

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-1024.01 Jerry Barry

HOUSE BILL 10-1389

HOUSE SPONSORSHIP

Ferrandino, Pommer, Lambert

SENATE SPONSORSHIP

Tapia, Keller, White

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 CONCERNING TRANSFERS OF MONEYS RELATING TO CAPITAL
102 CONSTRUCTION.

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://www.leg.state.co.us/billsummaries>.)

Budget Package Bill. In the 2008-09 fiscal year, changes the \$9 million transfer from the general fund exempt account to the general fund.

For the 2009-10 fiscal year:

! Transfers \$13,317,845 from the capital construction fund

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.*

SENATE
2nd Reading Unam ended
April 8, 2010

HOUSE
3rd Reading Unam ended
April 1, 2010

HOUSE
Am ended 2nd Reading
March 31, 2010

- to the general fund;
- ! Transfers \$750,000 from the higher education federal mineral lease revenues fund to the general fund;
- ! Transfers \$5,054,918 from the Fitzsimons trust fund to the general fund;
- ! Repeals \$1,807,306 in statutory transfers from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund.

For the 2010-11 fiscal year:

- ! Transfers \$7 million from the higher education federal mineral lease revenues fund to the general fund;
- ! Transfers \$3,448,537 from the Fitzsimons trust fund to the general fund;
- ! Transfers \$8,625,506 from the general fund to the capital construction fund; and
- ! Transfers \$500,000 from the general fund exempt account to the capital construction fund.

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

2 **SECTION 1.** 24-75-302 (2) (u), (2) (v), (2) (w), (2.5) (d), and
 3 (10), Colorado Revised Statutes, are amended, and the said 24-75-302
 4 (2.5) is further amended BY THE ADDITION OF A NEW
 5 PARAGRAPH, to read:

6 **24-75-302. Capital construction fund - capital assessment fees**
 7 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
 8 through July 1, 2012, a sum as specified in this subsection (2) shall accrue
 9 to the capital construction fund. The state treasurer and the controller
 10 shall transfer such sum out of the general fund and into the capital
 11 construction fund as moneys become available in the general fund during
 12 the fiscal year beginning on said July 1. Transfers between funds
 13 pursuant to this subsection (2) shall not be deemed to be appropriations
 14 subject to the limitations of section 24-75-201.1. The amount that shall
 15 accrue pursuant to this subsection (2) shall be as follows:

1 (u) On July 1, 2008, ~~eleven~~ TWENTY million dollars, plus
2 sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B.
3 04-1021, enacted at the second regular session of the sixty-fourth general
4 assembly; plus three hundred ninety-two thousand three hundred
5 seventy-three dollars pursuant to S.B. 06-206, enacted at the second
6 regular session of the sixty-fifth general assembly; plus three hundred
7 ninety-two thousand three hundred seventy-three dollars pursuant to S.B.
8 06-207, enacted at the second regular session of the sixty-fifth general
9 assembly; plus four hundred sixty-two thousand one hundred twenty-eight
10 dollars pursuant to H.B. 06-1326, enacted at the second regular session
11 of the sixty-fifth general assembly; plus twenty-six thousand one hundred
12 fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular
13 session of the sixty-fifth general assembly; plus five hundred twenty-three
14 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,
15 enacted at the second regular session of the sixty-fifth general assembly;
16 plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B.
17 06S-004, enacted at the first extraordinary session of the sixty-fifth
18 general assembly; plus three hundred twenty-five thousand four hundred
19 twenty-nine dollars pursuant to S.B. 07-096, enacted at the first regular
20 session of the sixty-sixth general assembly; plus one hundred fifty
21 thousand one hundred ninety-eight dollars pursuant to H.B. 07-1326,
22 enacted at the first regular session of the sixty-sixth general assembly;
23 plus one hundred twenty-five thousand one hundred sixty-five dollars
24 pursuant to H.B. 08-1115, enacted at the second regular session of the
25 sixty-sixth general assembly; plus two million one hundred twenty-seven
26 thousand eight hundred five dollars pursuant to H.B. 08-1352, enacted at
27 the second regular session of the sixty-sixth general assembly; plus one

1 hundred twenty-five thousand one hundred sixty-five dollars pursuant to
2 S.B. 08-239, enacted at the second regular session of the sixty-sixth
3 general assembly; plus one hundred twenty-five thousand one hundred
4 sixty-five dollars pursuant to H.B. 08-1194, enacted at the second regular
5 session of the sixty-sixth general assembly;

6 (v) On July 1, 2009, ~~five hundred twenty-three thousand one~~
7 ~~hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second~~
8 ~~regular session of the sixty-fifth general assembly; plus five hundred~~
9 ~~twenty-three thousand one hundred sixty-four dollars pursuant to S.B.~~
10 ~~06-207, enacted at the second regular session of the sixty-fifth general~~
11 ~~assembly; plus forty-three thousand five hundred ninety-seven dollars~~
12 ~~pursuant to H.B. 06-1145, enacted at the second regular session of the~~
13 ~~sixty-fifth general assembly; plus five hundred twenty-three thousand one~~
14 ~~hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the~~
15 ~~second regular session of the sixty-fifth general assembly; plus one~~
16 ~~hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.~~
17 ~~07-096, enacted at the first regular session of the sixty-sixth general~~
18 ~~assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.~~
19 ~~07-1326, enacted at the first regular session of the sixty-sixth general~~
20 ~~assembly; plus one hundred twenty-five thousand one hundred sixty-five~~
21 ~~dollars pursuant to S.B. 08-239, enacted at the second regular session of~~
22 ~~the sixty-sixth general assembly; plus twelve thousand five hundred~~
23 ~~seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular~~
24 ~~session of the sixty-sixth general assembly;~~

25 (w) On July 1, 2010, EIGHT MILLION SIX HUNDRED TWENTY-FIVE
26 THOUSAND FIVE HUNDRED SIX DOLLARS, PLUS five hundred twenty-three
27 thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted

1 at the second regular session of the sixty-fifth general assembly; plus five
2 hundred twenty-three thousand one hundred sixty-four dollars pursuant
3 to S.B. 06-207, enacted at the second regular session of the sixty-fifth
4 general assembly; plus forty-three thousand five hundred ninety-seven
5 dollars pursuant to H.B. 06-1145, enacted at the second regular session
6 of the sixty-fifth general assembly; plus five hundred twenty-three
7 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,
8 enacted at the second regular session of the sixty-fifth general assembly;
9 plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B.
10 06S-004, enacted at the first extraordinary session of the sixty-fifth
11 general assembly; plus seven hundred fifty thousand nine hundred ninety
12 dollars pursuant to S.B. 07-096, enacted at the first regular session of the
13 sixty-sixth general assembly; plus one hundred twelve thousand six
14 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
15 second regular session of the sixty-sixth general assembly; plus one
16 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
17 S.B. 08-239, enacted at the second regular session of the sixty-sixth
18 general assembly;

19 (2.5) In addition to the sums accrued pursuant to subsection (2) of
20 this section, as of July 1, 2005, and July 1 of each year thereafter through
21 July 1, ~~2008~~ 2010, a sum as specified in this subsection (2.5) shall accrue
22 to the capital construction fund. The state treasurer and the controller
23 shall transfer such sum from the general fund exempt account of the
24 general fund created pursuant to section 24-77-103.6 to the capital
25 construction fund as moneys become available in the general fund exempt
26 account during the fiscal year beginning on said July 1. Transfers between
27 funds pursuant to this subsection (2.5) shall not be deemed to be

1 appropriations subject to the limitations of section 24-75-201.1. The
2 amount that shall accrue pursuant to this subsection (2.5) shall be as
3 follows:

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

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

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

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

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

18 **17-1-153. Appropriation to comply with section 2-2-703 - SB**
19 **06-207 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following
20 statutory appropriations, or so much thereof as may be necessary, are
21 made in order to implement S.B. 06-207, enacted at the second regular
22 session of the sixty-fifth general assembly:

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

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

3 **17-1-155. Appropriation to comply with section 2-2-703 - HB**
4 **06-1011 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following
5 statutory appropriations, or so much thereof as may be necessary, are
6 made in order to implement H.B. 06-1011, enacted at the second regular
7 session of the sixty-fifth general assembly:

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

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

15 **17-1-158. Appropriation to comply with section 2-2-703 - SB**
16 **06-206 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following
17 statutory appropriations, or so much thereof as may be necessary, are
18 made in order to implement S.B. 06-206, enacted at the second regular
19 session of the sixty-fifth general assembly:

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

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

27 **17-1-164. Appropriation to comply with section 2-2-703 - SB**

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

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

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

12 **17-1-165. Appropriation to comply with section 2-2-703 - HB**
13 **07-1326 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following
14 statutory appropriations, or so much thereof as may be necessary, are
15 made in order to implement H.B. 07-1326, enacted at the first regular
16 session of the sixty-sixth general assembly:

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

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

24 **17-18-104. Appropriation to comply with section 2-2-703 - HB**
25 **08-1194 - repeal.** (1) Pursuant to section 2-2-703, C.R.S., the following
26 statutory appropriations, or so much thereof as may be necessary, are
27 made in order to implement House Bill 08-1194, enacted at the second

1 regular session of the sixty-sixth general assembly:

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

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

10 **23-19.9-102. Higher education federal mineral lease revenues**
11 **fund - higher education maintenance and reserve fund - creation -**
12 **sources of revenues - use.** (1) (c) NOTWITHSTANDING ANY OTHER
13 PROVISION OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE
14 DATE OF THIS PARAGRAPH (c) THE STATE TREASURER SHALL DEDUCT SEVEN
15 HUNDRED FIFTY THOUSAND DOLLARS FROM THE REVENUES FUND AND
16 TRANSFER SUCH SUM TO THE GENERAL FUND.

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

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

24 **23-20-136. Fitzsimons trust fund - creation - legislative**
25 **declaration - repeal.** (3) (c) NOTWITHSTANDING ANY PROVISION OF
26 PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE
27 EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL

1 DEDUCT FIVE MILLION FIFTY-FOUR THOUSAND NINE HUNDRED EIGHTEEN
2 DOLLARS FROM THE FITZSIMONS TRUST FUND AND TRANSFER SUCH SUM TO
3 THE GENERAL FUND.

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

9 **SECTION 10. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.