

**First 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. 21-0909.01 Esther van Mourik x4215

SENATE BILL 21-224

SENATE SPONSORSHIP

Hansen, Moreno, Rankin, Simpson

HOUSE SPONSORSHIP

Ransom, Herod, McCluskie

Senate Committees
Appropriations

House 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. For the 2021-22 state fiscal year, the bill transfers:

- \$189,574,932 from the general fund to the capital construction fund;
- \$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

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
2nd Reading Unamended
April 14, 2021

SENATE
3rd Reading Unamended
April 9, 2021

SENATE
Amended 2nd Reading
April 8, 2021

- and level two priority projects;
- \$8,000,000 from the emergency controlled maintenance account to the capital construction fund;
- \$27,040,302 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.

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)(kk), (2)(ll), (2.3)(h), (2.3)(i), (2.5)(n), (2.5)(o), and (3.2); and **add**
 4 (2)(mm), (2.3)(j), and (2.5)(p) as 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. Transfers between funds pursuant to
 11 this subsection (2) are not appropriations subject to the limitations of
 12 section 24-75-201.1. The amounts transferred pursuant to this subsection
 13 (2) are as follows:

14 (kk) On July 1, 2020, two million forty-three thousand seven
 15 hundred sixty-eight dollars; and

16 (ll) For the 2020-21 state fiscal year, one million dollars under
 17 S.B. 20-003, enacted in 2020; AND

18 (mm) ON JULY 1, 2021, ONE HUNDRED NINETY-ONE MILLION TWO
 19 HUNDRED EIGHTY-NINE THOUSAND ONE HUNDRED SEVENTY-EIGHT
 20 DOLLARS.

21 (2.3) In addition to the sums transferred pursuant to subsections

1 (2) and (2.5) of this section, the state treasurer and the controller shall
2 transfer a sum as specified in this subsection (2.3) from the general fund
3 to the information technology capital account created in subsection (3.7)
4 of this section as money becomes available in the general fund during the
5 fiscal year beginning on July 1 of the fiscal year in which the transfer is
6 made or on April 1 of the fiscal year if otherwise specified. Transfers
7 between funds pursuant to this subsection (2.3) are not appropriations
8 subject to the limitations of section 24-75-201.1. The amounts transferred
9 pursuant to this subsection (2.3) are as follows:

10 (h) On April 1, 2020, seven million four hundred sixty-six
11 thousand six hundred forty-eight dollars; ~~and~~

12 (i) On July 1, 2020, four hundred forty-five thousand dollars; AND

13 (j) ON JULY 1, 2021, TWENTY-SEVEN MILLION FORTY THOUSAND
14 THREE HUNDRED TWO DOLLARS.

15 (2.5) In addition to the sums transferred pursuant to subsections
16 (2) and (2.3) of this section, the state treasurer and the controller shall
17 transfer a sum as specified in this subsection (2.5) from the general fund
18 exempt account of the general fund created pursuant to section
19 24-77-103.6 to the capital construction fund as money becomes available
20 in the general fund exempt account during the fiscal year beginning on
21 July 1 of the fiscal year in which the transfer is made. Transfers between
22 funds pursuant to this subsection (2.5) are not appropriations subject to
23 the limitations of section 24-75-201.1. The amounts transferred pursuant
24 to this subsection (2.5) are as follows:

25 (n) On July 1, 2019, five hundred thousand dollars; ~~and~~

26 (o) On July 1, 2020, five hundred thousand dollars; AND

27 (p) ON JULY 1, 2021, FIVE HUNDRED THOUSAND DOLLARS.

1 (3.2) (a) There is hereby created a special account within the
2 capital construction fund established pursuant to subsection (1) of this
3 section to be known as the emergency controlled maintenance account.
4 The account consists of any ~~moneys~~ MONEY appropriated to the account
5 by the general assembly OR TRANSFERRED OR CREDITED TO THE ACCOUNT.
6 The ~~moneys~~ MONEY in the account ~~are~~ IS subject to annual appropriation
7 and may be used only to fund any unplanned and immediate controlled
8 maintenance needs pursuant to section 24-30-1303.9 (5). All ~~moneys~~
9 MONEY unexpended or unencumbered in any fiscal year must remain in
10 the account.

11 (b) ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER TO
12 THE CAPITAL CONSTRUCTION FUND CREATED IN SUBSECTION (1)(a) OF THIS
13 SECTION EIGHT MILLION DOLLARS OF THE MONEY APPROPRIATED TO THE
14 EMERGENCY CONTROLLED MAINTENANCE ACCOUNT IN SECTION 1 (1)(d) OF
15 HOUSE BILL 20-1408, ENACTED IN 2020.

16 **SECTION 2.** In Colorado Revised Statutes, 24-75-302.5, **add**
17 (10) as follows:

18 **24-75-302.5. Controlled maintenance - trust fund - legislative**
19 **declaration.** (10) NOTWITHSTANDING ANY PROVISION OF THIS SECTION
20 TO THE CONTRARY, ON JULY 1, 2021, THE STATE TREASURER AND THE
21 CONTROLLER SHALL TRANSFER ONE HUNDRED TEN MILLION DOLLARS
22 FROM THE GENERAL FUND TO THE CONTROLLED MAINTENANCE TRUST
23 FUND TO BE APPROPRIATED IN THE 2022-23 STATE FISCAL YEAR FOR
24 CONTROLLED MAINTENANCE BUDGET REQUESTS PRIORITIZED BY THE
25 OFFICE OF THE STATE ARCHITECT AS LEVEL ONE AND LEVEL TWO PRIORITY
26 PROJECTS UNDER SECTION 24-30-1303 (1)(t)(II).

27 **SECTION 3. 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.