WITH A SPECIFIC PROGRAM, A  
13 SPECIFIC PURPOSE, OR A SPECIFIC SERVICE FOR WHICH THE STATE IMPOSED  
14 THE CHARGE; AND

15 (II) SHALL ONLY BE APPROPRIATED FOR PURPOSES THAT ARE  
16 RELATED TO THE OPERATION OR ADMINISTRATION OF A SPECIFIC PROGRAM,  
17 ACHIEVEMENT OF A SPECIFIC PURPOSE, OR PROVISION OF A SPECIFIC  
18 SERVICE FOR WHICH THE STATE IMPOSED THE CHARGE OR THAT WERE  
19 STATUTORILY AUTHORIZED PURPOSES FOR WHICH MONEYS CREDITED TO

1 THE CASH FUND COULD BE SPENT AT THE TIME THE CHARGE WAS CREDITED  
2 TO THE CASH FUND.

3 (b) A CHARGE SHALL NOT EXCEED THE AMOUNT ESTIMATED TO BE  
4 NECESSARY TO DEFRAY THE DIRECT AND INDIRECT COSTS OF OPERATING  
5 OR ADMINISTERING THE SPECIFIC PROGRAM, ACHIEVING THE SPECIFIC  
6 PURPOSE, OR PROVIDING THE SPECIFIC SERVICE FOR WHICH THE STATE  
7 IMPOSED THE CHARGE AND TO PROVIDE FOR A REASONABLE RESERVE AS  
8 DEFINED BY LAW.

9 (2) AS USED IN THIS SECTION:

10 (a) "CASH FUND" MEANS ANY FUND, OTHER THAN THE STATE  
11 GENERAL FUND OR ANY FEDERAL FUND, ESTABLISHED BY LAW OR THE  
12 STATE CONSTITUTION TO FUND ONE OR MORE SPECIFIC PROGRAMS,  
13 PURPOSES, OR SERVICES.

14 (b) "CHARGE" MEANS A TAX, FEE, ASSESSMENT, FINE, PENALTY, OR  
15 TOLL THAT IS CREDITED TO A CASH FUND AND IS IMPOSED BY THE STATE TO  
16 GENERATE REVENUE TO FUND ONE OR MORE SPECIFIC PROGRAMS,  
17 PURPOSES, OR SERVICES AND NOT TO FUND UNSPECIFIED GENERAL  
18 GOVERNMENTAL PURPOSES.

19 (c) "STATE" MEANS THE STATE OF COLORADO AND ANY BOARD,  
20 COMMISSION, ENTERPRISE, AUTHORITY, DEPARTMENT, CORPORATION,  
21 INSTRUMENTALITY, OR AGENCY THEREOF.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.