

## CHAPTER 367

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**GOVERNMENT - STATE**

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## SENATE BILL 09-279

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

**AN ACT****CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS.**

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

**SECTION 1.** 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.**

(1.7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON MARCH 31, 2010, THE STATE TREASURER SHALL DEDUCT TWENTY-SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE MAJOR MEDICAL INSURANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 2.** 12-47.1-1601, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-47.1-1601. Local government limited gaming impact fund - repeal.**

(7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (7), THE STATE TREASURER SHALL DEDUCT ONE HUNDRED THOUSAND DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 3.** 13-1-204 (1) (c), Colorado Revised Statutes, as amended by Senate Bill 09-208, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**13-1-204. Court security cash fund - creation - grants - regulations.**

(1) (c) (III) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS

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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.*

PARAGRAPH (c) TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE COURT SECURITY CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 4.** 16-11-214 (1), Colorado Revised Statutes, as amended by Senate Bill 09-208, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-11-214. Fund created - probation services.** (1)(d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT TWO MILLION FOUR HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS FROM THE OFFENDER SERVICES FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 5.** 18-19-103 (4), Colorado Revised Statutes, as amended by Senate Bill 09-208, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-19-103. Source of revenues - allocation of moneys.** (4)(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT ONE MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS FROM THE DRUG OFFENDER SURCHARGE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 6.** 23-3.1-206.9 (2), Colorado Revised Statutes, is amended to read:

**23-3.1-206.9. Colorado collegeinvest scholarship program - administration - fund - policies.** (2)(a) The Colorado collegeinvest scholarship trust fund, which is hereby created, shall consist of moneys deposited into the fund by the authority, any moneys appropriated to the fund by the general assembly, and any gifts, grants, and donations received by the authority for the Colorado collegeinvest scholarship program. Moneys deposited into the Colorado collegeinvest scholarship trust fund shall be deemed to be trust funds and shall be administered by the authority and shall be used for the direct and indirect costs of implementing and administering, including marketing, the Colorado collegeinvest scholarship program. Annual expenditures on direct marketing shall not exceed five percent of the annual revenue of the trust. Any unexpended and unencumbered moneys remaining in the Colorado collegeinvest scholarship trust fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or to any other fund. Any moneys appropriated by the general assembly to the Colorado collegeinvest scholarship trust fund shall be subject to annual appropriation.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, ON JULY 1, 2009, OF MONEYS CREDITED TO THE COLORADO COLLEGEINVEST SCHOLARSHIP TRUST FUND OTHER THAN MONEYS TRANSFERRED FROM THE STUDENT LOAN GUARANTEE FUND CREATED IN SECTION 23-3.1-107 (1)(a), THE STATE TREASURER SHALL DEDUCT FIFTEEN MILLION DOLLARS FROM THE COLORADO COLLEGEINVEST SCHOLARSHIP TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 7.** 24-1.9-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

(2.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE STATE TREASURER SHALL DEDUCT THREE HUNDRED THOUSAND DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 8.** 24-30-1510 (1), Colorado Revised Statutes, is amended to read:

**24-30-1510. Risk management fund - creation - authorized and unauthorized payments.**

(1) (a) There is hereby created in the state treasury a fund to be known as the risk management fund, which shall consist of all moneys that may be appropriated thereto by the general assembly or that may be otherwise made available to it by the general assembly. Moneys "otherwise made available" shall be deemed to include transfers of moneys to the fund authorized in the general appropriation act. All interest earned from the investment of moneys in the risk management fund shall be credited to the risk management fund and become a part thereof. The moneys in the fund are hereby continuously appropriated for the purposes of the risk management fund other than the direct and indirect administrative costs of operating the risk management system. The general assembly shall make annual appropriations from the fund for the direct and indirect administrative costs of operating the risk management system that are attributable to the operation of the risk management 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.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT TEN MILLION TEN THOUSAND FIVE HUNDRED NINETY-NINE DOLLARS FROM THE RISK MANAGEMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 9.** 24-30-1510.5 (1), Colorado Revised Statutes, is amended to read:

**24-30-1510.5. Self-insured property fund - creation - authorized and unauthorized payments - executive director authorized to make payments.**

(1) (a) There is hereby created in the state treasury a fund to be known as the self-insured property fund, which shall consist of all moneys that may be appropriated thereto by the general assembly or which may be otherwise made available to it by the general assembly. Moneys "otherwise made available" shall be deemed to include transfers of moneys to the fund authorized in the general appropriation act. All interest earned from the investment of moneys in the self-insured property fund shall be credited to the self-insured property fund and become a part thereof. The moneys in the fund are hereby continuously appropriated for the purposes of the self-insured property fund other than the direct and indirect administrative costs of operating the risk management system. The general assembly shall make annual appropriations from the fund for the direct and indirect administrative costs of operating the risk management system that are attributable to the operation of the self-insured property 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.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON

THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT ONE MILLION TWO HUNDRED NINETY-FIVE THOUSAND FIFTY-FIVE DOLLARS FROM THE SELF-INSURED PROPERTY FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 10.** 24-30-1510.7 (1), Colorado Revised Statutes, is amended to read:

**24-30-1510.7. Workers' compensation for state employees.** (1) (a) There is hereby created, as a separate account in the risk management fund, the state employee workers' compensation account, which shall consist of all moneys which may be appropriated thereto by the general assembly and which may be otherwise made available to it by the general assembly for the purpose of establishing a workers' compensation self-insurance program for state employees or for the procurement of commercial workers' compensation insurance therefor, in accordance with subsection (2) of this section. As of May 24, 1990, the state controller shall also transfer any moneys appropriated to pay workers' compensation premiums for the 1989-90 fiscal year to the state employee workers' compensation account. Moneys "otherwise made available" shall be deemed to include transfers of moneys to the account authorized in the general appropriation act. All interest earned from the investment of moneys in the state employee workers' compensation account pursuant to this section shall be credited to the account and become a part thereof. Moneys in the state employee workers' compensation account shall be subject to annual appropriation by the general assembly for purposes of this section.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT TEN MILLION THREE HUNDRED SIXTEEN THOUSAND SIXTY DOLLARS FROM THE STATE EMPLOYEE WORKERS' COMPENSATION ACCOUNT IN THE RISK MANAGEMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 11.** 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 - legislative declaration - repeal.** (1.6) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.6), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE WASTE TIRE CLEANUP FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 12.** 24-32-3309 (1), Colorado Revised Statutes, is amended to read:

**24-32-3309. Fees - building regulation fund.** (1) (a) The board, by rule, shall establish a schedule of fees designed to pay all direct and indirect costs incurred by the division in carrying out and enforcing the provisions of this part 33; except that the amount of the registration fee for installers of manufactured homes is the amount specified in section 24-32-3315 (5) and the amount of the registration fee for sellers of manufactured homes is the amount specified in section 24-32-3323 (3). Before establishing the schedule of fees, the board shall gather information regarding the fees charged by Colorado local governments for the inspection and certification of improvements to residential real property that are not manufactured homes and the fees charged by governmental entities outside of Colorado for the inspection and

certification of manufactured homes. The fees shall be paid to the division and transmitted to the state treasurer, who shall credit the fees to the building regulation fund, which fund is hereby created in the state treasury and referred to in this section as the "fund". All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Except as otherwise provided in subsection (2) of this section, at the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain in the fund and shall not be credited or transferred to the general fund or any other fund or used for any other purpose other than to offset the costs of implementing and administering and enforcing the provisions of this part 33.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL DEDUCT ONE MILLION ONE HUNDRED ONE THOUSAND THREE HUNDRED FORTY-NINE DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 13.** 38-13-116.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-13-116.7. Unclaimed property tourism promotion trust fund - creation - payments - interest - transfers.** (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 14.** 24-75-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT TWENTY-EIGHT MILLION FIFTY-FOUR THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS FROM THE CAPITAL CONSTRUCTION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 15.** 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.** (7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT EIGHT HUNDRED THREE THOUSAND SIX HUNDRED TEN DOLLARS FROM THE TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 16.** 25-16-104.6 (1), Colorado Revised Statutes, as amended by Senate Bill 09-208, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**25-16-104.6. Fund established - administration - revenue sources - use - repeal.** (1) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE STATE TREASURER SHALL DEDUCT TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE HAZARDOUS SUBSTANCE RESPONSE FUND AND

TRANSFER SUCH SUM TO THE GENERAL FUND.

(e) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE HAZARDOUS SUBSTANCE RESPONSE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 17.** 25-17-202 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-17-202. Waste tire recycling development fee - cash fund created - definition - repeal.** (3) (e) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (e), THE STATE TREASURER SHALL DEDUCT ONE HUNDRED FIFTY THOUSAND DOLLARS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 18.** 24-32-717 (1), Colorado Revised Statutes, is amended to read:

**24-32-717. Home investment trust fund - short-term loans.** (1) (a) For the purpose of meeting the federal matching fund requirements of Title II of the federal "National Housing Act", the division shall establish a home investment trust fund which shall be created and administered pursuant to the provisions of 24 CFR part 92, as may be amended from time to time. The division shall pay into such fund any moneys made available by the state or federal government for the purpose of making loans as provided in this section. Any moneys in such fund at the end of any fiscal year shall not revert to the general fund.

(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 ONE MILLION TWO HUNDRED EIGHTY-FOUR THOUSAND DOLLARS FROM THE HOME INVESTMENT TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 19.** 32-8-126, Colorado Revised Statutes, is amended to read:

**32-8-126. Moffat tunnel cash fund - created.** (1) All cash, proceeds, and other moneys collected by the department pursuant to this article shall be transmitted to the state treasurer who shall credit the same to the Moffat tunnel cash fund, which fund is hereby created. Moneys in the fund not subject to immediate transfer pursuant to section 32-8-124.7 (2) shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration 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 EIGHTY-SIX THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS FROM THE MOFFAT TUNNEL CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 20.** 34-63-102 (5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions.** (5) (a) (V) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (V), THE STATE TREASURER SHALL DEDUCT ONE MILLION DOLLARS FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 21.** 38-13-116.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules.** (2.6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.6), THE STATE TREASURER SHALL DEDUCT FIFTY MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND; AND

(b) ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT TWENTY-FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 22.** 39-29-109 (2) (a), Colorado Revised Statutes, as amended by Senate Bill 09-208, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS 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.** (III) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III), THE STATE TREASURER SHALL DEDUCT FIFTEEN MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(IV) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT FORTY-THREE MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(V) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JUNE 30, 2010, THE STATE TREASURER SHALL DEDUCT NINETEEN MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND; EXCEPT THAT, IF THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEYS IN THE PERPETUAL BASE

ACCOUNT OF THE FUND IS LESS THAN NINETEEN MILLION DOLLARS ON SAID DATE, THE STATE TREASURER SHALL TRANSFER ON SAID DATE THE UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS IN THE PERPETUAL BASE ACCOUNT OF THE FUND TO THE GENERAL FUND.

**SECTION 23.** 39-29-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-29-110. Local government severance tax fund - creation - administration - definitions.** (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE STATE TREASURER SHALL DEDUCT SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 24.** 40-8.7-112 (1), Colorado Revised Statutes, is amended to read:

**40-8.7-112. Department of human services low-income energy assistance fund - creation - energy outreach Colorado low-income energy assistance fund - creation - governor's energy office low-income energy assistance fund - creation - definitions.** (1) (a) There is hereby created in the state treasury the department of human services low-income energy assistance fund, which shall be administered by the department of human services and shall consist of all moneys transferred by the treasurer as specified in section 39-29-109.3 (2) (f), C.R.S. All moneys in the fund are continuously appropriated to the department of human services for the purpose of increasing available funds under the low-income energy assistance program specified in section 26-1-109, C.R.S. All moneys in the fund at the end of each fiscal year shall be retained in the fund and shall not revert to the general fund or any other fund.

(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 THREE MILLION DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 25.** 40-15-208 (3), Colorado Revised Statutes, is amended to read:

**40-15-208. High cost support mechanism - Colorado high cost administration fund - creation - purpose - operation.** (3) (a) There is hereby created in the state treasury the Colorado high cost administration fund, referred to in this section as the "fund", which shall be used to reimburse the commission and its contractors for reasonable expenses incurred in the administration of the high cost support mechanism as determined by rules of the commission. The moneys in the fund that are to be used for the direct and indirect administrative costs incurred by the commission and its contractors shall be appropriated annually by the general assembly. 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. Based upon the balance remaining in the fund and the amount appropriated annually by the general assembly for use by the commission, each year the commission shall determine the nondiscriminatory,

competitively neutral assessment on all telecommunications service providers in Colorado that will be necessary to cover the cost of implementing the high cost support mechanism. Only the moneys from such assessment shall be transmitted to the state treasurer, who shall credit the same to the fund. All interest derived from the deposit and investment of this fund shall remain in the fund and shall not revert to the general fund.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON JULY 31, 2009, THE STATE TREASURER SHALL DEDUCT FROM THE FUND AN AMOUNT EQUAL TO THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO SENATE BILL 09-272, ENACTED IN 2009, AND TRANSFER SUCH AMOUNT TO THE GENERAL FUND.

**SECTION 26.** 42-2-114.5, Colorado Revised Statutes, is amended to read:

**42-2-114.5. Licensing services cash fund.** (1) The licensing services cash fund is hereby created in the state treasury. Moneys in the fund shall be appropriated by the general assembly to the department for the cost of personal services and operating expenses incurred in the operation of driver's license offices. Moneys in the fund at the end of each fiscal year, as well as interest earned on the investment of moneys in the fund, shall be retained in the fund and shall not revert to the general fund or any other fund.

(2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON JUNE 15, 2010, THE STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED EIGHTY-NINE THOUSAND EIGHT HUNDRED NINETY-FOUR DOLLARS FROM THE LICENSING SERVICES CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 27.** 34-63-102 (5.4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions.** (5.4) Except as otherwise provided in subsection (5.5) of this section, on and after July 1, 2008, all moneys other than bonus payments, as defined in paragraph (b) of subsection (5.3) of this section, credited to the mineral leasing fund created in subparagraph (I) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for quarters beginning on July 1, October 1, January 1, and April 1 of each state fiscal year as follows:

(b.5) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (5.4) TO THE CONTRARY, FOR EACH QUARTER COMMENCING DURING THE 2009-10 FISCAL YEAR, AS SOON AS PRACTICABLE AFTER MONEYS ARE CREDITED TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5.4), THE STATE TREASURER SHALL TRANSFER FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND TO THE GENERAL FUND AN AMOUNT EQUAL TO FIFTY PERCENT OF THE AMOUNT SO CREDITED TO THE FUND FOR SUCH QUARTER; EXCEPT THAT THE AGGREGATE AMOUNT OF MONEYS SO TRANSFERRED PURSUANT TO THIS PARAGRAPH (b.5) SHALL NOT EXCEED TWENTY-TWO MILLION SIX HUNDRED THOUSAND DOLLARS.

**SECTION 28.** 24-75-201.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-75-201.5. Revenue shortfalls - required actions by the governor with respect to the reserve.** (1) (g) (I) FOR THE FISCAL YEAR 2008-09 ONLY, IF THE REVENUE ESTIMATE PREPARED IN ACCORDANCE WITH SECTION 24-75-201.3 (2) IN JUNE 2009 INDICATES THAT GENERAL FUND EXPENDITURES FOR SUCH FISCAL YEAR BASED ON APPROPRIATIONS THEN IN EFFECT WILL EXCEED THE AMOUNT OF GENERAL FUND REVENUES AVAILABLE FOR EXPENDITURE FOR SUCH FISCAL YEAR, THE STATE TREASURER AND THE CONTROLLER, UPON THE WRITTEN ORDER OF THE GOVERNOR, SHALL TRANSFER TO THE GENERAL FUND ON JUNE 30, 2009, FROM ANY OR ALL OF SUCH FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g), SUCH AMOUNTS AS ARE REQUIRED TO PERMIT PROMPT DISBURSEMENT FROM THE GENERAL FUND OF ANY APPROPRIATION MADE THEREFROM FOR ANY LAWFUL PURPOSE.

(II) THE TRANSFER OR TRANSFERS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) SHALL BE MADE FROM ONE OR MORE OF THE FOLLOWING FUNDS:

(A) THE EMPLOYMENT SUPPORT FUND CREATED IN SECTION 8-77-109 (1), C.R.S., NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS;

(B) THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 (1) (a), NOT TO EXCEED EIGHTY-FOUR MILLION SIX HUNDRED THOUSAND DOLLARS;

(C) THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5) (a) (I), C.R.S., NOT TO EXCEED SEVENTY-TWO MILLION DOLLARS;

(D) THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121 (1) (a), C.R.S., NOT TO EXCEED SIXTY MILLION DOLLARS;

(E) THE UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-116.5 (1) (a), C.R.S., NOT TO EXCEED ONE HUNDRED MILLION DOLLARS;

(F) THE PERPETUAL BASE ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (a), C.R.S., NOT TO EXCEED SEVENTY-FIVE MILLION DOLLARS;

(G) THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (b), C.R.S., NOT TO EXCEED TWENTY-ONE MILLION THREE HUNDRED THOUSAND DOLLARS;

(H) THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110 (1) (a) (I), C.R.S., NOT TO EXCEED ONE HUNDRED TWENTY-EIGHT MILLION DOLLARS.

(III) EFFECTIVE JULY 1, 2009, THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER MONEYS FROM THE GENERAL FUND TO ANY OR ALL FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g) IN ORDER TO RESTORE TO SAID FUNDS ANY AMOUNT TRANSFERRED THEREFROM PURSUANT TO SUBPARAGRAPH

(I) OF THIS PARAGRAPH (g).

**SECTION 29. Effective date.** This act shall take effect upon passage; except that section 25 of this act amending section 40-15-208 (3), Colorado Revised Statutes, shall take effect only if Senate Bill 09-272 is enacted and becomes law, and section 26 of this act amending section 42-2-114.5, Colorado Revised Statutes, shall take effect only if Senate Bill 09-274 is enacted and becomes law.

**SECTION 30. 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: June 1, 2009