

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. 20-0826.01 Pierce Lively x2059

**HOUSE BILL 20-1142**

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**HOUSE SPONSORSHIP**

**Cutter,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Energy & Environment  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM**  
102 **THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE**  
103 **CONSTITUTION TO ADMINISTER A FEE-BASED HAZARD**  
104 **MITIGATION GRANT PROGRAM.**

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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>.)*

**Section 1** of the bill creates the hazard mitigation enterprise (enterprise). The enterprise collects a fee on insurance companies that offer certain insurance policies and use the fee revenue to finance the

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.

hazard mitigation grant program, provide public education on the importance of insurance in buying down risk and for the continuity of business operations, and provide local governments technical information and support on natural hazard mitigation through land use and building codes. The enterprise awards hazard mitigation grants to assist entities that apply for federal grants that require matching funds and are dedicated to assisting in the implementation of pre-disaster hazard mitigation measures.

**Section 2** sets the fee at .05% of the insurance premiums collected by insurance companies that offer certain insurance policies.

The enterprise shall submit a report by July 1 of each year to the committees of reference of the general assembly to which the department of public safety is assigned regarding the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1618 as  
3 follows:

4 **24-33.5-1618. Hazard mitigation enterprise - fund - goals -**  
5 **grant program - gifts, grants, or donations - legislative declaration -**  
6 **definitions. (1) Legislative declaration.** THE GENERAL ASSEMBLY  
7 HEREBY:

8 (a) FINDS AND DETERMINES THAT:

9 (I) THERE IS NO LONG-TERM, CONSISTENT SOURCE OF FUNDS TO  
10 MITIGATE HAZARD EXPOSURE IN COLORADO;

11 (II) THIS LACK OF FUNDS LIMITS THE ABILITY OF LOCAL  
12 GOVERNMENTS, PARTICULARLY SMALLER JURISDICTIONS, TO TAKE  
13 ADVANTAGE OF FEDERAL FUNDING AVAILABLE TO MITIGATE KNOWN  
14 HAZARDS BECAUSE OF FEDERAL GRANT MATCH REQUIREMENTS;

15 (III) THERE IS A CLEAR RELATIONSHIP BETWEEN HAZARD  
16 INSURANCE AND MITIGATING HAZARD EXPOSURE AND INSURERS ARE  
17 TAKING AN INCREASINGLY ACTIVE ROLE IN ENCOURAGING, AND IN SOME  
18 CASES REQUIRING, MITIGATION EFFORTS AMONG THEIR CUSTOMERS;

1 (IV) FOR EXAMPLE, COLORADO INSURANCE COMPANIES WILL  
2 OFTEN REQUIRE HOMEOWNERS WHO LIVE IN WILDFIRE PRONE AREAS TO  
3 MITIGATE FIRE HAZARDS ON THEIR PROPERTY; AND

4 (V) ACCORDINGLY, FUNDING FOR ONGOING MITIGATION EFFORTS  
5 SHOULD BE RELATED TO PROPERTY AND CASUALTY INSURANCE PRODUCTS;  
6 AND

7 (b) DECLARES THAT:

8 (I) THE HAZARD MITIGATION ENTERPRISE PROVIDES VALUABLE  
9 SERVICES, BENEFITS, AND USEFUL BUSINESS SERVICES TO INSURERS, WHEN,  
10 IN EXCHANGE FOR PAYMENT OF THE FEE DESCRIBED IN SECTION 10-3-209  
11 (4), THE ENTERPRISE USES THE FEES TO:

12 (A) ASSIST ENTITIES THAT APPLY FOR FEDERAL GRANTS  
13 DEDICATED TO ASSISTING IN THE IMPLEMENTATION OF PRE-DISASTER  
14 HAZARD MITIGATION MEASURES BY ISSUING GRANTS TO HELP THE ENTITIES  
15 PROVIDE THE MATCHING FUNDS REQUIRED FOR THE FEDERAL GRANTS;

16 (B) PROVIDE PUBLIC EDUCATION ON THE IMPORTANCE OF  
17 INSURANCE IN BUYING DOWN RISK AND FOR THE CONTINUITY OF BUSINESS  
18 OPERATIONS; AND

19 (C) PROVIDE LOCAL GOVERNMENTS TECHNICAL INFORMATION AND  
20 SUPPORT ON NATURAL HAZARD MITIGATION;

21 (II) BY PROVIDING THE BENEFITS AND SERVICES SPECIFIED IN  
22 SUBSECTION (1)(b)(I) OF THIS SECTION, THE HAZARD MITIGATION  
23 ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A  
24 BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

25 (III) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
26 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
27 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT

1 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
2 CONSTITUTION, THE USER FEE COLLECTED BY THE ENTERPRISE IS A FEE,  
3 NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSE OF  
4 ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE  
5 BUSINESS SERVICES SPECIFIED IN SUBSECTION (1)(b)(I) OF THIS SECTION TO  
6 INSURERS THAT PAY THE FEE AND THE FEE IS COLLECTED AT RATES THAT  
7 ARE REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY  
8 THOSE INSURERS; AND

9 (IV) SO LONG AS THE HAZARD MITIGATION ENTERPRISE QUALIFIES  
10 AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE  
11 STATE CONSTITUTION, THE REVENUE FROM THE USER FEES COLLECTED BY  
12 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN  
13 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION  
14 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE  
15 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF  
16 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
17 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(B).

18 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
19 OTHERWISE REQUIRES:

20 (a) "ELIGIBLE ENTITY" MEANS A STATE AGENCY OR POLITICAL  
21 SUBDIVISION OF THE STATE THAT IS APPLYING FOR A FEDERAL GRANT THAT  
22 BOTH REQUIRES MATCHING FUNDS AND IS DEDICATED TO ASSISTING IN THE  
23 IMPLEMENTATION OF PRE-DISASTER HAZARD MITIGATION MEASURES.

24 (b) "ENTERPRISE" MEANS THE HAZARD MITIGATION ENTERPRISE  
25 CREATED IN SUBSECTION (3) OF THIS SECTION.

26 (c) "FEE" MEANS THE FEE IMPOSED BY SECTION 10-3-209 (4.5).

27 (d) "FUND" MEANS THE HAZARD MITIGATION CASH FUND CREATED

1 IN SUBSECTION (4) OF THIS SECTION.

2 (e) "GRANT PROGRAM" MEANS THE HAZARD MITIGATION GRANT  
3 PROGRAM CREATED IN SUBSECTION (6) OF THIS SECTION.

4 (f) "HAZARD MITIGATION" MEANS TAKING MEASURES THAT  
5 REDUCE THE RISK OF LOSS OF LIFE AND PROPERTY FROM FUTURE NATURAL  
6 HAZARD DISASTERS AND DECREASING COSTS ASSOCIATED WITH DISASTER  
7 RECOVERY.

8 (3) **Enterprise.** (a) THERE IS HEREBY CREATED IN THE  
9 DEPARTMENT THE HAZARD MITIGATION ENTERPRISE. THE ENTERPRISE IS  
10 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE  
11 DEPARTMENT FOR THE BUSINESS PURPOSE OF COLLECTING THE FEE  
12 CHARGED TO CERTAIN INSURERS, AND UTILIZING THE FEE REVENUE TO  
13 ADMINISTER THE GRANT PROGRAM, TO PROVIDE PUBLIC EDUCATION ON  
14 THE IMPORTANCE OF INSURANCE IN BUYING DOWN RISK AND FOR THE  
15 CONTINUITY OF BUSINESS OPERATIONS, AND TO PROVIDE LOCAL  
16 GOVERNMENTS TECHNICAL INFORMATION AND SUPPORT ON NATURAL  
17 HAZARD MITIGATION. THE ENTERPRISE EXERCISES ITS POWERS AND  
18 PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF  
19 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS DEFINED  
20 IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF  
21 THIS TITLE 24.

22 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
23 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
24 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
25 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL  
26 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
27 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3)(b), THE

1 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
2 CONSTITUTION.

3 (c) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

4 (I) COLLECT THE FEE;

5 (II) PROMOTE HAZARD MITIGATION BY ISSUING GRANTS AS  
6 SPECIFIED IN SUBSECTION (6) OF THIS SECTION;

7 (III) PROVIDE PUBLIC EDUCATION ON THE IMPORTANCE OF  
8 INSURANCE IN BUYING DOWN RISK AND FOR THE CONTINUITY OF BUSINESS  
9 OPERATIONS;

10 (IV) PROVIDE LOCAL GOVERNMENTS TECHNICAL INFORMATION  
11 AND SUPPORT ON NATURAL HAZARD MITIGATION;

12 (V) BY RESOLUTION, AUTHORIZE AND ISSUE REVENUE BONDS THAT  
13 ARE PAYABLE ONLY FROM THE MONEY IN THE FUND. THESE REVENUE  
14 BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE  
15 GENERAL ASSEMBLY EITHER BY BILL OR JOINT RESOLUTION AND AFTER  
16 APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF  
17 ARTICLE V OF THE STATE CONSTITUTION; AND

18 (VI) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION  
19 OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS  
20 SECTION, INCLUDING ESTABLISHING APPLICATION, REVIEW, APPROVAL,  
21 REPORTING, AND OTHER REQUIREMENTS FOR GRANTS.

22 (d) THE DIRECTOR, OR HIS OR HER DESIGNEE, GOVERNS THE  
23 ENTERPRISE.

24 (4) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE TREASURY  
25 THE HAZARD MITIGATION CASH FUND. THE FUND CONSISTS OF MONEY  
26 CREDITED TO THE FUND PURSUANT TO SECTION 10-3-209 (4.5).

27 (b) THE MONEY IN THE FUND SHALL NOT BE DEPOSITED IN OR

1 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE  
2 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
3 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY  
4 UNENCUMBERED MONEY IN THE FUND SHALL REMAIN IN THE FUND AND  
5 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR  
6 ANOTHER FUND.

7 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
8 ENTERPRISE FOR THE PURPOSES OF:

9 (I) ADMINISTERING THE GRANT PROGRAM AND AWARDING GRANTS  
10 IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION;

11 (II) PROVIDING PUBLIC EDUCATION ON THE IMPORTANCE OF  
12 INSURANCE IN BUYING DOWN RISK AND FOR THE CONTINUITY OF BUSINESS  
13 OPERATIONS;

14 (III) PROVIDING LOCAL GOVERNMENTS TECHNICAL INFORMATION  
15 AND SUPPORT ON NATURAL HAZARD MITIGATION; AND

16 (IV) FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE EXPENSES  
17 INCURRED BY THE ENTERPRISE.

18 (d) THE ENTERPRISE MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
19 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
20 PURPOSES OF THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS  
21 FROM THE STATE AND LOCAL GOVERNMENTS DOES NOT EXCEED TEN  
22 PERCENT OF THE ENTERPRISE'S TOTAL REVENUE.

23 (5) **Hazard mitigation goals.** THE ENTERPRISE SHALL ADMINISTER  
24 THE GRANT PROGRAM AND AWARD GRANTS, PROVIDE PUBLIC EDUCATION  
25 ON THE IMPORTANCE OF INSURANCE IN BUYING DOWN RISK AND FOR THE  
26 CONTINUITY OF BUSINESS OPERATIONS, AND PROVIDE LOCAL  
27 GOVERNMENTS TECHNICAL INFORMATION AND SUPPORT ON NATURAL

1 HAZARD MITIGATION █ TO ACHIEVE THE FOLLOWING HAZARD MITIGATION  
2 GOALS:

3 (a) REDUCE THE NEGATIVE IMPACTS FROM FUTURE DISASTERS ON  
4 LIVES, PROPERTY, AND THE ECONOMY;

5 (b) ENGAGE IN MITIGATION ACTIVITIES THAT ARE COST-EFFECTIVE,  
6 TECHNICALLY FEASIBLE, AND ENVIRONMENTALLY SOUND AS WELL AS  
7 ALLOWING STRATEGIC INVESTMENT OF LIMITED RESOURCES;

8 (c) REDUCE REPETITIVE LOSSES;

9 (d) FULLY UTILIZE FEDERAL FUNDING AVAILABLE FOR HAZARD  
10 MITIGATION PROJECTS;

11 (e) INCREASE COMMUNITY RESILIENCY BY BUYING DOWN RISK  
12 THROUGH APPROPRIATE INSURANCE; AND

13 █

14 (6) **Grant program.** (a) THE ENTERPRISE SHALL ADMINISTER THE  
15 HAZARD MITIGATION GRANT PROGRAM AND, SUBJECT TO AVAILABLE  
16 APPROPRIATIONS AND REVENUES, SHALL AWARD GRANTS FROM THE FUND  
17 AS PROVIDED IN THIS SUBSECTION (6).

18 (b) THE PURPOSE OF THE GRANT PROGRAM IS TO ACHIEVE THE  
19 GOALS SPECIFIED IN SUBSECTION (5) OF THIS SECTION BY ASSISTING  
20 ENTITIES THAT HAVE APPLIED FOR FEDERAL GRANTS THAT BOTH REQUIRE  
21 MATCHING FUNDS AND ARE DEDICATED TO ASSISTING IN THE  
22 IMPLEMENTATION OF PRE-DISASTER HAZARD MITIGATION MEASURES. THE  
23 ENTERPRISE SHALL ESTABLISH CRITERIA TO EVALUATE AND PRIORITIZE  
24 APPLICATIONS FOR GRANTS, BASED ON:

25 (I) THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S  
26 STANDARDIZED BENEFIT-COST ANALYSIS IN ACCORDANCE WITH CURRENT  
27 PUBLISHED FEDERAL GUIDANCE; A DIFFERENT METHODOLOGY MAY ONLY

1 BE USED WHEN IT ADDRESSES A NONCORRECTABLE FLAW IN THE FEDERAL  
2 EMERGENCY MANAGEMENT AGENCY'S APPROVED METHODOLOGY, AS  
3 IDENTIFIED BY THE ENTERPRISE; AND

4 (II) THE FINANCIAL NEED OF THE ELIGIBLE ENTITY.

5 (c) AN ELIGIBLE ENTITY MAY SUBMIT AN APPLICATION TO THE  
6 ENTERPRISE FOR A GRANT PURSUANT TO THE POLICIES AND PROCEDURES  
7 SPECIFIED BY THE ENTERPRISE.

8 (d) GRANT RECIPIENTS SHALL ONLY USE THE MONEY RECEIVED  
9 THROUGH THE GRANT PROGRAM TO OFFSET THE RECIPIENT'S FEDERAL  
10 MATCH REQUIREMENT FOR FEDERAL GRANTS DEDICATED TO ASSISTING IN  
11 THE IMPLEMENTATION OF PRE-DISASTER HAZARD MITIGATION MEASURES.

12 (e) GRANT RECIPIENTS MUST COMPLY WITH THE REQUIREMENTS OF  
13 THE FEDERAL GRANTS THEY RECEIVE PURSUANT TO THIS SECTION.

14 (f) THE ENTERPRISE SHALL REVIEW THE APPLICATIONS RECEIVED  
15 PURSUANT TO THIS SECTION AND SHALL NEITHER AWARD MORE THAN  
16 EIGHTY PERCENT OF THE ANNUAL FUND REVENUE FOR GRANT AWARDS NOR  
17 AWARD MORE THAN TWENTY-FIVE PERCENT OF THE ANNUAL REVENUE IN  
18 ANY SINGLE GRANT AWARD.

19 (g) (I) A GRANTEE SHALL REPORT QUARTERLY TO THE ENTERPRISE  
20 ON THE PROGRESS OF THE PROJECT FINANCED BY THE GRANT PURSUANT TO  
21 TERMS SPECIFIED IN THE GRANT AWARD AGREEMENT.

22 (II) THE ENTERPRISE SHALL DEVELOP A POLICY REGARDING A  
23 GRANTEE'S NONCOMPLIANCE WITH THE GRANT AGREEMENT ENTERED INTO  
24 BY THE GRANTEE AND THE ENTERPRISE, WHICH POLICY MAY INCLUDE A  
25 MECHANISM FOR THE ENTERPRISE TO CONVERT THE GRANTEE'S GRANT TO  
26 A LOAN WITH INTEREST.

27 (h) THE AWARD OF ANY GRANT UNDER THIS SUBSECTION (6) IS

1 CONTINGENT UPON THE APPLICANT BEING AWARDED THE FEDERAL GRANT  
2 THAT THE APPLICANT SOUGHT ASSISTANCE WITH IN ITS GRANT  
3 APPLICATION.

4 (7) **Reporting.** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),  
5 THE ENTERPRISE SHALL SUBMIT A REPORT BY JULY 1 OF EACH YEAR TO THE  
6 COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY TO WHICH THE  
7 DEPARTMENT IS ASSIGNED PURSUANT TO SECTION 2-7-204 (1). THE  
8 REPORT MUST INCLUDE:

9 (a) THE UNOBLIGATED BALANCE OF THE FUND, THE NUMBER OF  
10 GRANT APPLICATIONS, AND THE NUMBER AND VALUE OF GRANTS  
11 AWARDED;

12 (b) THE ELIGIBLE ENTITIES THAT HAVE APPLIED FOR A GRANT, THE  
13 ACTIONS TAKEN BY EACH GRANTEE, OTHER MEASUREMENTS OF SUCCESS,  
14 AND THE AMOUNT OF GRANT MONEY DISTRIBUTED TO EACH GRANTEE;

15 (c) THE PROGRESS TOWARD ACHIEVEMENT OF THE HAZARD  
16 MITIGATION GOALS SPECIFIED IN SUBSECTION (5) OF THIS SECTION AND THE  
17 PRIMARY FACTORS FACILITATING AND INHIBITING THAT PROGRESS; AND

18 (d) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

19 **SECTION 2.** In Colorado Revised Statutes, 10-3-209, **add** (4.5)  
20 as follows:

21 **10-3-209. Tax on premiums collected - exemptions - penalties**  
22 **- fee - repeal.** (4.5) (a) IN ADDITION TO THE TAX COLLECTED UNDER  
23 SUBSECTION (1)(b) OF THIS SECTION, THE DIVISION SHALL ALSO COLLECT  
24 A FEE TO FINANCE THE HAZARD MITIGATION ENTERPRISE CREATED IN  
25 SECTION 24-33.5-1618 (3).

26 (b) THE FEE IS EQUAL TO FIVE HUNDREDTHS PERCENT OF THE  
27 GROSS AMOUNT OF ALL PREMIUMS COLLECTED OR CONTRACTED FOR ON

1 POLICIES OR CONTRACTS OF INSURANCE COVERING PROPERTY OR RISKS IN  
2 THE STATE DURING THE PREVIOUS CALENDAR YEAR, AFTER DEDUCTING  
3 FROM SUCH GROSS AMOUNT THE AMOUNT RECEIVED AS REINSURANCE  
4 PREMIUMS ON BUSINESS IN THE STATE AND THE AMOUNTS PAID TO  
5 POLICYHOLDERS AS RETURN PREMIUMS, WHICH SHALL INCLUDE DIVIDENDS  
6 OR UNABSORBED PREMIUMS OR PREMIUM DEPOSITS RETURNED OR  
7 CREDITED TO POLICYHOLDERS.

8 (c) ONLY THE INSURANCE COMPANIES, AS LISTED IN THE DIVISION'S  
9 COLORADO INSURANCE INDUSTRY STATISTICAL REPORT, THAT PROVIDE  
10 THE FOLLOWING TYPES OF INSURANCE ARE LIABLE FOR THE FEE DESCRIBED  
11 IN SUBSECTION (4.5)(b) OF THIS SECTION:

- 12 (I) FIRE;
- 13 (II) ALLIED LINES;
- 14 (III) MULTIPLE PERIL CROP;
- 15 (IV) PRIVATE CROP;
- 16 (V) PRIVATE FLOOD;
- 17 (VI) FARMERS MULTIPLE PERIL;
- 18 (VII) HOMEOWNERS MULTIPLE PERIL;
- 19 (VIII) COMMERCIAL MULTIPLE PERIL;
- 20 (IX) EARTHQUAKE;
- 21 (X) COMBINED PRIVATE PASSENGER AUTO;
- 22 (XI) AIRCRAFT; AND
- 23 (XII) BOILER AND MACHINERY.

24 (d) THE DIVISION SHALL TRANSMIT ANY FEE COLLECTED IN  
25 ACCORDANCE WITH THIS SUBSECTION (4.5) TO THE STATE TREASURER,  
26 WHO SHALL CREDIT THE SAME TO THE HAZARD MITIGATION CASH FUND  
27 CREATED IN SECTION 24-33.5-1618 (4). ANY FEE TRANSMITTED TO THE

1 STATE TREASURER THAT IS COLLECTED ON BEHALF OF THE HAZARD  
2 MITIGATION ENTERPRISE IS EXCLUDED FROM THE STATE'S FISCAL YEAR  
3 SPENDING.

4 (e) AN INSURANCE COMPANY SUBJECT TO THIS SUBSECTION (4.5)  
5 SHALL TRANSMIT THE FEE PRESCRIBED IN THIS SUBSECTION (4.5) TO THE  
6 DIVISION AT THE SAME TIME THAT THE INSURANCE COMPANY IS REQUIRED  
7 UNDER SUBSECTION (1)(b)(III) OF THIS SECTION TO TRANSMIT THE TAX  
8 PRESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION TO THE DIVISION.  
9 NOTWITHSTANDING THIS SUBSECTION (4.5), AN INSURANCE COMPANY  
10 THAT PAYS QUARTERLY ESTIMATES OF THE TAX PRESCRIBED IN  
11 SUBSECTION (1)(b) OF THIS SECTION TO THE DIVISION IN ACCORDANCE  
12 WITH SUBSECTION (3) OF THIS SECTION SHALL TRANSMIT THE FEE AT THE  
13 SAME TIME TO THE DIVISION.

14 **SECTION 3. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2020 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.