

CHAPTER 198

**GOVERNMENT - STATE**

**HOUSE BILL 02-1442**

BY REPRESENTATIVE(S) Saliman, Young, Berry, Chavez, Coleman, Jahn, Mace, and Williams S.;  
also SENATOR(S) Owen, Reeves, and Tate.

**AN ACT**

**CONCERNING THE DESIGNATION OF STATE MONEYS TO CONSTITUTE THE STATE EMERGENCY RESERVE FOR THE 2001-02 STATE FISCAL YEAR, AND, IN CONNECTION THEREWITH, SPECIFYING THAT THE PRINCIPAL CREDITED TO THE UNCLAIMED PROPERTY TRUST FUND CONSTITUTES STATE FISCAL YEAR SPENDING SO THAT MONEYS IN SAID TRUST FUND MAY BE DESIGNATED AS PART OF THE STATE EMERGENCY RESERVE, AND DESIGNATING MONEYS IN THE SUBSEQUENT INJURY FUND, THE MAJOR MEDICAL INSURANCE FUND, THE WILDLIFE CASH FUND, AND THE UNCLAIMED PROPERTY TRUST FUND AS PART OF THE STATE EMERGENCY RESERVE.**

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

**SECTION 1.** 38-13-116.5 (1) (b), Colorado Revised Statutes, as amended by House Bill 02-1392, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

**38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records.** (1) (b) Except as provided in subsections (2) and (2.5) of this section, the principal of the trust fund shall not be expended except to pay claims made pursuant to this article. Moneys comprising the principal of the trust fund that are credited to or expended from such trust fund shall ~~not~~ constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution, and such moneys shall be deemed custodial funds that are not subject to appropriation by the general assembly.

**SECTION 2.** Section 1 (19) of chapter 363, Session Laws of Colorado 2001, as amended by House Bill 02-1394, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

Section 1. **Definitions - general provisions.** As used in this act, the following definitions and general provisions shall apply:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(19) For purposes of complying with the provisions of subsection (5) of section 20 of article X in the state constitution:

(a) Except as otherwise provided in ~~paragraph (b)~~ PARAGRAPHS (b) AND (c) of this subsection (19), the balance of funds in the tobacco litigation settlement trust fund, created in section 24-22-115.5 (2), Colorado Revised Statutes; the first three percent of the statutory reserve, created in ~~section 24-27-201.1 (1) (d) (II)~~ SECTION 24-75-201.1 (1) (d), Colorado Revised Statutes; the interest earnings retained in the controlled maintenance trust fund, created in section 24-75-302.5 (2) (a), Colorado Revised Statutes; and, the interest earnings on the capital construction fund, created in section 24-75-302, Colorado Revised Statutes, are hereby designated to constitute the state emergency reserve for the 2001-2002 fiscal year.

(b) On and after the effective date of this paragraph (b), the balance of funds in the employment support fund, created in section 8-77-109 (1), Colorado Revised Statutes, the tobacco litigation settlement trust fund, created in section 24-22-115.5 (2), Colorado Revised Statutes, and the severance tax trust fund, created in section 39-29-109 (1) (a), Colorado Revised Statutes; and the statutory reserve, created in ~~section 24-27-201.1 (1) (d) (II)~~ SECTION 24-75-201.1 (1) (d), Colorado Revised Statutes, or such portion of the statutory reserve as is necessary to be in compliance with said constitutional provision, are hereby designated to constitute the state emergency reserve for the 2001-2002 fiscal year.

(c) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE BALANCE OF FUNDS IN THE SUBSEQUENT INJURY FUND, CREATED IN SECTION 8-46-101 (1) (b) (I), COLORADO REVISED STATUTES, THE MAJOR MEDICAL INSURANCE FUND, CREATED IN SECTION 8-46-202 (1) (a), COLORADO REVISED STATUTES, THE EMPLOYMENT SUPPORT FUND, CREATED IN SECTION 8-77-109 (1), COLORADO REVISED STATUTES, THE TOBACCO LITIGATION SETTLEMENT TRUST FUND, CREATED IN SECTION 24-22-115.5 (2), COLORADO REVISED STATUTES, THE WILDLIFE CASH FUND, CREATED IN SECTION 33-1-112 (1), COLORADO REVISED STATUTES, THE UNCLAIMED PROPERTY TRUST FUND, CREATED IN SECTION 38-13-116.5 (1) (a), COLORADO REVISED STATUTES, THE SEVERANCE TAX TRUST FUND, CREATED IN SECTION 39-29-109 (1) (a), COLORADO REVISED STATUTES, AND THE STATUTORY RESERVE, CREATED IN SECTION 24-75-201.1 (1) (d), COLORADO REVISED STATUTES, OR SUCH PORTION OF THE STATUTORY RESERVE AS IS NECESSARY TO BE IN COMPLIANCE WITH SAID CONSTITUTIONAL PROVISION, ARE HEREBY DESIGNATED TO CONSTITUTE THE STATE EMERGENCY RESERVE FOR THE 2001-2002 FISCAL YEAR.

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

Approved: May 28, 2002