

CHAPTER 59

GOVERNMENT - STATE

HOUSE BILL 02-1391

BY REPRESENTATIVE(S) Young, Berry, and Saliman;
also SENATOR(S) Reeves, Tate, and Owen.

AN ACT

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS IN THE 2001-02 STATE FISCAL YEAR, AND, IN CONNECTION THEREWITH, PROVIDING FOR THE SUBSEQUENT RESTORATION OF CERTAIN MONEYS TRANSFERRED FOR SUCH AUGMENTATION OF THE GENERAL FUND.

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

SECTION 1. 5-6-204, Colorado Revised Statutes, is amended to read:

5-6-204. Cash fund created. (1) All fees collected under this code and under article 10 of this title shall be credited to the uniform consumer credit code cash fund, which fund is hereby created, and all moneys credited to such fund shall be used for the administration and enforcement of this code, article 10 of this title, and article 14.5 of title 12, C.R.S. Interest earned on the fund shall be credited to the fund. The general assembly shall make annual appropriations out of the fund for the administration and enforcement of this code, article 10 of this title, and article 14.5 of title 12, C.R.S.; except that expenditures by the administrator for consumer and creditor education resulting from the penalties provided in sections 5-2-303 (7) (f), 5-6-109 (1), 5-6-110, and 5-6-114 (2) shall not require appropriation by the general assembly if such expenditures do not exceed twenty-five thousand dollars per fiscal year and do not include the hiring of any full-time equivalents.

(2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL DEDUCT ONE HUNDRED FIFTY THOUSAND DOLLARS FROM THE UNIFORM CONSUMER CREDIT CODE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 2. 8-20.5-103 (2), Colorado Revised Statutes, is amended to read:

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

8-20.5-103. Petroleum storage tank fund - creation - repeal. (2) (a) The moneys in the petroleum storage tank fund and all interest earned on moneys in the fund shall not be credited or transferred to the general fund at the end of the fiscal year.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE PETROLEUM STORAGE TANK FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE PETROLEUM STORAGE TANK FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE PETROLEUM STORAGE TANK FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 3. 8-77-109 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-77-109. Employment support fund - created - repeal. (2) (a.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5), THE STATE TREASURER SHALL DEDUCT FIFTEEN MILLION DOLLARS FROM THE EMPLOYMENT SUPPORT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND FOR USE IN THE 2001-02 FISCAL YEAR.

SECTION 4. 12-6-123, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-6-123. Disposition of fees - auto dealers license fund. (2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL DEDUCT ONE MILLION ONE HUNDRED THOUSAND DOLLARS FROM THE AUTO DEALERS LICENSE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND; EXCEPT THAT, IF THE BALANCE OF MONEYS IN THE AUTO DEALERS LICENSE FUND ON THE EFFECTIVE DATE OF THIS SUBSECTION (2) IS LESS THAN ONE MILLION ONE HUNDRED THOUSAND DOLLARS, THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

SECTION 5. 12-14-136 (1), Colorado Revised Statutes, is amended to read:

12-14-136. Disposition of fees and fines. (1) (a) All revenue, except fines, collected pursuant to this article shall be collected by the administrator and transmitted to the state treasurer, who shall credit the same to the collection agency cash fund, which fund is hereby created. The general assembly shall make annual appropriations from such fund for the uses and purposes of this article. All revenue credited to such fund, including earned interest, shall be used for the administration and enforcement of this article.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE

TREASURER SHALL DEDUCT FOUR HUNDRED SIXTY-TWO THOUSAND DOLLARS FROM THE COLLECTION AGENCY CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 6. 22-7-506 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-7-506. Read-to-achieve grant program - board created - fund - repeal. (4) (d) (I) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE STATE TREASURER SHALL DEDUCT ONE MILLION NINE HUNDRED THOUSAND DOLLARS FROM THE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE CASH FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE CASH FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 7. 23-20-136 (3), Colorado Revised Statutes, is amended to read:

23-20-136. Fitzsimons trust fund - creation - repeal. (3) (a) There is hereby created in the state treasury the university of Colorado health sciences center at Fitzsimons trust fund, referred to in this section as the "Fitzsimons trust fund", the principal of which shall consist of those general fund revenues in excess of the limitation in section 24-75-201.1 (1) (a) (II), C.R.S., that may be transferred to the capital construction fund as provided in section 24-75-302 (2), C.R.S., and then appropriated from the capital construction fund to the Fitzsimons trust fund. The principal and interest of the Fitzsimons trust fund shall not be expended or appropriated for any purpose other than that stated in subsection (5) of this section. The state treasurer may, in the state treasurer's discretion, deposit, redeposit, invest, and reinvest moneys accrued or accruing to the Fitzsimons trust fund in the types of deposits and investments authorized in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT EIGHTEEN MILLION FOUR HUNDRED THOUSAND DOLLARS FROM THE FITZSIMONS TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE FITZSIMONS TRUST FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE FITZSIMONS TRUST FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 8. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-21-104. Fees of secretary of state. (3) (d) (X) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (X), THE STATE TREASURER SHALL DEDUCT ONE MILLION TWO HUNDRED THOUSAND DOLLARS FROM THE DEPARTMENT OF STATE

CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 9. 24-22-115 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-22-115. Tobacco litigation settlement cash fund - creation.

(2) (c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL DEDUCT THREE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE TOBACCO SETTLEMENT DEFENSE ACCOUNT IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE TOBACCO SETTLEMENT DEFENSE ACCOUNT IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE TOBACCO SETTLEMENT DEFENSE ACCOUNT IN ACCORDANCE WITH SECTION 24-75-217.

SECTION 10. 24-32-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal.

(1.3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.3), THE STATE TREASURER SHALL DEDUCT SIX HUNDRED THOUSAND DOLLARS FROM THE WASTE TIRE CLEANUP FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 11. 24-35-301 (3), Colorado Revised Statutes, is amended to read:

24-35-301. Registration - required. (3) (a) The department of revenue may establish and charge a fee for registration and renewal of registration. Fees shall be deposited in the state treasury in the trade name registration fund which is hereby created. Moneys so deposited and all interest earned on such moneys shall be used by the department of revenue for the purposes of this part 3 in accordance with the annual appropriation by the general assembly and shall not be deposited in or transferred to the general fund.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT FOUR HUNDRED THOUSAND DOLLARS FROM THE TRADE NAME REGISTRATION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 12. Part 2 of article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-75-217. Restoration of funds transferred to augment the general fund for the 2001-02 fiscal year. (1) EFFECTIVE FEBRUARY 1, 2003, IN ANY FISCAL YEAR, IF THE MOST RECENTLY ISSUED REVENUE ESTIMATE PREPARED BY THE STAFF OF LEGISLATIVE COUNCIL INDICATES THAT GENERAL FUND REVENUES FOR THE APPLICABLE FISCAL YEAR WILL EXCEED GENERAL FUND OBLIGATIONS, THE MONEYS

REQUIRED TO BE ALLOCATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (2), C.R.S., FOR THE APPLICABLE FISCAL YEAR, AND THE AMOUNT TRANSFERRED FROM ONE OR MORE FUNDS SPECIFIED IN SUBSECTION (3) OF THIS SECTION FOR THE AUGMENTATION OF THE GENERAL FUND FOR THE 2001-02 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER MONEYS FROM THE GENERAL FUND TO ONE OR MORE OF SAID FUNDS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM EACH FUND OR A PORTION THEREOF AS IS REQUIRED BY LAW. THE RESTORATION OF SAID FUNDS SHALL OCCUR IN THE SAME ORDER OF PRIORITY AS SAID FUNDS ARE SET FORTH IN SUBSECTION (3) OF THIS SECTION. SUCH RESTORATION SHALL BE MADE IN A MANNER SUCH THAT ALL OF THE MONEYS THAT ARE REQUIRED BY LAW TO BE REPAID TO A FUND SHALL BE COMPLETELY RESTORED TO THAT FUND BEFORE ANY MONEYS ARE TRANSFERRED TO ANY OTHER FUND LOWER IN THE ORDER OF PRIORITY OF SAID FUNDS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION, "GENERAL FUND OBLIGATIONS" INCLUDE:

(a) GENERAL FUND APPROPRIATIONS REQUIRED BY PERMANENT STATUTE OR CONSTITUTIONAL PROVISION;

(b) GENERAL FUND APPROPRIATIONS UP TO THE LIMITATION ESTABLISHED BY SECTION 24-75-201.1 (1) (a) AND GENERAL FUND APPROPRIATIONS THAT ARE EXCEPTIONS TO SAID LIMITATION;

(c) THE GENERAL FUND TRANSFER TO THE CAPITAL CONSTRUCTION FUND PROVIDED IN SECTION 24-75-302 (2), INCLUDING ANY ADDITIONAL TRANSFERS NECESSARY TO FUND CAPITAL CONSTRUCTION PRIORITIES FOR THE APPLICABLE FISCAL YEAR;

(d) ANY TRANSFER TO THE CONTROLLED MAINTENANCE TRUST FUND PURSUANT TO THE PROVISIONS OF SECTION 24-75-302.5;

(e) ANY REFUNDS REQUIRED TO BE MADE BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION; AND

(f) THE RESERVE REQUIRED TO BE MAINTAINED PURSUANT TO SECTION 24-75-201.1 (1) (d).

(3) THE FUNDS THAT SHALL BE RESTORED PURSUANT TO SUBSECTION (1) OF THIS SECTION INCLUDE:

(a) THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND CREATED IN SECTION 24-33-111 (2) (a), C.R.S.;

(b) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 26-19-105 (1), C.R.S.;

(c) THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-506 (4) (a) (I), C.R.S.;

(d) THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN

SECTION 39-29-109 (1) (a) (II), C.R.S.;

(e) THE PERSISTENT DRUNK DRIVER CASH FUND CREATED IN SECTION 42-3-130.5 (1), C.R.S.;

(f) THE FITZSIMONS TRUST FUND CREATED IN SECTION 23-20-136, C.R.S.;

(g) THE PETROLEUM STORAGE TANK FUND CREATED IN SECTION 8-20.5-103 (1), C.R.S.;

(h) THE HAZARDOUS SUBSTANCE RESPONSE FUND CREATED IN SECTION 25-16-104.6 (1) (a), C.R.S.; AND

(i) THE TOBACCO SETTLEMENT DEFENSE ACCOUNT IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 (2) (a).

SECTION 13. 24-75-302 (1) (a) and (2) (o), Colorado Revised Statutes, are amended, and the said 24-75-302 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(1) (a) There is hereby created the capital construction fund to which shall be allocated such revenues as the general assembly may from time to time determine. Moneys in the capital construction fund may be appropriated for capital construction, as defined in section 24-75-301 (1), including the remodeling or renovation of existing buildings or other physical facilities designated as controlled maintenance projects in the general appropriation act; except that any moneys transferred to the capital construction fund for state highway reconstruction, repair, and maintenance projects may only be appropriated for such projects. The appropriation for such projects shall be set forth in a single line item as a total sum. All unappropriated balances in said fund at the close of any fiscal year shall remain therein and not revert to the general fund. All moneys unexpended or not encumbered from the capital construction fund appropriation to each department for any fiscal year shall revert to the capital construction fund at the end of the period for which such moneys are appropriated. Except as provided in sections 2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S., no portion of the unexpended balance of a department's capital construction fund appropriation may be used by such department for any additional projects which are beyond the scope or design of the original project without further approval by the general assembly of such additional project. Anticipation warrants may be issued against the revenues of the fund as provided by law. EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, all interest earned from the investment of moneys in said fund shall remain in said fund and become a part thereof.

(2) (o) On July 1, 2002, one hundred million dollars, plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular

session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty thousand five hundred twenty-two dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; plus one million seven hundred sixty-eight thousand two hundred twenty-five dollars pursuant to H.B. 01-1205, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; PLUS THIRTY MILLION NINE HUNDRED THOUSAND DOLLARS PURSUANT TO H.B. 02-1391, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(7) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7), THE STATE TREASURER SHALL TRANSFER FROM THE CAPITAL CONSTRUCTION FUND TO THE GENERAL FUND CREATED IN SECTION 24-75-201 (1), AN AMOUNT EQUAL TO THE INTEREST EARNED ON THE PRINCIPAL OF THE CAPITAL CONSTRUCTION FUND FROM THE BEGINNING OF THE 2001-02 FISCAL YEAR THROUGH FEBRUARY 28, 2002.

(b) FOR EACH SUCCEEDING CALENDAR MONTH OF THE 2001-02 FISCAL YEAR, THROUGH JUNE 30, 2002, THE STATE TREASURER SHALL TRANSFER FROM THE CAPITAL CONSTRUCTION FUND TO THE GENERAL FUND AN AMOUNT EQUAL TO THE INTEREST EARNED ON THE PRINCIPAL OF THE CAPITAL CONSTRUCTION FUND DURING SUCH CALENDAR MONTH NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH INTEREST WAS EARNED.

SECTION 14. 24-75-302.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-302.5. Controlled maintenance - trust fund. (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER NINE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE TRUST FUND TO THE GENERAL FUND.

SECTION 15. 25-16-104.6 (1), Colorado Revised Statutes, is amended to read:

25-16-104.6. Fund established - administration - revenue sources - use. (1) (a) There is hereby established in the state treasury the hazardous substance response fund. The fund shall be composed of any moneys which the general assembly may choose to appropriate from the general fund and any moneys derived from the fee imposed pursuant to section 25-16-104.5 and any interest derived therefrom; any moneys recovered from responsible parties pursuant to the federal act which are not generated by the state litigating as trustee for natural resources pursuant to section 25-16-104.7; any moneys recovered through litigation by the state pursuant to the federal act which are designated for future response cost; and any other moneys derived from public or private sources which may be credited to the fund. Moneys in the fund shall be annually appropriated by the general assembly, subject to the provisions of section 25-16-104, shall remain available for the purposes

of this article, and, except as provided in subsection (2.7) of this section, shall not revert or be transferred to the general fund of the state at the end of any fiscal year.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT THIRTY MILLION DOLLARS FROM THE HAZARDOUS SUBSTANCE RESPONSE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE HAZARDOUS SUBSTANCE RESPONSE FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE HAZARDOUS SUBSTANCE RESPONSE FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 16. 26-13-115.5, Colorado Revised Statutes, is amended to read:

26-13-115.5. Family support registry fund created. (1) There is hereby created in the state treasury a fund to be known as the family support registry fund, which shall consist of any moneys credited thereto from the investment earnings on moneys deposited with the state treasurer, accruing from collections for child support received by the family support registry, and any undeliverable child support payments. Moneys in the family support registry fund shall be used to reimburse the family support registry for unfunded payments by noncustodial parents or other incidental expenditures associated with the operation of the family support registry. The moneys in the family support registry fund shall not be credited or transferred to the general fund or any other fund of the state; except that any non-IV-D child support payments that are undeliverable after two years shall be considered unclaimed property for purposes of the "Unclaimed Property Act" and shall be reported to the administrator of the "Unclaimed Property Act" for purposes of locating the payee. Consistent with the requirements for confidentiality of information regarding child support, the state department shall specify the amount of money that is unclaimed and provide sufficient identifying information, if available, to allow the administrator to locate the payee.

(2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE FAMILY SUPPORT REGISTRY FUND TO THE GENERAL FUND.

SECTION 17. 26-19-105 (3), Colorado Revised Statutes, is amended to read:

26-19-105. Trust - created. (3) (a) Beginning in fiscal year 1998, appropriations to the trust may be made by the general assembly based on the savings achieved through reforms, consolidations, and streamlining of health care programs realized through actual reductions in administrative and programmatic costs associated with the implementation of this article and not decreases in the number of caseloads of such programs. Beginning with and subsequent to fiscal year 2000-01, the general assembly may make annual appropriations to the trust.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT NINE HUNDRED THOUSAND DOLLARS FROM THE TRUST AND

TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE TRUST PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE TRUST IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 18. 24-33-111 (2), Colorado Revised Statutes, is amended to read:

24-33-111. Conservation of native species - fund created. (2) **Species conservation trust fund - creation.** (a) There is hereby created in the state treasury the species conservation trust fund, which shall be subject to annual authorization by the general assembly to carry out the purposes of this section. There is hereby created within the species conservation trust fund the operation and maintenance account and the capital account. The moneys in the operation and maintenance account shall be for administrative and noncapital expenditures necessary for the implementation of this section. The moneys in the capital account shall be used exclusively for capital expenditures including but not limited to property acquisition and project construction. All income derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. To the maximum extent practical, only interest from the fund shall be expended for activities pursuant to this section.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, THE STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(c) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE CAPITAL ACCOUNT LOCATED WITHIN THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2):

(I) ON JUNE 30, 2002, THE STATE TREASURER SHALL TRANSFER AN AMOUNT OF REVERSIONS TO THE GENERAL FUND FOR THE 2001-02 FISCAL YEAR TO THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND EQUAL TO THE AMOUNT OF SUCH REVERSIONS OR THE AMOUNT TRANSFERRED FROM THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), WHICHEVER IS LESS.

(II) TO THE EXTENT THE AMOUNT TRANSFERRED FROM THE CAPITAL ACCOUNT LOCATED WITHIN THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) IS NOT FULLY RESTORED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND PURSUANT TO SECTION 24-75-217, C.R.S., TO RESTORE SUCH REMAINING AMOUNT.

SECTION 19. 39-29-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - repeal. (1) (f) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), THE STATE TREASURER SHALL DEDUCT TWENTY MILLION TWO HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(II) IN ORDER TO RESTORE A PORTION OF THE AMOUNT TRANSFERRED FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), SEVEN MILLION NINE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED FROM THE GENERAL FUND TO THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 20. 40-17-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-17-104. Colorado disabled telephone users fund - creation - purpose. (5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE STATE TREASURER SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE COLORADO DISABLED TELEPHONE USERS FUND TO THE GENERAL FUND.

SECTION 21. 42-3-130.5, Colorado Revised Statutes, is amended to read:

42-3-130.5. Persistent drunk driver cash fund - programs to deter persistent drunk drivers. (1) There is hereby created in the state treasury the persistent drunk driver cash fund, which shall be composed of moneys collected for penalty surcharges under section 42-4-1301 (9) (g) (II). The moneys in such fund are subject to annual appropriation by the general assembly to pay the costs incurred by the department regarding persistent drunk drivers under the provisions of sections 42-2-126 (2.5) and 42-7-406 (1.5), to pay for costs incurred by the department for computer programming changes related to treatment compliance for persistent drunk drivers pursuant to section 42-2-144, and to support programs that are intended to deter persistent drunk driving or intended to educate the public, with particular emphasis on the education of young drivers, regarding the dangers of persistent drunk driving. The departments of transportation, revenue, and human services shall coordinate programs intended to accomplish such goals.

(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE PERSISTENT DRUNK DRIVER CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(b) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE PERSISTENT DRUNK DRIVER CASH FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE PERSISTENT DRUNK DRIVER CASH FUND IN ACCORDANCE WITH SECTION 24-75-217, C.R.S.

SECTION 22. 43-1-1309, Colorado Revised Statutes, is amended to read:

43-1-1309. State rail bank fund - creation. (1) There is hereby created the state rail bank fund to which shall be allocated such revenues as the general assembly may from time to time determine. Moneys in the state rail bank fund may be used for the acquisition, maintenance, improvement, or disposal of rail lines or railroad rights-of-way or any other purpose necessary to carry out the implementation of this part 13. All unappropriated balances in the fund at the end of any fiscal year shall remain therein and shall not revert to the general fund.

(2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE STATE RAIL BANK FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 23. Effective date. This act shall take effect upon passage; except that this act shall only take effect if the following bills are enacted at the Second Regular Session of the Sixty-third General Assembly and become law: House Bill 02-1366; House Bill 02-1367; House Bill 02-1368; House Bill 02-1369; House Bill 02-1370; House Bill 02-1371; House Bill 02-1372; House Bill 02-1373; House Bill 02-1374; House Bill 02-1375; House Bill 02-1376; House Bill 02-1377; House Bill 02-1378; House Bill 02-1379; House Bill 02-1380; House Bill 02-1381; House Bill 02-1382; House Bill 02-1383; House Bill 02-1384; House Bill 02-1385; House Bill 02-1386; House Bill 02-1387; House Bill 02-1388; House Bill 02-1389; House Bill 02-1390; House Bill 02-1392; House Bill 02-1393; and House Bill 02-1394.

SECTION 24. 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: March 27, 2002

Editor's note: Section 23 of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed March 27, 2002.