

**NOTE: This bill has been prepared for the signature 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.**



HOUSE BILL 10-1389

BY REPRESENTATIVE(S) Ferrandino, Pommer, Lambert;  
also SENATOR(S) Tapia, Keller, White.

CONCERNING TRANSFERS OF MONEYS RELATING TO CAPITAL CONSTRUCTION.

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

**SECTION 1.** 24-75-302 (2) (u), (2) (v), and (2) (w), the introductory portion to 24-75-302 (2.5), and 24-75-302 (2.5) (d) and (10), Colorado Revised Statutes, are amended, and the said 24-75-302 (2.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2012, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

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

(u) On July 1, 2008, ~~eleven~~ TWENTY million dollars, plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus four hundred sixty-two thousand one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus twenty-six thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus three hundred twenty-five thousand four hundred twenty-nine dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus two million one hundred twenty-seven thousand eight hundred five dollars pursuant to H.B. 08-1352, enacted at the second regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to H.B. 08-1194, enacted at the second regular session of the sixty-sixth general assembly;

(v) On July 1, 2009, ~~five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly;~~ plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; ~~plus five hundred twenty-three thousand one~~

~~hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; plus twelve thousand five hundred seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular session of the sixty-sixth general assembly;~~

(w) On July 1, 2010, EIGHT MILLION SIX HUNDRED TWENTY-FIVE THOUSAND FIVE HUNDRED SIX DOLLARS, PLUS five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus one hundred thirty-seven thousand six hundred eighty-two dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly;

(2.5) In addition to the sums accrued pursuant to subsection (2) of this section, as of July 1, 2005, and July 1 of each year thereafter through July 1, ~~2008~~ 2010, a sum as specified in this subsection (2.5) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum from the general fund exempt account of the general fund created pursuant to section 24-77-103.6 to the capital construction fund as moneys become available in the general fund exempt account during the

fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2.5) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2.5) shall be as follows:

(d) ~~On July 1, 2008, nine million dollars.~~

(e) ON JULY 1, 2010, FIVE HUNDRED THOUSAND DOLLARS.

(10) (a) Notwithstanding any other provision of this section to the contrary, on July 1, 2009, the state treasurer shall deduct twenty-eight million fifty-four thousand four hundred seventy-six dollars from the capital construction fund and transfer such sum to the general fund.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT THIRTEEN MILLION THREE HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED FORTY-FIVE DOLLARS FROM THE CAPITAL CONSTRUCTION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 2. Repeal.** 17-1-153 (1) (d) (I), Colorado Revised Statutes, is repealed as follows:

**17-1-153. Appropriation to comply with section 2-2-703 - SB 06-207 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following statutory appropriations, or so much thereof as may be necessary, are made in order to implement S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly:

(d) (I) ~~For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of five hundred twenty-three thousand one hundred sixty-four dollars (\$523,164).~~

**SECTION 3. Repeal.** 17-1-155 (1) (d) (I), Colorado Revised Statutes, is repealed as follows:

**17-1-155. Appropriation to comply with section 2-2-703 - HB 06-1011 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following

statutory appropriations, or so much thereof as may be necessary, are made in order to implement H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly:

~~(d) (I) For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of five hundred twenty-three thousand one hundred sixty-four dollars (\$523,164).~~

**SECTION 4. Repeal.** 17-1-158 (1) (d) (I), Colorado Revised Statutes, is repealed as follows:

**17-1-158. Appropriation to comply with section 2-2-703 - SB 06-206 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following statutory appropriations, or so much thereof as may be necessary, are made in order to implement S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly:

~~(d) (I) For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of five hundred twenty-three thousand one hundred sixty-four dollars (\$523,164).~~

**SECTION 5. Repeal.** 17-1-164 (1) (c) (I), Colorado Revised Statutes, is repealed as follows:

**17-1-164. Appropriation to comply with section 2-2-703 - SB 07-096 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following statutory appropriations, or so much thereof as may be necessary, are made in order to implement S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly:

~~(c) (I) For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of one hundred fifty thousand one hundred ninety-eight dollars (\$150,198).~~

**SECTION 6. Repeal.** 17-1-165 (1) (c) (I), Colorado Revised Statutes, is repealed as follows:

**17-1-165. Appropriation to comply with section 2-2-703 - HB 07-1326 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following statutory appropriations, or so much thereof as may be necessary, are made in order to implement H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly:

~~(c) (I) For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of seventy-five thousand ninety-nine dollars (\$75,099).~~

**SECTION 7. Repeal.** 17-18-104 (1) (b) (I), Colorado Revised Statutes, is repealed as follows:

**17-18-104. Appropriation to comply with section 2-2-703 - HB 08-1194 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following statutory appropriations, or so much thereof as may be necessary, are made in order to implement House Bill 08-1194, enacted at the second regular session of the sixty-sixth general assembly:

~~(b) (I) For the fiscal year beginning July 1, 2009, in addition to any other appropriation, there is hereby appropriated from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of twelve thousand five hundred seventeen dollars (\$12,517).~~

**SECTION 8.** 23-19.9-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**23-19.9-102. Higher education federal mineral lease revenues fund - higher education maintenance and reserve fund - creation - sources of revenues - use.** (1) (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c) THE STATE TREASURER SHALL DEDUCT SEVEN HUNDRED FIFTY THOUSAND DOLLARS FROM THE REVENUES FUND AND

TRANSFER SUCH SUM TO THE GENERAL FUND.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1) TO THE CONTRARY, ON JULY 1, 2010, THE STATE TREASURER SHALL DEDUCT SEVEN MILLION DOLLARS FROM THE REVENUES FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 9.** 23-20-136 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**23-20-136. Fitzsimons trust fund - creation - legislative declaration - repeal.** (3) (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL DEDUCT FIVE MILLION FIFTY-FOUR THOUSAND NINE HUNDRED EIGHTEEN DOLLARS FROM THE FITZSIMONS TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON JULY 1, 2010, THE STATE TREASURER SHALL DEDUCT THREE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND FIVE HUNDRED THIRTY-SEVEN DOLLARS FROM THE FITZSIMONS TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 10. 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.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO