

# MEMORANDUM



# JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members  
FROM JBC Staff  
DATE January 26, 2023  
SUBJECT Potential Legislation

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This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

## POTENTIAL LEGISLATION

General Fund Transfers for Capital Construction LLS 23-0796 (Uhl) ..... 1

State Severance Tax Trust Fund Allocation LLS 23-0792 (Burmeister) ..... 4

Fentanyl Study Deadline and Appropriation LLS 23-0793 (Magnus) ..... 7

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
1.24.23

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LLS NO. 23-0796.01 Jason Gelender x4330

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** "General Fund Transfers For Capital Construction"

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**A BILL FOR AN ACT**

101 **CONCERNING TRANSFERS FROM THE GENERAL FUND FOR CAPITAL**  
102 **CONSTRUCTION.**

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**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.** For the 2022-23 state fiscal year, the bill transfers from the general fund:

- \$5,592,930 to the capital construction fund;
- \$4,908,395 to the real estate proceeds account that is used, subject to annual appropriation, by the adjutant general of the state for capital construction related to armories; and

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

- \$499,500 to the information technology capital account of the capital construction fund.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend**  
3 (2)(pp), (2)(qq), (2.3)(l), and (2.3)(m); and **add** (2)(rr) and (2.3)(n) as  
4 follows:

5           **24-75-302. Capital construction fund - capital assessment fees**  
6 **- calculation - information technology capital account.** (2) The  
7 controller shall transfer a sum as specified in this subsection (2) from the  
8 general fund to the capital construction fund as money becomes available  
9 in the general fund during the fiscal year beginning on July 1 of the fiscal  
10 year in which the transfer is made or on the date otherwise specified for  
11 the transfer. Transfers between funds pursuant to this subsection (2) are  
12 not appropriations subject to the limitations of section 24-75-201.1. The  
13 amounts transferred pursuant to this subsection (2) are as follows:

14           (pp) On April 1, 2022, four million one hundred thirteen thousand  
15 two hundred sixteen dollars; ~~and~~

16           (qq) On July 1, 2022, four million six hundred thirty-nine  
17 thousand four hundred forty-three dollars; AND

18           (rr) ON APRIL 1, 2023, FIVE MILLION FIVE HUNDRED NINETY-TWO  
19 THOUSAND NINE HUNDRED THIRTY DOLLARS.

20           (2.3) In addition to the sums transferred pursuant to subsections  
21 (2) and (2.5) of this section, the state treasurer and the controller shall  
22 transfer a sum as specified in this subsection (2.3) from the general fund  
23 to the information technology capital account created in subsection (3.7)  
24 of this section as money becomes available in the general fund during the  
25 fiscal year beginning on July 1 of the fiscal year in which the transfer is

1 made or on April 1 of the fiscal year if otherwise specified. Transfers  
2 between funds pursuant to this subsection (2.3) are not appropriations  
3 subject to the limitations of section 24-75-201.1. The amounts transferred  
4 pursuant to this subsection (2.3) are as follows:

- 5 (l) On April 1, 2022, three million five hundred dollars; ~~and~~
- 6 (m) On July 1, 2022, one hundred six million six hundred  
7 sixty-one thousand eight hundred seventy-seven dollars; AND
- 8 (n) ON APRIL 1, 2023, FOUR HUNDRED NINETY-NINE THOUSAND  
9 FIVE HUNDRED DOLLARS.

10 **SECTION 2.** In Colorado Revised Statutes, 28-3-106, **add**  
11 (1)(s)(IV) as follows:

12 **28-3-106. Powers and duties of adjutant general.** (1) The  
13 adjutant general has the following powers and duties:

- 14 (s) (IV) ON APRIL 1, 2023, THE STATE TREASURER SHALL  
15 TRANSFER FOUR MILLION NINE HUNDRED EIGHT THOUSAND THREE  
16 HUNDRED NINETY-FIVE DOLLARS FROM THE GENERAL FUND TO THE  
17 ACCOUNT SPECIFIED IN SUBSECTION (1)(s)(I) OF THIS SECTION.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
1.24.23

DRAFT

LLS NO. 23-0792.01 Alison Killen x4350

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC: "State Severance Tax Trust Fund Allocation"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE TRANSFER OF MONEY FROM THE SEVERANCE TAX**  
102 **OPERATIONAL FUND TO THE WILDFIRE MITIGATION CAPACITY**  
103 **DEVELOPMENT FUND, AND, IN CONNECTION THEREWITH,**  
104 **MAKING AN APPROPRIATION.**

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**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 authorizes the general assembly to appropriate up to \$5 million from the severance tax operational fund (operational fund) to the wildfire mitigation capacity

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development fund and makes a corresponding appropriation. Such transfer may be made only if less than 100% of the money available in the operational fund is used for current core programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-29-109.3, **amend**  
3 (1)(g)(II) and (1)(g)(III); and **add** (1)(g)(IV) as follows:

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

13 (g) If the general assembly appropriates less than one hundred  
14 percent of the money available in the operational fund for the purposes set  
15 forth in subsections (1)(a) to (1)(f) of this section, then the general  
16 assembly may additionally appropriate:

17 (II) Up to four million six thousand five dollars from the  
18 operational fund to the division of parks and wildlife aquatic nuisance  
19 species fund created in section 33-10.5-108 (1); ~~and~~

20 (III) Up to four hundred fifty thousand dollars to the conservation  
21 district grant fund created in section 35-1-106.7; AND

22 (IV) UP TO FIVE MILLION DOLLARS TO THE WILDFIRE MITIGATION  
23 CAPACITY DEVELOPMENT FUND CREATED IN SECTION 24-33-117 (1).

24 **SECTION 2.** In Colorado Revised Statutes, 24-33-117, **amend**

1 (1) as follows:

2 **24-33-117. Wildfire mitigation capacity development fund -**  
3 **established - financing - legislative intent - repeal.** (1) The wildfire  
4 mitigation capacity development fund is hereby created in the state  
5 treasury. The fund consists of money transferred to the fund pursuant to  
6 subsection (5) of this section, MONEY APPROPRIATED TO THE FUND  
7 PURSUANT TO SECTION 39-29-109.3 (1)(g)(IV), and any other money that  
8 the general assembly may appropriate or transfer to the fund.

9 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,  
10 \$5,000,000 is appropriated to the wildfire mitigation capacity  
11 development fund created in section 24-33-117 (1), C.R.S. This  
12 appropriation is from the severance tax operational fund created in  
13 section 39-29-109 (2)(b), C.R.S. The department of natural resources is  
14 responsible for the accounting related to this appropriation.

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

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
1.24.23

DRAFT

LLS NO. 23-0793.01 Jacob Baus x2173

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC: "Fentanyl Study Deadline And Appropriation"**

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**A BILL FOR AN ACT**

101 **CONCERNING EXTENDING THE CONTRACT DEADLINE FOR THE**  
102 **INDEPENDENT STUDY OF HOUSE BILL 22-1326, AND, IN**  
103 **CONNECTION THEREWITH, EXTENDING A RELATED EXISTING**  
104 **APPROPRIATION.**

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**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 extends the deadline from January 1, 2023, to October 1, 2023, for when the department of public health and environment (department) must contract with an independent

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entity to conduct a study concerning House Bill 22-1326.

The bill extends the authority for the department to use the appropriation received in the 2022-23 state fiscal year to pay for the independent study through the 2024-25 state fiscal year.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25-20.5-1501,  
3 **amend** (1)(a) as follows:

4           **25-20.5-1501. Independent study - report - repeal.** (1) (a) By  
5 ~~January 1, 2023~~ OCTOBER 1, 2023, the department shall contract with an  
6 independent entity to conduct a study and publish a report concerning the  
7 impact and implementation of House Bill 22-1326.

8           **SECTION 2.** In Colorado Revised Statutes, Session Laws of  
9 Colorado 2022, section 56 of chapter 225 (HB 22-1326), **add** (13) as  
10 follows:

11           Section 56. **Appropriation.** (13) ANY MONEY APPROPRIATED IN  
12 SUBSECTION (5)(f) OF THIS SECTION NOT EXPENDED PRIOR TO JULY 1,  
13 2023, IS FURTHER APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH  
14 AND ENVIRONMENT FOR USE BY THE PREVENTION SERVICES DIVISION FOR  
15 THE 2023-24 AND 2024-25 STATE FISCAL YEARS FOR THE SAME PURPOSE.

16           **SECTION 3. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, or safety.