

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0264.02 Pierce Lively x2059

HOUSE BILL 26-1178

HOUSE SPONSORSHIP

Brown and Sirota, Taggart

SENATE SPONSORSHIP

Amabile and Kirkmeyer, Bridges

House Committees

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTROLLER'S ALLOWANCE OF EXPENDITURES IN**
102 **EXCESS OF APPROPRIATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Under current law, the controller may allow any department, institution, or agency of the state, including any institution of higher education, to make an expenditure in excess of the amount authorized by an item of appropriation for the fiscal year if certain conditions are satisfied. One of those conditions is that the overexpenditure is necessary due to unforeseen circumstances arising

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

while the general assembly is not meeting in a regular or special session. The bill modifies that condition to also include when an overexpenditure is necessary due to a lapse in a federal appropriation that the joint budget committee determines is reasonably likely to occur while the general assembly is not meeting in regular or special session during which such overexpenditure can be legislatively addressed.

The bill also makes a conforming amendment to the process by which the general assembly can remove the spending restriction that the controller attaches to an overexpenditure. If a supplemental appropriation is enacted for the overexpenditure or a portion of it, the bill requires that:

- The controller's spending restriction is released in full; and
- The department, institution, or agency of the state's overexpenditure authority ends.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-111, **amend**
3 (1) introductory portion, (1)(b), and (5) as follows:

4 **24-75-111. Additional authority for controller to allow**
5 **expenditures in excess of appropriations - limitations -**
6 **appropriations for subsequent fiscal year restricted.**

7 (1) ~~For fiscal years commencing on or after July 1, 1997,~~ In
8 addition to any overexpenditure allowed pursuant to section 24-75-109,
9 the controller may allow any department, institution, or agency of the
10 state, including any institution of higher education, to make an
11 expenditure in excess of the amount authorized by an item of
12 appropriation for ~~such~~ THE CURRENT fiscal year if:

13 (b) The overexpenditure is necessary due to EITHER unforeseen
14 circumstances arising while the general assembly is not meeting in regular
15 or special session during which such overexpenditure can be legislatively
16 addressed OR A LAPSE IN A FEDERAL APPROPRIATION THAT THE JOINT
17 BUDGET COMMITTEE DETERMINES IS REASONABLY LIKELY TO OCCUR
18 WHILE THE GENERAL ASSEMBLY IS NOT MEETING IN REGULAR OR SPECIAL

1 SESSION DURING WHICH SUCH OVEREXPENDITURE CAN BE LEGISLATIVELY
2 ADDRESSED; and

3 (5) The joint budget committee of the general assembly shall
4 introduce a supplemental appropriation for the fiscal year in which the
5 overexpenditure occurred for ~~the~~ AN amount ~~OF~~ LESS THAN OR EQUAL TO
6 any overexpenditure allowed pursuant to this section. If a supplemental
7 appropriation is enacted for the overexpenditure AUTHORIZED BY THIS
8 SECTION or some portion thereof, the restriction on the succeeding fiscal
9 year's appropriation shall be released ~~in the amount of the supplemental~~
10 ~~appropriation enacted~~ AND A DEPARTMENT, INSTITUTION, OR AGENCY OF
11 THE STATE, INCLUDING ANY INSTITUTION OF HIGHER EDUCATION, SHALL
12 NOT MAKE AN EXPENDITURE IN EXCESS OF THE AMOUNT ALLOWED BY AN
13 ITEM OF APPROPRIATION FOR SUCH FISCAL YEAR AS AUTHORIZED BY THE
14 OVEREXPENDITURE.

15 **SECTION 2. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.