

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

REVISED

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

LLS NO. 22-0976.02 Nicole Myers x4326

HOUSE BILL 22-1340

HOUSE SPONSORSHIP

Herod and McCluskie, Esgar, Exum, Garnett, Ricks

SENATE SPONSORSHIP

Hansen and Zenzinger,

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CAPITAL-RELATED TRANSFERS OF 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/>.)

Joint Budget Committee. On July 1, 2022, the bill transfers:

- \$350,394,004 from the general fund to the affordable housing and home ownership cash fund;
- \$350,394,004 from the affordable housing and home ownership cash fund to the revenue loss restoration cash fund;
- \$4,639,443 from the general fund to the capital construction fund;

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.*

SENATE
Amended 2nd Reading
April 11, 2022

HOUSE
3rd Reading Unamended
March 31, 2022

HOUSE
2nd Reading Unamended
March 30, 2022

- \$122,225,865 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

Pursuant to current law, on July 1, 2021, the state treasurer and the state controller transferred \$110,000,000 from the general fund to the controlled maintenance trust fund to be appropriated in the 2022-23 state fiscal year for controlled maintenance budget requests prioritized by the office of the state architect as level one and level 2 priority projects. The bill eliminates the requirement that the transferred money be appropriated for the 2022-23 state fiscal year.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-227, **amend**
 3 (2)(a) and (3)(b) as follows:

4 **24-75-227. Revenue loss restoration cash fund - creation -**
 5 **allowable uses - definitions - repeal.** (2) (a) The revenue loss
 6 restoration cash fund is created in the state treasury. The fund consists of
 7 money credited to the fund in accordance with subsection (2)(b) of this
 8 section AND SECTION 24-75-229 (4)(b). Subject to the limitations set forth
 9 in subsection (3) of this section, the general assembly may appropriate
 10 money from the fund to a department for the provision of government
 11 services, including kindergarten through twelfth grade public education,
 12 housing, state employees, asset maintenance, seniors, criminal justice,
 13 state parks, agriculture, and transportation infrastructure. The general
 14 assembly may transfer money from the fund to another cash fund to be
 15 used for the provision of such government services.

16 (3) (b) (I) If the amount appropriated, expended, or transferred in
 17 a fiscal year from the fund is less than the limit specified in subsection
 18 (3)(a) of this section, then the general assembly may appropriate or
 19 transfer the remainder for any later fiscal year.

1 (II) THE LIMIT SPECIFIED IN THIS SUBSECTION (3) DOES NOT APPLY
2 TO ANY AMOUNT APPROPRIATED FROM THE FUND FOR THE 2022-23 FISCAL
3 YEAR FOR CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED
4 MAINTENANCE, AS EACH TERM IS DEFINED IN SECTION 24-30-1301.

5 **SECTION 2.** In Colorado Revised Statutes, 24-75-229, **amend**
6 **(4); and add (3)(d) as follows:**

7 **24-75-229. Affordable housing and home ownership cash fund**
8 **- creation - allowable uses - task force - legislative declaration -**
9 **definitions - repeal.** (3) (d) ON JULY 1, 2022, THE STATE TREASURER
10 SHALL TRANSFER THREE HUNDRED FIFTY MILLION THREE HUNDRED
11 NINETY-FOUR THOUSAND FOUR DOLLARS FROM THE GENERAL FUND TO THE
12 FUND.

13 (4) (a) Three days after June 25, 2021, the state treasurer shall
14 transfer one million five hundred thousand dollars from the fund to the
15 eviction legal defense fund created in section 13-40-127 (2).

16 (b) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER
17 THREE HUNDRED FIFTY MILLION THREE HUNDRED NINETY-FOUR THOUSAND
18 FOUR DOLLARS FROM THE FUND TO THE REVENUE LOSS RESTORATION CASH
19 FUND CREATED IN SECTION 24-75-227.

20 **SECTION 3.** In Colorado Revised Statutes, 24-75-302, **amend**
21 (2) introductory portion, (2.5)(o) and (2.5)(p); **amend as amended by**
22 **House Bill 22-1195 (2)(oo) and (2.3)(j); amend as added by House Bill**
23 **22-1195 (2)(pp) and (2.3)(k); and add (2)(qq), (2.3)(l), and (2.5)(q) as**
24 **follows:**

25 **24-75-302. Capital construction fund - capital assessment fees**
26 **- calculation - information technology capital account - repeal.**
27 (2) The controller shall transfer a sum as specified in this subsection (2)

1 from the general fund to the capital construction fund as money becomes
2 available in the general fund during the fiscal year beginning on July 1 of
3 the fiscal year in which the transfer is made OR ON THE DATE OTHERWISE
4 SPECIFIED FOR THE TRANSFER. Transfers between funds pursuant to this
5 subsection (2) are not appropriations subject to the limitations of section
6 24-75-201.1. The amounts transferred pursuant to this subsection (2) are
7 as follows:

8 (oo) For the 2021-22 fiscal year, one hundred nine thousand four
9 hundred sixty two dollars pursuant to S.B. 21-064, enacted in 2021; ~~and~~

10 (pp) On April 1, 2022, four million one hundred thirteen thousand
11 two hundred sixteen dollars; AND

12 (qq) ON JULY 1, 2022, FOUR MILLION SIX HUNDRED THIRTY-NINE
13 THOUSAND FOUR HUNDRED FORTY-THREE DOLLARS.

14 (2.3) In addition to the sums transferred pursuant to subsections
15 (2) and (2.5) of this section, the state treasurer and the controller shall
16 transfer a sum as specified in this subsection (2.3) from the general fund
17 to the information technology capital account created in subsection (3.7)
18 of this section as money becomes available in the general fund during the
19 fiscal year beginning on July 1 of the fiscal year in which the transfer is
20 made or on April 1 of the fiscal year if otherwise specified. Transfers
21 between funds pursuant to this subsection (2.3) are not appropriations
22 subject to the limitations of section 24-75-201.1. The amounts transferred
23 pursuant to this subsection (2.3) are as follows:

24 (j) On July 1, 2021, twenty-seven million forty thousand three
25 hundred two dollars; ~~and~~

26 (k) On April 1, 2022, nine hundred fifty thousand six hundred
27 ninety dollars; AND

1 (l) ON JULY 1, 2022, ONE HUNDRED TWENTY-TWO MILLION TWO
2 HUNDRED TWENTY-FIVE THOUSANDEIGHT HUNDRED SIXTY-FIVE DOLLARS.

3 (2.5) In addition to the sums transferred pursuant to subsections
4 (2) and (2.3) of this section, the state treasurer and the controller shall
5 transfer a sum as specified in this subsection (2.5) from the general fund
6 exempt account of the general fund created pursuant to section
7 24-77-103.6 to the capital construction fund as money becomes available
8 in the general fund exempt account during the fiscal year beginning on
9 July 1 of the fiscal year in which the transfer is made. Transfers between
10 funds pursuant to this subsection (2.5) are not appropriations subject to
11 the limitations of section 24-75-201.1. The amounts transferred pursuant
12 to this subsection (2.5) are as follows:

13 (o) On July 1, 2020, five hundred thousand dollars; ~~and~~

14 (p) On July 1, 2021, five hundred thousand dollars; AND

15 (q) ON JULY 1, 2022, FIVE HUNDRED THOUSAND DOLLARS.

16 **SECTION 4.** In Colorado Revised Statutes, 24-75-302.5, **amend**
17 (10) as follows:

18 **24-75-302.5. Controlled maintenance - trust fund - legislative**
19 **declaration.** (10) Notwithstanding any provision of this section to the
20 contrary, on July 1, 2021, the state treasurer and the controller shall
21 transfer one hundred ten million dollars from the general fund to the
22 controlled maintenance trust fund ~~to be appropriated in the 2022-23 state~~
23 ~~fiscal year~~ for controlled maintenance budget requests prioritized by the
24 office of the state architect as level one and level two priority projects
25 under section 24-30-1303 (1)(t)(II).

26 **SECTION 5. 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.