

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

CORRECTED ENGROSSED

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

LLS NO. 11-0957.01 Ed DeCecco

SENATE BILL 11-226

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

Gerou, Becker, Ferrandino

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH**
102 **TRANSFERS OF CERTAIN MONEYS, AND MAKING AN**
103 **APPROPRIATION IN CONNECTION THEREWITH.**

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>.)

For the purpose of augmenting the amount of revenues in the state general fund, the bill requires the state treasurer to transfer to the general fund the unexpended and unencumbered balance in the following funds:

! The read-to-achieve cash fund (**Section 1**);

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
Amended 2nd Reading
April 8, 2011

! The health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund (**Section 2**); and
! The child welfare action committee cash fund (**Section 4**).
The bill also requires the state treasurer to make the following specific transfers to the general fund:
! \$249,494 from the debt collection fund (**Section 3**);
! \$30,000,000 from the local government mineral impact fund (**Section 5**);
! \$48,100,000 from the perpetual base account of the severance tax trust fund (**Section 6**);
! \$3,500,000 from the operational account of the severance tax trust fund (**Section 7**);
! \$41,000,000 from the local government severance tax fund (**Section 8**);
! \$3,250,000 from the department of human services low-income energy assistance fund (**Section 9**).

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

2 **SECTION 1.** 22-7-908, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **22-7-908. Read-to-achieve cash fund - created.**

5 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
6 CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL
7 FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE
8 CASH FUND AS OF JUNE 30, 2011.

9 **SECTION 2.** 24-22-115 (4), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 **24-22-115. Tobacco litigation settlement cash fund - health**
12 **care supplemental appropriations and overexpenditures account -**
13 **creation - repeal.** (4) (c) NOTWITHSTANDING ANY PROVISION OF THIS
14 SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO
15 THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS
16 REMAINING IN THE HEALTH CARE SUPPLEMENTAL APPROPRIATIONS AND

1 OVEREXPENDITURES ACCOUNT AS OF JUNE 30, 2012.

2 **SECTION 3.** 24-30-202.4 (3), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **24-30-202.4. Collection of debts due the state - controller's**
5 **duties - creation of debt collection fund - definitions.**

6 (3) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS
7 SUBSECTION (3) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE
8 TREASURER SHALL DEDUCT TWO HUNDRED FORTY-NINE THOUSAND FOUR
9 HUNDRED NINETY-FOUR DOLLARS FROM THE DEBT COLLECTION FUND AND
10 TRANSFER SUCH SUM TO THE GENERAL FUND.

11 **SECTION 4.** 26-1-135 (2), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **26-1-135. Child welfare action committee - reporting - cash**
14 **fund - created.** (2) (c) NOTWITHSTANDING ANY PROVISION OF THIS
15 SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO
16 THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS
17 REMAINING IN THE FUND AS OF JULY 1, 2011.

18 **SECTION 5.** 34-63-102 (5.4), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **34-63-102. Creation of mineral leasing fund - distribution -**
21 **advisory committee - local government permanent fund created -**
22 **definitions.** (5.4) Except as otherwise provided in subsection (5.5) of
23 this section, on and after July 1, 2008, all moneys other than bonus
24 payments, as defined in paragraph (b) of subsection (5.3) of this section,
25 credited to the mineral leasing fund created in subparagraph (I) of
26 paragraph (a) of subsection (1) of this section shall be distributed on a
27 quarterly basis for quarters beginning on July 1, October 1, January 1,

1 and April 1 of each state fiscal year as follows:

2 (b.8) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF
3 THIS SUBSECTION (5.4) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE
4 TREASURER SHALL DEDUCT THIRTY MILLION DOLLARS FROM THE LOCAL
5 GOVERNMENT MINERAL IMPACT FUND AND TRANSFER SUCH SUM TO THE
6 GENERAL FUND.

7 **SECTION 6.** 39-29-109 (2) (a), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

9 **39-29-109. Severance tax trust fund - created - administration**
10 **- distribution of moneys - repeal.** (2) State severance tax receipts shall
11 be credited to the severance tax trust fund as provided in section
12 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
13 income derived from the deposit and investment of the moneys in the
14 fund shall be credited to the fund. At the end of any fiscal year, all
15 unexpended and unencumbered moneys in the fund shall remain therein
16 and shall not be credited or transferred to the general fund or any other
17 fund. All moneys in the fund shall be subject to appropriation by the
18 general assembly for the following purposes:

19 (a) **The perpetual base account.** (IX) (A) NOTWITHSTANDING
20 ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1,
21 2011, THE STATE TREASURER SHALL DEDUCT TWENTY-FIVE MILLION
22 DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND
23 TRANSFER SUCH SUM TO THE GENERAL FUND.

24 (B) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a)
25 TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL
26 DEDUCT TWENTY-THREE MILLION ONE HUNDRED THOUSAND DOLLARS
27 FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH

1 SUM TO THE GENERAL FUND.

2 **SECTION 7.** 39-29-109.3 (6), Colorado Revised Statutes, is
3 amended to read:

4 **39-29-109.3. Operational account of the severance tax trust**
5 **fund - repeal.** (6) (a) Notwithstanding any provision of this section to
6 the contrary, on April 15, 2010, the state treasurer shall deduct eleven
7 million dollars from the operational account and transfer such sum to the
8 general fund.

9 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
10 CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT
11 THREE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS FROM THE
12 OPERATIONAL ACCOUNT AND TRANSFER SUCH SUM TO THE GENERAL FUND.

13 **SECTION 8.** 39-29-110 (7), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **39-29-110. Local government severance tax fund - creation -**
16 **administration - definitions.** (7) Notwithstanding any provision of this
17 section to the contrary:

18 (c) ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT
19 FORTY-ONE MILLION DOLLARS FROM THE LOCAL GOVERNMENT
20 SEVERANCE TAX FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

21 **SECTION 9.** 40-8.7-112 (1), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF THE FOLLOWING NEW
23 PARAGRAPHS to read:

24 **40-8.7-112. Department of human services low-income energy**
25 **assistance fund - creation - energy outreach Colorado low-income**
26 **energy assistance fund - creation - governor's energy office**
27 **low-income energy assistance fund - creation - definitions.**

1 (1) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
2 SUBSECTION (1) TO THE CONTRARY, ON JUNE 30, 2011, THE STATE
3 TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY
4 THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES
5 LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE
6 GENERAL FUND.

7 (e) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
8 SUBSECTION (1) TO THE CONTRARY, ON JANUARY 5, 2012, THE STATE
9 TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY
10 THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES
11 LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE
12 GENERAL FUND.

13 SECTION 10. 42-2-114.5, Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SUBSECTION to read:

15 42-2-114.5. Licensing services cash fund.

16 (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS
17 SECTION TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER
18 SHALL DEDUCT TWO MILLION DOLLARS FROM THE LICENSING SERVICES
19 CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

20 **SECTION 11. Appropriation - adjustments in 2010 long bill.**

21 For the implementation of this act, the appropriation made in the annual
22 general appropriation act for the fiscal year beginning July 1, 2010, to the
23 department of human services, office of self-sufficiency, for the low
24 income energy assistance program, is decreased by three million two
25 hundred fifty thousand dollars (\$3,250,000) cash funds. Said sum shall
26 be from the department of human services low-income energy assistance
27 fund, created in section 40-8.7-112 (1) (a), Colorado Revised Statutes.

1 **SECTION 12. Appropriation - adjustments in 2011 long bill.**
2 For the implementation of this act, the appropriation made in the annual
3 general appropriation act for the fiscal year beginning July 1, 2011, to the
4 department of human services, office of self-sufficiency, for the low
5 income energy assistance program, is decreased by three million two
6 hundred fifty thousand dollars (\$3,250,000) cash funds. Said sum shall
7 be from the department of human services low-income energy assistance
8 fund, created in section 40-8.7-112 (1) (a), Colorado Revised Statutes.

9 **SECTION 13. 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.