

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 12-168

BY SENATOR(S) Steadman, Hodge, Lambert;  
also REPRESENTATIVE(S) Gerou, Becker, Levy, Coram, Ramirez.

CONCERNING A TRIGGER RELATED TO GENERAL FUND OBLIGATIONS  
CREATED IN SENATE BILL 09-228.

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

**SECTION 1.** In Colorado Revised Statutes, 24-75-201.1, **amend**  
(1) (e) as follows:

**24-75-201.1. Restriction on state appropriations - legislative declaration - definitions - repeal.** (1) (e) (I) ~~Subparagraph (XII) of paragraph (d) of this subsection (1) shall not apply in the fiscal year 2012-13 if Colorado personal income increases by less than five percent from the calendar year 2011 to the calendar year 2012. In such case, the unrestricted general fund year-end balance for fiscal year 2012-13 shall be four percent of the amount appropriated for expenditure from the general fund for that fiscal year, and the annual reserve required for each succeeding fiscal year shall remain the same until the next fiscal year during which Colorado personal income increases by at least five percent. For such fiscal year during which Colorado personal income increases by at least five percent, the unrestricted general fund year-end balance retained as a reserve~~

---

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

~~shall be four and one-half percent. For purposes of this subparagraph (I), Colorado personal income shall be considered to increase by at least five percent during a given fiscal year if, from the calendar year that commences eighteen months prior to the first day of the fiscal year, and to the next calendar year, Colorado personal income increases by at least five percent~~ THE INITIAL RESERVE REQUIREMENT IS SUSPENDED UNTIL THE PERSONAL INCOME TRIGGER OCCURS. THE RESERVE REQUIREMENT IS FOUR PERCENT OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FOR EACH FISCAL YEAR THAT THE INITIAL RESERVE REQUIREMENT IS SUSPENDED. THE INITIAL RESERVE REQUIREMENT APPLIES TO THE FIRST FISCAL YEAR THAT BEGINS AFTER THE PERSONAL INCOME TRIGGER OCCURS.

(I.5) FOR PURPOSES OF DETERMINING WHETHER THE PERSONAL INCOME TRIGGER OCCURS, THE FOLLOWING ESTIMATES REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE ARE USED:

(A) FOR THE LATER CALENDAR YEAR, THE FIRST AVAILABLE ESTIMATE REPORTED BY THE BUREAU AFTER THE END OF THE CALENDAR YEAR; AND

(B) FOR THE EARLIER CALENDAR YEAR, THE REVISED ESTIMATE THAT IS AVAILABLE AT THE SAME TIME AS THE ESTIMATE SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I.5).

(II) The reserve requirements set forth in subparagraphs (XIII), (XIV), (XV), and (XVI) of paragraph (d) of this subsection (1) shall ~~be delayed~~ EACH BE SUSPENDED by the SAME number of fiscal years that the INITIAL reserve REQUIREMENT is ~~four percent~~ SUSPENDED pursuant to subparagraph (I) of this paragraph (e).

(III) As used in this paragraph (e), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "Colorado personal income" means the total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce.

(B) "INITIAL RESERVE REQUIREMENT" MEANS THE RESERVE REQUIREMENT SET FORTH IN SUBPARAGRAPH (XII) OF PARAGRAPH (d) OF

THIS SUBSECTION (1).

(C) "PERSONAL INCOME TRIGGER" MEANS AN INCREASE IN ANNUAL COLORADO PERSONAL INCOME FROM ONE CALENDAR YEAR, STARTING WITH 2011, TO THE NEXT CALENDAR YEAR THEREAFTER BY AN AMOUNT EQUAL TO FIVE PERCENT OR MORE.

(D) "RESERVE REQUIREMENT" MEANS THE MINIMUM UNRESTRICTED GENERAL FUND YEAR-END BALANCE FOR THE FISCAL YEAR.

**SECTION 2.** In Colorado Revised Statutes, 24-75-219, **amend** (2) (e); and **add** (1) (e) and (1) (f) as follows:

**24-75-219. Transfers - transportation - capital construction - definitions.** (1) As used in this section, unless the context otherwise requires:

(e) "INITIAL TRANSFERS" MEANS THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

(f) "PERSONAL INCOME TRIGGER" MEANS AN INCREASE IN ANNUAL COLORADO PERSONAL INCOME FROM ONE CALENDAR YEAR, STARTING WITH 2011, TO THE NEXT CALENDAR YEAR THEREAFTER BY AN AMOUNT EQUAL TO FIVE PERCENT OR MORE.

~~(2) (e) (I) Paragraph (a) of this subsection (2) shall not apply in the fiscal year 2012-13 if personal income increases by less than five percent from the calendar year 2011 to the calendar year 2012, and in such case the transfers required by paragraph (a) shall be made instead in the next state fiscal year during which Colorado personal income increases by at least five percent. For purposes of this subparagraph (I), Colorado personal income shall be considered to increase by at least five percent during a given state fiscal year if, from the calendar year that commences eighteen months prior to the first day of the state fiscal year, and to the next calendar year, Colorado personal income increases by at least five percent. THE INITIAL TRANSFERS ARE SUSPENDED UNTIL THE PERSONAL INCOME TRIGGER OCCURS. THE INITIAL TRANSFERS SHALL BE MADE IN THE FIRST STATE FISCAL YEAR THAT BEGINS AFTER THE PERSONAL INCOME TRIGGER OCCURS.~~

(I.5) FOR PURPOSES OF DETERMINING WHETHER THE PERSONAL

INCOME TRIGGER OCCURS, THE FOLLOWING ESTIMATES REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE ARE USED:

(A) FOR THE LATER CALENDAR YEAR, THE FIRST AVAILABLE ESTIMATE REPORTED BY THE BUREAU AFTER THE END OF THE CALENDAR YEAR; AND

(B) FOR THE EARLIER CALENDAR YEAR, THE REVISED ESTIMATE THAT IS AVAILABLE AT THE SAME TIME AS THE ESTIMATE SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I.5).

(II) The transfers required pursuant to paragraphs (b) and (c) of this subsection (2) shall ~~be delayed~~ EACH BE SUSPENDED by the same number of state fiscal years that the ~~transfer required pursuant to paragraph (a) of this subsection (2) was delayed~~ INITIAL TRANSFERS ARE SUSPENDED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

**SECTION 3. 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.

---

Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

---

Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO