

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

**INTRODUCED**

LLS NO. 01-0388.01 Jason Gelender

**HOUSE BILL 01-1182**

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**HOUSE SPONSORSHIP**

**Nunez**, Cadman, Clapp, Crane, Hefley, Lee, Mitchell, Paschall, Rhodes, Schultheis, Scott, Stafford, Webster, Fritz, and White

**SENATE SPONSORSHIP**

(None),

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**House Committees**

Finance

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE MODIFICATION OF THE STATUTORY LIMIT ON STATE**  
102             **GENERAL FUND APPROPRIATIONS, AND, IN CONNECTION**  
103             **THEREWITH, EXCLUDING STATE GENERAL FUND**  
104             **APPROPRIATIONS EXCEPTED FROM THE LIMITATION ON THE**  
105             **LEVEL OF STATE GENERAL FUND APPROPRIATIONS FROM THE**  
106             **CALCULATION OF THE ANNUAL ALLOWABLE INCREASE IN STATE**  
107             **GENERAL FUND APPROPRIATIONS AND REQUIRING CERTAIN**  
108             **MONEYS TO BE USED ONLY TO REFUND EXCESS STATE REVENUES.**

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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.)*

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.*

Commencing with the calculation of the total state general fund appropriations limit for the 2002-03 state fiscal year, modifies the statutory limit on the total amount of state general fund appropriations by specifying that certain general fund appropriations excepted from the limitation on the level of state general fund appropriations for the fiscal year in which they are made shall not be used in calculating the amount of the allowable increase in state general fund appropriations for the following fiscal year.

For any state fiscal year commencing on or after July 1, 2002, requires an amount of moneys equal to the difference between the total amount of state general fund appropriations that would have been allowed for that fiscal year under current law and the actual amount of total state general fund appropriations allowed for that fiscal year to be used only to refund excess state revenues collected during that fiscal year.

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

2           **SECTION 1.** 24-75-201.1 (1) (a) (II), the introductory portion to  
3 24-75-201.1 (1) (a) (III), 24-75-201.1 (1) (a) (IV), and the introductory  
4 portion to 24-75-201.1 (1) (a) (V), Colorado Revised Statutes, are  
5 amended, and the said 24-75-201.1 (1) (a) is further amended BY THE  
6 ADDITION OF A NEW SUBPARAGRAPH, to read:

7           **24-75-201.1. Restriction on state appropriations - legislative**  
8 **declaration - definitions.** (1) (a) (II) Except as otherwise provided for  
9 in subparagraphs (III) and (IV) of this paragraph (a), for the fiscal year  
10 1991-92 and each fiscal year thereafter ENDING WITH THE FISCAL YEAR  
11 2001-02, the total state general fund appropriations shall be limited to  
12 such moneys as are necessary for reappraisals of any class or classes of  
13 taxable property for property tax purposes as required by section  
14 39-1-105.5, C.R.S., plus the lesser of:

15           (A) An amount equal to five percent of Colorado personal income;

16 or

17           (B) Six percent over the total state general fund appropriations for

1 the previous fiscal year.

2 (II.5) FOR THE FISCAL YEAR 2002-03 AND EACH FISCAL YEAR  
3 THEREAFTER, THE TOTAL STATE GENERAL FUND APPROPRIATIONS SHALL BE  
4 LIMITED TO SUCH MONEYS AS ARE NECESSARY FOR REAPPRAISALS OF ANY  
5 CLASS OR CLASSES OF TAXABLE PROPERTY FOR PROPERTY TAX PURPOSES  
6 AS REQUIRED BY SECTION 39-1-105.5, C.R.S., PLUS THE LESSER OF:

7 (A) AN AMOUNT EQUAL TO FIVE PERCENT OF COLORADO PERSONAL  
8 INCOME; OR

9 (B) SIX PERCENT OVER THE TOTAL STATE GENERAL FUND  
10 APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR THAT WERE NOT  
11 EXEMPTED FROM THE LIMITATION ON THE LEVEL OF STATE GENERAL FUND  
12 APPROPRIATIONS SET FORTH IN THIS SUBPARAGRAPH (II.5) OR IN  
13 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), WHICHEVER IS APPLICABLE,  
14 PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

15 (III) The limitation on the level of state general fund  
16 appropriations set forth in ~~subparagraph (II)~~ SUBPARAGRAPH (II) OR (II.5)  
17 of this paragraph (a) shall not apply to:

18 (IV) (A) The limitation on the level of state general fund  
19 appropriations as set forth in ~~subparagraph (II)~~ SUBPARAGRAPH (II) OR  
20 (II.5) of this paragraph (a) may be exceeded for a given fiscal year upon  
21 the declaration of a state fiscal emergency by the general assembly. A  
22 state fiscal emergency may be declared by the passage of a joint resolution  
23 ~~which~~ THAT is approved by a two-thirds majority vote of the members of  
24 both houses of the general assembly and ~~which~~ THAT is approved by the  
25 governor in accordance with section 39 of article V of the state  
26 constitution.

27 (B) Any funds appropriated in a given fiscal year ~~which~~ THAT

1 exceed the limitation on state general fund appropriations established by  
2 ~~subparagraph (H)~~ SUBPARAGRAPH (II) OR (II.5) of this paragraph (a)  
3 because of the declaration of a state fiscal emergency by the general  
4 assembly pursuant to sub-subparagraph (A) of this subparagraph (IV)  
5 shall not be included in the calculation of the maximum level of state  
6 general fund appropriations pursuant to sub-subparagraph (B) of  
7 ~~subparagraph (H)~~ SUBPARAGRAPH (II) OR (II.5) of this paragraph (a) for  
8 subsequent fiscal years.

9 (V) No state cash fund appropriation ~~which~~ THAT either supplants  
10 any state general fund appropriation or, if not made, would necessitate a  
11 state general fund appropriation shall be made in order to circumvent the  
12 limitation on the level of state general fund appropriations set forth in  
13 ~~subparagraph (H)~~ SUBPARAGRAPH (II) OR (II.5) of this paragraph (a). The  
14 provisions of this subparagraph (V) shall not apply to any state cash fund  
15 appropriation:

16 **SECTION 2.** 24-75-201.1, Colorado Revised Statutes, is amended  
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **24-75-201.1. Restriction on state appropriations - legislative**  
19 **declaration - definitions.** (5) FOR ANY STATE FISCAL YEAR COMMENCING  
20 ON OR AFTER JULY 1, 2002, DURING WHICH THE STATE COLLECTS REVENUES  
21 IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR  
22 SPENDING THAT THE VOTERS HAVE NOT AUTHORIZED THE STATE TO RETAIN,  
23 AN AMOUNT OF MONEYS EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT  
24 OF TOTAL GENERAL FUND APPROPRIATIONS THAT WOULD HAVE BEEN  
25 ALLOWED FOR THAT FISCAL YEAR IF THE LIMITATION ON TOTAL STATE  
26 GENERAL FUND APPROPRIATIONS SET FORTH IN SUBPARAGRAPH (II) OF  
27 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION HAD BEEN APPLICABLE

1 DURING THAT FISCAL YEAR AND THE ACTUAL AMOUNT OF TOTAL STATE  
2 GENERAL FUND APPROPRIATIONS ALLOWED FOR THAT FISCAL YEAR  
3 PURSUANT TO SUBPARAGRAPH (II.5) OF PARAGRAPH (a) OF SUBSECTION (1)  
4 OF THIS SECTION SHALL NOT BE AVAILABLE FOR GENERAL GOVERNMENTAL  
5 PURPOSES AND MAY BE USED ONLY TO REFUND EXCESS STATE REVENUES  
6 COLLECTED DURING THAT FISCAL YEAR.

7 **SECTION 3. Effective date.** This act shall take effect at 12:01  
8 a.m. on the day following the expiration of the ninety-day period after  
9 final adjournment of the general assembly that is allowed for submitting  
10 a referendum petition pursuant to article V, section 1 (3) of the state  
11 constitution; except that, if a referendum petition is filed against this act  
12 or an item, section, or part of this act within such period, then the act,  
13 item, section, or part, if approved by the people, shall take effect on the  
14 date of the official declaration of the vote thereon by proclamation of the  
15 governor.