

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1293.01 Ed DeCecco x4216

HOUSE BILL 20-1406

HOUSE SPONSORSHIP

Arndt, Duran, Esgar, Kennedy, McCluskie

SENATE SPONSORSHIP

Moreno,

House Committees

Finance
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH**
102 **TRANSFERS OF CERTAIN MONEY.**

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>.)

For the purpose of augmenting the amount of revenues in the state general fund, the bill requires the state treasurer to make the following specific transfers to the general fund. On June 30, 2020, the state treasurer is required to transfer the following amounts to the general fund:

! \$2.7 million from the petroleum cleanup and redevelopment fund (**Section 1** of the bill);

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.

HOUSE
3rd Reading Unamended
June 11, 2020

HOUSE
Amended 2nd Reading
June 10, 2020

- ! \$1 million from the workers' compensation cash fund (**Section 2**);
- ! \$2 million from the unemployment revenue fund (**Section 3**);
- ! \$500,000 from the conveyance safety fund (**Section 4**);
- ! \$1 million from the school safety resource center cash fund (**Section 8**);
- ! \$771,204 from the waste tire market development fund, as it existed prior to its repeal in 2018 (**Section 9**);
- ! \$5.6 million from the small communities water and wastewater grant fund (**Section 11**);
- ! \$180,000 from the vital statistics records cash fund (**Section 12**);
- ! \$433,728 from the construction sector fund (**Section 13**);
- ! \$500,000 from the public and private utilities sector fund (**Section 13**);
- ! \$483,535 from the water quality improvement fund (**Section 14**);
- ! \$422,411 from the hazardous waste service fund (**Section 15**);
- ! \$363,243 from the solid waste management fund (**Section 17**);
- ! \$5,372,415 from the waste tire administration, enforcement, market development, and cleanup fund (**Section 18**);
- ! \$1.4 million from the end users fund (**Section 19**); and
- ! \$1.6 million from the marijuana cash fund (**Section 21**).

On July 1, 2020, the state treasurer is required to transfer the following amounts to the general fund:

- ! \$1,224,100 from the division of insurance cash fund (**Section 5**);
- ! \$370,795 from the division of banking cash fund (**Section 6**);
- ! \$267,521 from the prescription drug monitoring fund (**Section 7**);
- ! \$130,000 from the state archives and records cash fund (**Section 10**);
- ! \$4,908,395 from an account with the proceeds of sales of real estate that was acquired for military purposes (**Section 16**); and
- ! \$1,007,176 from the highway-rail crossing signalization fund (**Section 20**).

1 **SECTION 1.** In Colorado Revised Statutes, 8-20.5-103, **add** (7.5)
2 and (9)(e) as follows:

3 **8-20.5-103. Petroleum storage tank fund - petroleum cleanup**
4 **and redevelopment fund - creation - rules - repeal.** (7.5) IN ADDITION
5 TO THE SOURCES IDENTIFIED IN SUBSECTION (1) OF THIS SECTION, THE
6 PETROLEUM STORAGE TANK FUND INCLUDES THE AMOUNT TRANSFERRED
7 FROM THE PETROLEUM CLEANUP AND REDEVELOPMENT FUND IN
8 ACCORDANCE WITH SUBSECTION (9)(e)(II) OF THIS SECTION. ON OCTOBER
9 15, AND THE FIFTEENTH DAY OF EACH OF THE NEXT SEVEN MONTHS, THE
10 STATE TREASURER SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS
11 FROM THE PETROLEUM STORAGE TANK FUND TO THE GENERAL FUND.
12 THESE TRANSFERS ARE REPAYMENT FOR THE TRANSFER FROM THE
13 PETROLEUM CLEAN UP AND REDEVELOPMENT FUND, AS THE ORIGINAL
14 AMOUNT TRANSFERRED WOULD HAVE OTHERWISE TRANSFERRED TO THE
15 GENERAL FUND.

16 (9) (e) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
17 SECTION TO THE CONTRARY, ON JUNE 30, 2020, THE STATE TREASURER
18 SHALL TRANSFER TWO MILLION ___ DOLLARS FROM THE REDEVELOPMENT
19 FUND TO THE GENERAL FUND.

20 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
21 ON THE EFFECTIVE DATE OF THIS SUBSECTION (9)(e)(II), THE STATE
22 TREASURER SHALL TRANSFER FOUR MILLION DOLLARS FROM THE
23 REDEVELOPMENT FUND TO THE PETROLEUM STORAGE TANK FUND
24 CREATED IN SUBSECTION (1) OF THIS SECTION.

25 **SECTION 2.** In Colorado Revised Statutes, 8-44-112, **add** (7)(e)
26 as follows:

27 **8-44-112. Surcharge on workers' compensation insurance**

1 **premiums - workers' compensation cash fund.**

2 (7) (e) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, ON JUNE
3 30, 2020, THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS
4 FROM THE WORKERS' COMPENSATION CASH FUND TO THE GENERAL FUND.

5 **SECTION 3.** In Colorado Revised Statutes, 8-77-106, **add** (7) as
6 follows:

7 **8-77-106. Unemployment revenue fund.** (7) NOTWITHSTANDING
8 ANY OTHER PROVISION OF THIS SECTION, ON JUNE 30, 2020, THE STATE
9 TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE
10 UNEMPLOYMENT REVENUE FUND TO THE GENERAL FUND.

11 **SECTION 4.** In Colorado Revised Statutes, 9-5.5-111, **add** (3)
12 as follows:

13 **9-5.5-111. Registration of existing conveyances - fund.**
14 (3) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, ON JUNE 30,
15 2020, THE STATE TREASURER SHALL TRANSFER FIVE HUNDRED THOUSAND
16 DOLLARS FROM THE FUND TO THE GENERAL FUND.

17 **SECTION 5.** In Colorado Revised Statutes, 10-1-103, **add** (3.5)
18 as follows:

19 **10-1-103. Division of insurance - subject to repeal - repeal of**
20 **functions.** (3.5) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, ON
21 JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER ONE MILLION TWO
22 HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED DOLLARS FROM THE
23 DIVISION OF INSURANCE CASH FUND TO THE GENERAL FUND.

24 **SECTION 6.** In Colorado Revised Statutes, **amend** 11-102-403
25 as follows:

26 **11-102-403. Division of banking cash fund - creation.** (1) All
27 fees and assessments collected by the banking board shall be transmitted

1 to the state treasurer, who shall credit the same to the division of banking
2 cash fund, which fund is hereby created in the state treasury. All ~~moneys~~
3 MONEY in the fund shall be subject to appropriation by the general
4 assembly for the direct and indirect costs of the activities of the banking
5 board and the division. All interest derived from the deposit and
6 investment of ~~moneys~~ MONEY in the fund shall be credited to the fund.
7 Any ~~moneys~~ MONEY not appropriated shall remain in the fund and shall
8 not be transferred or revert to the general fund of the state at the end of
9 any fiscal year.

10 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON JULY
11 1, 2020, THE STATE TREASURER SHALL TRANSFER THREE HUNDRED
12 SEVENTY THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS FROM THE
13 DIVISION OF BANKING CASH FUND TO THE GENERAL FUND.

14 **SECTION 7.** In Colorado Revised Statutes, 12-280-405, **add** (4)
15 as follows:

16 **12-280-405. Prescription drug monitoring fund - creation -**
17 **gifts, grants, and donations - report - fee.** (4) NOTWITHSTANDING
18 SUBSECTION (1) OF THIS SECTION, ON JULY 1, 2020, THE STATE TREASURER
19 SHALL TRANSFER TWO HUNDRED SIXTY-SEVEN THOUSAND FIVE HUNDRED
20 TWENTY-ONE DOLLARS FROM THE PRESCRIPTION DRUG MONITORING FUND
21 CREATED IN SUBSECTION (1) OF THIS SECTION TO THE GENERAL FUND.

22 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-1807, **add**
23 (5.5) as follows:

24 **24-33.5-1807. School safety resource center cash fund - repeal.**
25 (5.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON
26 JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER ONE MILLION
27 DOLLARS FROM THE FUND TO THE GENERAL FUND.

1 **SECTION 9.** In Colorado Revised Statutes, **add** 24-75-224 as
2 follows:

3 **24-75-224. Transfer from repealed cash fund - repeal.** (1) ON
4 JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER SEVEN HUNDRED
5 SEVENTY-ONE THOUSAND TWO HUNDRED FOUR DOLLARS FROM THE WASTE
6 TIRE MARKET DEVELOPMENT FUND CREATED IN SECTION 30-20-1406, AS
7 IT EXISTED PRIOR TO ITS REPEAL IN 2018, TO THE GENERAL FUND.

8 (2) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2020.

9 **SECTION 10.** In Colorado Revised Statutes, 24-80-102, **add**
10 (10)(c) as follows:

11 **24-80-102. State archives and records - personnel - duties -**
12 **cash fund - rules - definition.** (10) (c) NOTWITHSTANDING SUBSECTION
13 (10)(a) OF THIS SECTION, ON JULY 1, 2020, THE STATE TREASURER SHALL
14 TRANSFER ONE HUNDRED THIRTY THOUSAND DOLLARS FROM THE STATE
15 ARCHIVES AND RECORDS CASH FUND TO THE GENERAL FUND.

16 **SECTION 11.** In Colorado Revised Statutes, 25-1.5-208, **add**
17 (4)(c) as follows:

18 **25-1.5-208. Grant program for public water systems and**
19 **domestic wastewater treatment works - small communities water and**
20 **wastewater grant fund - rules.** (4) (c) NOTWITHSTANDING SUBSECTION
21 (4)(a) OF THIS SECTION, ON JUNE 30, 2020, THE STATE TREASURER SHALL
22 TRANSFER FIVE MILLION SIX HUNDRED THOUSAND DOLLARS FROM THE
23 SMALL COMMUNITIES WATER AND WASTEWATER GRANT FUND TO THE
24 GENERAL FUND.

25 **SECTION 12.** In Colorado Revised Statutes, 25-2-121, **add** (4)
26 as follows:

27 **25-2-121. Fee adjustments - vital statistics records cash fund**

1 **created.** (4) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, ON
2 JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED
3 EIGHTY THOUSAND DOLLARS FROM THE VITAL STATISTICS RECORDS CASH
4 FUND TO THE GENERAL FUND.

5 **SECTION 13.** In Colorado Revised Statutes, 25-8-502, **add**
6 (1.5)(e) as follows:

7 **25-8-502. Application - definitions - fees - funds created -**
8 **public participation - repeal.** (1.5) (e) (I) NOTWITHSTANDING ANY
9 OTHER PROVISION OF THIS SECTION, ON JUNE 30, 2020, THE STATE
10 TREASURER SHALL TRANSFER FOUR HUNDRED THIRTY-THREE THOUSAND
11 SEVEN HUNDRED TWENTY-EIGHT DOLLARS FROM THE CONSTRUCTION
12 SECTOR FUND TO THE GENERAL FUND.

13 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
14 ON JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER FIVE HUNDRED
15 THOUSAND DOLLARS FROM THE PUBLIC AND PRIVATE UTILITIES SECTOR
16 FUND TO THE GENERAL FUND.

17 **SECTION 14.** In Colorado Revised Statutes, 25-8-608, **add** (5)
18 as follows:

19 **25-8-608. Civil penalties - rules - fund created - temporary**
20 **moratorium on penalties for minor violations - definitions - repeal.**
21 (5) NOTWITHSTANDING SUBSECTIONS (1.5) AND (1.7) OF THIS SECTION, ON
22 JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER FOUR HUNDRED
23 EIGHTY-THREE THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS FROM
24 THE WATER QUALITY IMPROVEMENT FUND TO THE GENERAL FUND.

25 **SECTION 15.** In Colorado Revised Statutes, **amend** 25-15-304
26 as follows:

27 **25-15-304. Hazardous waste service fund created.** (1) There

1 is created in the state treasury a hazardous waste service fund, which shall
2 consist of fees collected pursuant to section 25-15-302 (3.5) to reimburse
3 the state for its annual program expenses incurred in the maintenance,
4 monitoring, and other supervision of the lands and facilities used for the
5 storage, treatment, and disposal of hazardous waste. Such ~~moneys~~ MONEY
6 shall be appropriated annually to the department by the general assembly
7 which shall review such expenditures to assure that they are used to
8 accomplish the purposes of this section. All unappropriated balances in
9 the hazardous waste service fund shall remain therein and shall not revert
10 to the general fund.

11 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON JUNE
12 30, 2020, THE STATE TREASURER SHALL TRANSFER FOUR HUNDRED
13 TWENTY-TWO THOUSAND FOUR HUNDRED ELEVEN DOLLARS FROM THE
14 HAZARDOUS WASTE SERVICE FUND TO THE GENERAL FUND.

15 **SECTION 16.** In Colorado Revised Statutes, 28-3-106, **add**
16 (1)(s)(III) as follows:

17 **28-3-106. Powers and duties of adjutant general.** (1) The
18 adjutant general has the following powers and duties:

19 (s) (III) NOTWITHSTANDING SUBSECTION (1)(s)(I) OF THIS
20 SECTION, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER FOUR
21 MILLION NINE HUNDRED EIGHT THOUSAND THREE HUNDRED NINETY-FIVE
22 DOLLARS FROM THE ACCOUNT SPECIFIED IN SUBSECTION (1)(s)(I) OF THIS
23 SECTION TO THE GENERAL FUND.

24 **SECTION 17.** In Colorado Revised Statutes, 30-20-118, **add** (3)
25 as follows:

26 **30-20-118. Solid waste management fund - created.**
27 (3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON JUNE 30,

1 2020, THE STATE TREASURER SHALL TRANSFER THREE HUNDRED
2 SIXTY-THREE THOUSAND TWO HUNDRED FORTY-THREE DOLLARS FROM THE
3 SOLID WASTE MANAGEMENT FUND TO THE GENERAL FUND.

4 **SECTION 18.** In Colorado Revised Statutes, 30-20-1404, **add** (8)
5 as follows:

6 **30-20-1404. Waste tire administration, enforcement, market**
7 **development, and cleanup fund - creation - rules.**

8 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON JUNE
9 30, 2020, THE STATE TREASURER SHALL TRANSFER FIVE MILLION THREE
10 HUNDRED SEVENTY-TWO THOUSAND FOUR HUNDRED FIFTEEN DOLLARS
11 FROM THE FUND TO THE GENERAL FUND.

12 **SECTION 19.** In Colorado Revised Statutes, 30-20-1405, **add**
13 (1.5) as follows:

14 **30-20-1405. End users fund - creation - quarterly rebates -**
15 **rules - repeal.** (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
16 SECTION, ON JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER ONE
17 MILLION FOUR HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE
18 GENERAL FUND.

19 **SECTION 20.** In Colorado Revised Statutes, **33-14.5-106, add**
20 **(4) as follows:**

21 **33-14.5-106. Off-highway vehicle recreation fund - creation -**
22 **use of money.** (4) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION,
23 **ON JUNE 30, 2020, THE STATE TREASURER SHALL TRANSFER FIVE MILLION**
24 **DOLLARS FROM THE OFF-HIGHWAY VEHICLE RECREATION FUND TO THE**
25 **GENERAL FUND.**

26 **SECTION 21.** In Colorado Revised Statutes, **34-63-102, amend**
27 **(5.3)(a) introductory portion; and add (5.3)(a)(I)(F) as follows:**

1 **34-63-102. Creation of mineral leasing fund - distribution -**
2 **advisory committee - local government permanent fund created -**
3 **definitions - transfer of money.** (5.3) (a) Bonus payments credited to
4 the mineral leasing fund created in subparagraph (H) of paragraph (a) of
5 subsection (1) SUBSECTION (1)(a)(II) of this section shall be distributed on
6 a quarterly basis for each quarter commencing on July 1, October 1,
7 January 1, or April 1 of any state fiscal year as follows:

8 (I) (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
9 SECTION, THE STATE TREASURER SHALL TRANSFER TWO MILLION THREE
10 HUNDRED THOUSAND DOLLARS FROM THE LOCAL GOVERNMENT
11 PERMANENT FUND TO THE GENERAL FUND.

12 **SECTION 22.** In Colorado Revised Statutes, 40-29-116, **add** (3)
13 as follows:

14 **40-29-116. Highway-rail crossing signalization fund created**
15 **- annual appropriation.** (3) NOTWITHSTANDING ANY OTHER PROVISION
16 OF THIS SECTION, ON JULY 1, 2020, THE STATE TREASURER SHALL
17 TRANSFER ONE MILLION SEVEN THOUSAND ONE HUNDRED SEVENTY-SIX
18 DOLLARS FROM THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND TO
19 THE GENERAL FUND.

20 **SECTION 23.** In Colorado Revised Statutes, 44-11-501, **add**
21 (1)(d)(IV) as follows:

22 **44 - 11 - 501 . Marijuana cash fund .**
23 (1) (d) (IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON JUNE
24 30, 2020, THE STATE TREASURER SHALL TRANSFER ONE MILLION SIX
25 HUNDRED THOUSAND DOLLARS FROM THE MARIJUANA CASH FUND TO THE
26 GENERAL FUND.

27 **SECTION 24. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.