

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1091.01 Ed DeCecco x4216

HOUSE BILL 20-1372

HOUSE SPONSORSHIP

Esgar and McCluskie,

SENATE SPONSORSHIP

Rankin, Moreno, Zenzinger

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF PROVISIONS RELATING TO MINED LAND
102 RECLAMATION.

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. The bill repeals 2 transfers from the severance tax operational fund:

- ! The requirement that \$500,000 of the core departmental programs appropriation to the division of reclamation, mining, and safety in the department of natural resources be annually transferred to the abandoned mine reclamation

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

fund; and

- ! The requirement that \$127,000 be transferred to a special account in the general fund that is used by the mined land reclamation board. This annual transfer is currently one of the transfers to the natural resources and energy grant programs that only occurs after funding for the core departmental programs and a reserve requirement.

As state money will no longer be transferred to the abandoned mine reclamation fund, the section containing it and another one with related definitions are repealed on July 1, 2023. The state treasurer will transfer any money in the fund on June 30, 2023, to the severance tax operational fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-34-102, **amend**
3 (1); and **add** (3) as follows:

4 **34-34-102. Abandoned mine reclamation fund - project**
5 **expenditures - repeal.** (1) The abandoned mine reclamation fund is
6 hereby created in the state treasury. The fund ~~shall consist of moneys~~
7 CONSISTS OF MONEY received pursuant to section 34-33-133 (2)(a),
8 ~~moneys~~ MONEY transferred PRIOR TO JULY 1, 2020, from the severance tax
9 operational fund pursuant to section 39-29-109.3 (1)(c), ~~C.R.S.~~, and
10 interest earned on the investment of such ~~moneys~~ MONEY. Revenues in
11 the fund shall not revert to the general fund. The fund shall be expended
12 only for the purposes specified in this section. Appropriations from the
13 fund shall be available for three successive state fiscal years. THE STATE
14 TREASURER SHALL TRANSFER ANY MONEY IN THE FUND ON JUNE 30, 2023,
15 TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION
16 39-29-109.3.

17 (3) THIS ARTICLE 34 IS REPEALED, EFFECTIVE JULY 1, 2023.

18 **SECTION 2.** In Colorado Revised Statutes, 39-29-109.3, **amend**
19 (1) introductory portion and (1)(c); and **repeal** (2)(o) as follows:

1 **39-29-109.3. Severance tax operational fund - core reserve -**
2 **grant program reserve - definitions - repeal.** (1) For fiscal years
3 commencing on and after July 1, 1997, the executive director of the
4 department of natural resources shall submit with the department's budget
5 request for each fiscal year a list and description of the programs the
6 executive director recommends to be funded from the severance tax
7 operational fund created in section 39-29-109 (2)(b), referred to in this
8 section as the "operational fund". The general assembly may appropriate
9 ~~moneys~~ MONEY from the total ~~moneys~~ MONEY available in the operational
10 fund to fund recommended programs as follows:

11 (c) For programs within the division of reclamation, mining, and
12 safety, up to thirty percent of the ~~moneys~~ MONEY in the operational fund
13 for fiscal years commencing before July 1, 2008, and up to twenty-five
14 percent of the ~~moneys~~ MONEY in the operational fund for fiscal years
15 commencing on or after July 1, 2008. ~~As part of any appropriation made,~~
16 ~~five hundred thousand dollars, or so much as may be available, shall be~~
17 ~~transferred to the abandoned mine reclamation fund created in section~~
18 ~~34-34-102 (1), C.R.S.~~

19 (2) Subject to the requirements of subsections (3) and (3.5) of this
20 section, if the general assembly chooses not to spend up to one hundred
21 percent of the money in the operational fund on core departmental
22 programs, the state treasurer shall transfer the following amounts:

23 (o) ~~For the state fiscal year commencing July 1, 2015, and for~~
24 ~~each state fiscal year thereafter, one hundred twenty-seven thousand~~
25 ~~dollars to the special account in the general fund established pursuant to~~
26 ~~section 34-32-122 (1)(a), C.R.S., by the mined land reclamation board~~
27 ~~established in section 34-32-105, C.R.S., for the purpose of reclaiming~~

1 ~~lands that were obligated to be reclaimed under permits upon which~~
2 ~~financial warranties have been forfeited;~~

3 **SECTION 3. Effective date.** This act takes effect July 1, 2020.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.