

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

PREAMENDED

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

LLS NO. 01-0389.01 Bob Lackner

HOUSE BILL 01-1094

HOUSE SPONSORSHIP

Nuñez, Cadman, Clapp, Mitchell, and Paschall

SENATE SPONSORSHIP

McElhany,

House Committees

Finance

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REDUCTION IN THE ANNUAL ALLOWABLE INCREASE IN**
102 **TOTAL STATE GENERAL FUND APPROPRIATIONS, AND, IN**
103 **CONNECTION THEREWITH, REDUCING THE ALLOWABLE**
104 **INCREASE FROM THE LESSER OF FIVE PERCENT OF COLORADO**
105 **PERSONAL INCOME OR SIX PERCENT OVER GENERAL FUND**
106 **APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR TO THE**
107 **LESSER OF FIVE PERCENT OF COLORADO PERSONAL INCOME OR**
108 **FIVE PERCENT OVER GENERAL FUND APPROPRIATIONS FOR THE**
109 **PREVIOUS FISCAL YEAR, AND REQUIRING THAT MONEYS SAVED**
110 **AS A RESULT OF THE CHANGE IN THE ALLOWABLE INCREASE BE**
111 **USED ONLY TO REFUND EXCESS STATE REVENUES.**

Bill Summary

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.

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

Commencing with the 2002-03 state fiscal year, reduces the amount that total state general fund appropriations can annually increase from the lesser of 5% of Colorado personal income or 6% over general fund appropriations for the previous fiscal year to the lesser of 5% of Colorado personal income or 5% over general fund appropriations for the previous fiscal year.

For any state fiscal year commencing on or after July 1, 2002, during which the state collects excess revenues that the voters have not authorized the state to retain, requires that 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 as a result of the application of the different annual allowable appropriations limitation not be available for general governmental purposes and be used only to refund excess state revenues collected during that fiscal year.

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 THROUGH 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:

1 (A) An amount equal to five percent of Colorado personal income;
2 or

3 (B) Six percent over the total state general fund appropriations for
4 the previous fiscal year.

5 (II.5) EXCEPT AS OTHERWISE PROVIDED FOR IN SUBPARAGRAPHS
6 (III) AND (IV) OF THIS PARAGRAPH (a), FOR THE FISCAL YEAR 2002-03 AND
7 EACH FISCAL YEAR THEREAFTER, THE TOTAL STATE GENERAL FUND
8 APPROPRIATIONS SHALL BE LIMITED TO SUCH MONEYS AS ARE NECESSARY
9 FOR REAPPRAISALS OF ANY CLASS OR CLASSES OF TAXABLE PROPERTY FOR
10 PROPERTY TAX PURPOSES AS REQUIRED BY SECTION 39-1-105.5, C.R.S.,
11 PLUS THE LESSER OF:

12 (A) AN AMOUNT EQUAL TO FIVE PERCENT OF COLORADO PERSONAL
13 INCOME; OR

14 (B) FIVE PERCENT OVER THE TOTAL STATE GENERAL FUND
15 APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR.

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

19 (IV) (A) The limitation on the level of state general fund
20 appropriations as set forth in subparagraph (II) OR (II.5) of this paragraph
21 (a) may be exceeded for a given fiscal year upon the declaration of a state
22 fiscal emergency by the general assembly. A state fiscal emergency may
23 be declared by the passage of a joint resolution ~~which~~ THAT is approved
24 by a two-thirds majority vote of the members of both houses of the
25 general assembly and ~~which~~ THAT is approved by the governor in
26 accordance with section 39 of article V of the state 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 (II) OR (II.5) of this paragraph (a) because of the declaration
3 of a state fiscal emergency by the general assembly pursuant to
4 sub-subparagraph (A) of this subparagraph (IV) shall not be included in
5 the calculation of the maximum level of state general fund appropriations
6 pursuant to sub-subparagraph (B) of subparagraph (II) OR (II.5) of this
7 paragraph (a) for subsequent fiscal years.

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

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

16 **24-75-201.1. Restriction on state appropriations - legislative**
17 **declaration - definitions.** (5) (a) NOTWITHSTANDING ANY OTHER
18 PROVISION OF THIS SECTION TO THE CONTRARY, EXCEPT AS OTHERWISE
19 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), FOR ANY STATE
20 FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2002, DURING WHICH THE
21 STATE COLLECTS REVENUES IN EXCESS OF THE CONSTITUTIONAL
22 LIMITATION ON STATE FISCAL YEAR SPENDING THAT THE VOTERS HAVE NOT
23 AUTHORIZED THE STATE TO RETAIN, AN AMOUNT OF MONEYS EQUAL TO THE
24 DIFFERENCE BETWEEN THE AMOUNT OF TOTAL GENERAL FUND
25 APPROPRIATIONS THAT WOULD HAVE BEEN ALLOWED FOR THAT FISCAL
26 YEAR IF THE LIMITATION ON TOTAL STATE GENERAL FUND APPROPRIATIONS
27 SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF

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

8 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION
9 (5), WHERE THE DIFFERENCE BETWEEN THE AMOUNT OF TOTAL GENERAL
10 FUND APPROPRIATIONS THAT WOULD HAVE BEEN ALLOWED FOR THAT
11 FISCAL YEAR IF THE LIMITATION ON TOTAL STATE GENERAL FUND
12 APPROPRIATIONS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF
13 SUBSECTION (1) OF THIS SECTION HAD BEEN APPLICABLE DURING THAT
14 FISCAL YEAR AND THE ACTUAL AMOUNT OF TOTAL GENERAL FUND
15 APPROPRIATIONS ALLOWED FOR THAT FISCAL YEAR PURSUANT TO
16 SUBPARAGRAPH (II.5) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS
17 SECTION HAD BEEN APPLICABLE DURING THAT FISCAL YEAR IS GREATER
18 THAN THE AMOUNT OF MONEYS REQUIRED TO BE REFUNDED FOR THAT
19 FISCAL YEAR IN ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF
20 THE STATE CONSTITUTION, MONEYS REPRESENTING THE DIFFERENCE
21 BETWEEN THE APPLICABLE LIMITATIONS ON STATE GENERAL FUND
22 APPROPRIATIONS DESCRIBED IN SUBPARAGRAPHS (II) AND (II.5) OF
23 PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT BE AVAILABLE FOR
24 GENERAL GOVERNMENTAL PURPOSES AND SHALL BE REFUNDED IN THE
25 NEXT FISCAL YEAR AS REQUIRED BY LAW IN ADDITION TO ANY OTHER
26 MONEYS REQUIRED TO BE REFUNDED.

27 **SECTION 3. Effective date.** This act shall take effect at 12:01

1 a.m. on the day following the expiration of the ninety-day period after
2 final adjournment of the general assembly that is allowed for submitting
3 a referendum petition pursuant to article V, section 1 (3) of the state
4 constitution; except that, if a referendum petition is filed against this act
5 or an item, section, or part of this act within such period, then the act,
6 item, section, or part, if approved by the people, shall take effect on the
7 date of the official declaration of the vote thereon by proclamation of the
8 governor.