

## CHAPTER 370

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**TAXATION**

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**SENATE BILL 09-293**

BY SENATOR(S) Isgar;  
also REPRESENTATIVE(S) Curry, Labuda, Looper, Sonnenberg, Baumgardner, Fischer, Liston, Roberts, Vigil.

**AN ACT**

**CONCERNING CHANGES TO CERTAIN TIER TWO TRANSFERS OUT OF THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO COMPENSATE FOR A PROJECTED REVENUE LOSS IN THAT FUND FOR THE 2009-10 STATE FISCAL YEAR.**

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

**SECTION 1.** 39-29-109.3 (2) (a) (I) (A), (2) (a) (I) (B), (2) (c) (I) (B), (2) (d) (II) (A), (2) (e) (II) (A), and (2) (f) (II) (A), Colorado Revised Statutes, are amended, and the said 39-29-109.3 (2) (f) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**39-29-109.3. Operational account of the severance tax trust fund - repeal.**  
(2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(a) (I) To the water supply reserve account created in section 39-29-109 (2) (c), the following amounts:

(A) For the state fiscal year commencing July 1, 2008, ~~ten~~ SEVEN million dollars. This sub-subparagraph (A) is repealed, effective July 1, 2010.

(B) For the state fiscal year commencing July 1, 2009, ~~ten~~ FIVE million SEVEN HUNDRED SEVENTY-FIVE THOUSAND dollars. This sub-subparagraph (B) is repealed, effective July 1, 2011.

(c) (I) To the water efficiency grant program cash fund created in section 37-60-126 (12), C.R.S., for use in accordance with that section, the following

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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.*

amounts:

~~(B) If, on June 30, 2009, there is more than one hundred thousand dollars of unobligated revenue in the operational account above the reserve required by subsection (3) of this section, the state treasurer shall transfer such amounts over one hundred thousand dollars, up to a maximum of one million dollars, to the water efficiency grant program cash fund on July 1, 2009.~~

(d) To the capital account of the species conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the following amounts:

(II) (A) For the state fiscal year commencing July 1, 2009, ~~seven~~ FOUR million dollars.

(e) To the operation and maintenance account of the species conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the following amounts:

(II) (A) For the state fiscal year commencing July 1, 2009, ~~two million~~ FIVE HUNDRED THOUSAND dollars.

(f) For providing energy-related assistance to low-income households as specified in section 40-8.7-112, C.R.S.:

(II) (A) For the state fiscal year commencing July 1, 2009, ~~thirteen~~ THREE million TWO HUNDRED FIFTY THOUSAND dollars as follows: ~~Twenty-five percent~~ ONE MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS to the department of human services low-income energy assistance fund created in section 40-8.7-112 (1), C.R.S. AND ~~twenty-five percent~~ ONE MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS to the energy outreach Colorado low-income energy assistance fund created in section 40-8.7-112 (2) (a), C.R.S. and ~~fifty percent to the governor's energy office low-income energy assistance fund created in section 40-8.7-112 (3) (a), C.R.S.~~

(V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012, THIRTEEN MILLION DOLLARS AS FOLLOWS: TWENTY-FIVE PERCENT TO THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112 (1), C.R.S.; TWENTY-FIVE PERCENT TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112 (2) (a), C.R.S.; AND FIFTY PERCENT TO THE GOVERNOR'S ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112 (3) (a), C.R.S.

(B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 2.** 23-31-313 (10) (c) (II), (10) (c) (IV), (10) (c) (V), and (10) (c) (VI), Colorado Revised Statutes, as enacted by House Bill 09-1199, are amended to read:

**23-31-313. Healthy forests - vibrant communities - funds created.** (10) **Healthy forests and vibrant communities fund.** (c) Of the moneys transferred to the fund pursuant to section 39-29-109.3 (2) (n), C.R.S.:

(II) Two hundred ~~twenty-five~~ thousand dollars may be expended for purposes specified in subsection (5) of this section;

(IV) ~~Eighty~~ SIXTY-FIVE thousand dollars may be expended for purposes specified in subsection (7) of this section;

(V) ~~Three~~ TWO hundred ~~twenty~~ thousand dollars may be expended for purposes specified in subsection (8) of this section;

(VI) ~~Seven~~ THREE hundred SIXTY thousand dollars may be expended for purposes specified in subsection (9) of this section; and

**SECTION 3.** 39-29-109.3 (2) (n) (I) (A) and (2) (n) (II), Colorado Revised Statutes, as enacted by House Bill 09-1199, are amended to read:

**39-29-109.3. Operational account of the severance tax trust fund - repeal.**

(2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(n) (I) For three fiscal years commencing on or after July 1, 2009, the state treasurer shall transfer:

(A) One million ~~nine~~ FOUR hundred fifty thousand dollars of the moneys in the account to the healthy forests and vibrant communities fund created in section 23-31-313 (10), C.R.S.

(II) This paragraph (n) is repealed, effective July 1, ~~2012~~ 2013.

**SECTION 4. Effective date.** This act shall take effect upon passage; except that sections 2 and 3 of this act shall take effect only if House Bill 09-1199 is enacted and becomes law.

**SECTION 5. 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