

CHAPTER 149

GOVERNMENT - STATE

SENATE BILL 09-208

BY SENATOR(S) Tapia, Keller, White;
also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica, Hullinghorst, Ryden.

AN ACT

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS IN THE 2008-09 FISCAL YEAR.

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

SECTION 1. 8-44-112 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-44-112. Surcharge on workers' compensation insurance premiums - workers' compensation cash fund. (7) (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (7) TO THE CONTRARY, ON MARCH 30, 2009, THE STATE TREASURER SHALL DEDUCT FIFTEEN MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE WORKERS' COMPENSATION CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 2. 8-46-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-46-101. Subsequent injury fund. (1.7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON MARCH 30, 2009, THE STATE TREASURER SHALL DEDUCT TWENTY-SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE SUBSEQUENT INJURY FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 3. 8-46-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-46-202. Major medical insurance fund - tax imposed - returns. (1.6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON MARCH 30, 2009, THE STATE TREASURER SHALL DEDUCT SIXTY-NINE MILLION FIVE

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

HUNDRED THOUSAND DOLLARS FROM THE MAJOR MEDICAL INSURANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 4. 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 - uses.
(2) (a.8) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a.8), THE STATE TREASURER SHALL DEDUCT FIVE MILLION DOLLARS FROM THE EMPLOYMENT SUPPORT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 5. 12-47.1-1601 (6) (a), Colorado Revised Statutes, is amended to read:

12-47.1-1601. Local government limited gaming impact fund - repeal.
(6) (a) (I) Notwithstanding any other provision of this section, moneys accruing to the fund on and after July 1, 2002, and any previously transferred unencumbered moneys in the fund on July 1, 2003, shall be transferred to the general fund. Transfers to the fund shall resume as otherwise provided in this section for any state fiscal year commencing on or after July 1, 2004.

(II) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL DEDUCT NINE HUNDRED FIFTY THOUSAND DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 6. 12-55-102.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-55-102.5. Disposition of fees. (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FROM THE NOTARY ADMINISTRATION CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 7. 13-1-204 (1) (c), Colorado Revised Statutes, is amended to read:

13-1-204. Court security cash fund - creation - grants - regulations.
(1) (c) (I) All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund at the end of any fiscal year. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or any other fund.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL DEDUCT ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE COURT SECURITY CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 8. 13-3-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-3-113. "Family-friendly Courts Act". (6.5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (6) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (6.5), THE STATE TREASURER SHALL DEDUCT TWO HUNDRED THOUSAND DOLLARS FROM THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 9. 13-5.5-107, Colorado Revised Statutes, is amended to read:

13-5.5-107. Acceptance of private or federal grants - general appropriations. (1) The state commission is authorized to accept any grants of federal or private funds made available for any purpose consistent with the provisions of this article. Any funds received pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the state commission on judicial performance cash fund, which is hereby created and referred to in this section as the "fund". The fund shall also include the amount of the increases in docket fees collected pursuant to sections 13-32-105 (1) and 42-4-1710 (4) (a), C.R.S. Any interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. Moneys in the fund may be expended by the state commission, subject to annual appropriation by the general assembly, for the purposes of this article. In addition, the general assembly may make annual appropriations from the general fund for the purposes of this article.

(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 NINE HUNDRED THOUSAND DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 10. 13-22-310 (2), Colorado Revised Statutes, is amended to read:

13-22-310. Dispute resolution fund - creation - source of funds. (2) (a) All moneys in the fund shall be subject to annual appropriation by the general assembly. Any moneys not appropriated shall remain in the fund at the end of any fiscal year and shall not revert to the general fund.

(b) 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 TRANSFER THE BALANCE OF MONEYS IN THE DISPUTE RESOLUTION FUND TO THE GENERAL FUND.

SECTION 11. 13-91-106 (1), Colorado Revised Statutes, is amended to read:

13-91-106. Guardian ad litem fund - court-appointed special advocate (CASA) fund - created - repeal. (1) (a) There is hereby created in the state treasury the guardian ad litem fund, referred to in this subsection (1) as the "fund". The fund shall consist of such general fund moneys as may be appropriated thereto by the general assembly and any moneys received pursuant to section 13-91-105 (1)

(a) (IX). The moneys in the fund shall be subject to annual appropriation by the general assembly to the state judicial department for allocation to the office of the child's representative for the purposes of funding the work of the office of the child's representative relating to the provision of guardian ad litem services and for the provision of guardian ad litem services in Colorado. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(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 TRANSFER THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

SECTION 12. 16-11-214 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11-214. Fund created - probation services. (1)(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL DEDUCT TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE OFFENDER SERVICES FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 13. 18-19-103 (4) and (5.5), Colorado Revised Statutes, are amended to read:

18-19-103. Source of revenues - allocation of moneys. (4) (a) There is hereby created in the state treasury a drug offender surcharge fund, which shall consist of moneys received by the state treasurer pursuant to paragraph (d) of subsection (3) of this section. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the drug offender surcharge fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services, after consideration of the plan developed pursuant to section 16-11.5-102 (3), C.R.S., to cover the costs associated with substance abuse assessment, testing, education, and treatment.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT ONE HUNDRED FIFTY-ONE THOUSAND THREE HUNDRED FORTY-ONE DOLLARS FROM THE DRUG OFFENDER SURCHARGE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(5.5) (a) There is hereby created in the state treasury a drug offender treatment fund that shall consist of moneys appropriated thereto. In addition, the fund may accept gifts, grants, and donations. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the drug offender treatment

fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department for allocation to the interagency task force on treatment for costs associated with community-based substance abuse treatment.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (5.5) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT THREE HUNDRED FIFTY THOUSAND DOLLARS FROM THE DRUG OFFENDER TREATMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 14. 22-54-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-117. Contingency reserve - capital construction expenditures reserve - fund - lottery proceeds contingency reserve. (1) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (f), THE STATE TREASURER SHALL DEDUCT THREE MILLION EIGHTY-TWO THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS FROM THE CONTINGENCY RESERVE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 15. 23-19.9-102 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23-19.9-102. Higher education federal mineral lease revenues fund - higher education maintenance and reserve fund - creation - sources of revenues - use. (2) (b) (III) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON JUNE 30, 2009, THE STATE TREASURER SHALL DEDUCT THIRTY-THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE HIGHER EDUCATION MAINTENANCE AND RESERVE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND; EXCEPT THAT, IF THE BALANCE OF MONEYS IN THE HIGHER EDUCATION MAINTENANCE AND RESERVE FUND ON JUNE 30, 2009, IS LESS THAN THIRTY-THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS, THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

SECTION 16. 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) (XII.5) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XII.5), THE STATE TREASURER SHALL DEDUCT TWO MILLION ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 17. 24-30-1108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1108. Revolving fund - service charges - pricing policy. (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE

EFFECTIVE DATE OF THIS SUBSECTION (5), THE STATE TREASURER SHALL DEDUCT TWO MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE CAPITOL COMPLEX FACILITIES FUND, WHICH IS AN ACCOUNT WITHIN THE DEPARTMENT OF PERSONNEL REVOLVING FUND, AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 18. 24-30-1115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1115. Motor fleet management fund - creation. (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE TREASURER SHALL DEDUCT ONE MILLION DOLLARS FROM THE MOTOR FLEET MANAGEMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 19. 24-75-1104.5 (1.5) (a) (VIII), Colorado Revised Statutes, is amended to read:

24-75-1104.5. Use of settlement moneys - programs. (1.5) (a) For the 2007-08 fiscal year and for each fiscal year thereafter, the following programs, services, and funds shall receive the following specified amounts from the portion of any strategic contribution fund moneys received by the state in the current fiscal year that remains after the programs, services, and funds receiving strategic contribution fund moneys pursuant to subsection (1) of this section have been fully funded, and the portion of all other settlement moneys received by the state in the preceding fiscal year that remains after the programs, services, and funds receiving such other settlement moneys pursuant to subsection (1) of this section have been fully funded and all overexpenditures and supplemental appropriations allowed for the 2006-07, 2007-08, and 2008-09 fiscal years pursuant to section 24-22-115 (4) have been made:

(VIII) (A) The division of alcohol and drug abuse in the department of human services shall receive three percent of the settlement moneys, which shall be transferred by the state treasurer to the alcohol and drug abuse community prevention and treatment fund, which is hereby created in the state treasury. Interest and income earned on the deposit and investment of moneys in the fund shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., in accordance with paragraph (b) of this subsection (1.5). The principal of the fund shall be subject to annual appropriation by the general assembly to provide or purchase community prevention and treatment services in accordance with section 25-1-206, C.R.S.; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., in accordance with paragraph (b) of this subsection (1.5).

(B) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (B), THE STATE TREASURER SHALL DEDUCT SIXTY-ONE THOUSAND ONE HUNDRED EIGHTY-SIX DOLLARS FROM THE ALCOHOL AND DRUG ABUSE COMMUNITY PREVENTION AND TREATMENT FUND AND TRANSFER SUCH SUM

TO THE GENERAL FUND.

SECTION 20. 25-1.5-106 (3), Colorado Revised Statutes, is amended to read:

25-1.5-106. Medical marijuana program - powers and duties of department.

(3) (a) The medical marijuana program cash fund shall be subject to annual appropriation by the general assembly to the department for the purpose of establishing, operating, and maintaining the medical marijuana program established by section 14 of article XVIII of the state constitution. All moneys credited to the medical marijuana program cash fund and all interest derived from the deposit of such moneys that are not expended during the fiscal year shall be retained in the fund for future use and shall not be credited or transferred to the general fund or any other 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 TWO HUNDRED FIFTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY-FIVE DOLLARS FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 21. Part 8 of article 3.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-3.5-807.5. Transfer of balance of tobacco program fund - repeal. (1) ON THE EFFECTIVE DATE OF THIS SUBSECTION (1), THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND THE BALANCE OF MONEYS REMAINING AFTER THE REPEAL OF THE TOBACCO PROGRAM FUND FORMERLY CREATED IN SECTION 25-3.5-807 (1), AS SAID FUND EXISTED PRIOR TO ITS REPEAL IN 2005.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 22. 25-4-1202 (2), Colorado Revised Statutes, is amended to read:

25-4-1202. Streptococcus cash fund. (2) (a) All moneys collected pursuant to this part 12 shall be transmitted to the state treasurer, who shall credit the same to the streptococcus cash fund, which fund is hereby created. All moneys credited to the streptococcus cash fund shall be subject to appropriation by the general assembly to be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or to any other fund.

(b) 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 TRANSFER THE BALANCE OF MONEYS IN THE STREPTOCOCCUS CASH FUND TO THE GENERAL FUND.

SECTION 23. 25-8-608, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-8-608. Civil penalties - rules - fund created. (1.8) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1.5) OR (1.7) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.8), THE STATE TREASURER SHALL

DEDUCT SEVEN HUNDRED THOUSAND DOLLARS FROM THE WATER QUALITY IMPROVEMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 24. 25-16-104.6 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-16-104.6. Fund established - administration - revenue sources - use - repeal. (1) (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL DEDUCT SEVENTEEN MILLION FOUR HUNDRED SIXTY-EIGHT THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS FROM THE HAZARDOUS SUBSTANCE RESPONSE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 25. 25-16.5-106.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal. (4.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (4.5), THE STATE TREASURER SHALL DEDUCT ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 26. 25-17-105.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-17-105.5. Pilot program - cathode ray tube product recycling. (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE CATHODE RAY TUBE RECYCLING FUND TO THE GENERAL FUND.

SECTION 27. 25-20.5-203 (6), Colorado Revised Statutes, is amended to read:

25-20.5-203. Colorado Youth Mentoring Services Act. (6) Youth mentoring services cash fund. (a) There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this section. The executive director is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (6) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE YOUTH MENTORING SERVICES CASH FUND TO THE GENERAL FUND.

SECTION 28. 25-20.5-204 (6) (b), Colorado Revised Statutes, is amended to read:

25-20.5-204. Colorado student dropout prevention and intervention program. (6) (b) (I) All private and public moneys received through funds, grants, gifts, or donations pursuant to this subsection (6) shall be transmitted to the state treasurer, who shall credit the same to the student dropout prevention and intervention fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the administration of this article. The executive director may expend moneys appropriated to the department from the fund for purposes of providing a grant for the implementation and administration of a student dropout prevention and intervention program. All investment earnings derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE STUDENT DROPOUT PREVENTION AND INTERVENTION FUND TO THE GENERAL FUND.

SECTION 29. Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 34.1
Stroke Prevention and Treatment
Cash Fund Transfer

25-34.1-101. Transfer of balance of stroke prevention and treatment cash fund - repeal. (1) ON THE EFFECTIVE DATE OF THIS SUBSECTION (1), THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND THE BALANCE OF MONEYS REMAINING AFTER THE REPEAL OF THE STROKE PREVENTION AND TREATMENT CASH FUND FORMERLY CREATED IN SECTION 25-34-105, AS SAID FUND EXISTED PRIOR TO ITS REPEAL IN 2004.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 30. 25-36-101 (2), Colorado Revised Statutes, is amended to read:

25-36-101. Short-term grants for innovative health programs - grant fund - creation - appropriation from fund - transfer of moneys for fiscal years 2007-08 to 2011-12. (2) (a) The short-term innovative health program grant fund is hereby created in the state treasury. The principal of the fund shall include settlement moneys, as defined in section 24-75-1102 (2), C.R.S., transferred to the fund pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., and any other moneys that the general assembly may appropriate or transfer to the fund. Interest and income earned on the deposit and investment of fund moneys shall remain in the fund and shall not be credited to the general fund or to any other fund at the end of any fiscal year.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT FOUR MILLION THREE HUNDRED FIFTY-TWO THOUSAND THREE HUNDRED NINETEEN DOLLARS FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 31. 25.5-3-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25.5-3-112. Health care services fund - creation - state plan amendment.

(1.5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 32. 27-1-204 (5.5), Colorado Revised Statutes, is amended to read:

27-1-204. Types of services purchased - limitation on payments - offender mental health services fund. (5.5) (a) The offender mental health services fund is hereby created in the state treasury. The principal of the fund shall consist of tobacco litigation settlement moneys transferred by the state treasurer to the fund in accordance with section 24-75-1104.5 (1.5) (a) (II), C.R.S., for the purchase of mental health services for juvenile and adult offenders who have mental health problems and are involved in the criminal justice system. The division of mental health in the department of human services, subject to annual appropriation by the general assembly, shall distribute the principal of the fund to the community mental health centers; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., in accordance with section 24-75-1104.5 (1.5) (b), C.R.S. Interest and income earned on the deposit and investment of moneys in the offender mental health services fund shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (5.5) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT TWO HUNDRED FORTY-SIX THOUSAND THREE HUNDRED FIFTY DOLLARS FROM THE OFFENDER MENTAL HEALTH SERVICES FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 33. 37-60-121, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created. (9) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR OF SECTION 37-60-122 TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (9), THE STATE TREASURER SHALL DEDUCT TEN MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND AND TRANSFER SUCH SUM TO THE

GENERAL FUND.

SECTION 34. 39-29-109 (2) (a), Colorado Revised Statutes, is amended to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (I) The moneys in the severance tax trust fund as of July 1, 1995, and one-half of the severance tax receipts credited to the fund for fiscal years commencing on and after July 1, 1995, shall be credited to the perpetual base account of the fund and used for state water projects pursuant to sections 37-60-119 and 37-60-122, C.R.S. The authorization and contract for each such project shall require repayment of principal and interest to the fund, and moneys so repaid shall be credited to the perpetual base account of the fund.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL DEDUCT TWENTY MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 35. 43-1-113.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-113.5. Creation and administration of transportation infrastructure revolving fund. (1.5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), THE STATE TREASURER SHALL DEDUCT THREE MILLION DOLLARS FROM THE REVOLVING FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 36. 43-1-1309, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-1309. State rail bank fund - creation. (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE TREASURER SHALL DEDUCT ONE MILLION FIVE HUNDRED FORTY-THREE THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS FROM THE STATE RAIL BANK FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 37. 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: April 20, 2009