

CHAPTER 190

GOVERNMENT - STATE

SENATE BILL 11-226

BY SENATOR(S) Hodge, Steadman, Lambert;
also REPRESENTATIVE(S) Gerou, Becker, Ferrandino.

AN ACT

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 22-7-908, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-908. Read-to-achieve cash fund - created. (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH FUND AS OF JUNE 30, 2011.

SECTION 2. 24-22-115 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-22-115. Tobacco litigation settlement cash fund - health care supplemental appropriations and overexpenditures account - creation - repeal. (4) (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE HEALTH CARE SUPPLEMENTAL APPROPRIATIONS AND OVEREXPENDITURES ACCOUNT AS OF JUNE 30, 2012.

SECTION 3. 24-30-202.4 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-202.4. Collection of debts due the state - controller's duties - creation of debt collection fund - definitions. (3) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS SUBSECTION (3) TO THE CONTRARY, ON JUNE 30, 2012,

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

THE STATE TREASURER SHALL DEDUCT TWO HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED NINETY-FOUR DOLLARS FROM THE DEBT COLLECTION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 4. 26-1-135 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-1-135. Child welfare action committee - reporting - cash fund - created.

(2) (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JULY 1, 2011.

SECTION 5. 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 - local government permanent fund created - 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.8) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (5.4) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT THIRTY MILLION DOLLARS FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 6. 39-29-109 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal.

(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.** (IX) (A) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1, 2011, THE STATE TREASURER SHALL DEDUCT TWENTY-FIVE MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(B) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT TWENTY-THREE MILLION ONE HUNDRED THOUSAND DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 7. 39-29-109.3 (6), Colorado Revised Statutes, is amended to read:

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

(6) (a) Notwithstanding any provision of this section to the contrary, on April 15, 2010, the state treasurer shall deduct eleven million dollars from the operational account and transfer such sum to the general fund.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT THREE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 8. 39-29-110 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-110. Local government severance tax fund - creation - administration - definitions. (7) Notwithstanding any provision of this section to the contrary:

(c) ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT FORTY-ONE MILLION DOLLARS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 9. 40-8.7-112 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS 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) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON JUNE 30, 2011, THE STATE TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(e) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON JANUARY 5, 2012, THE STATE TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 10. Appropriation - adjustments in 2010 long bill. For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of human services, office of self-sufficiency, for the low income energy assistance program, is decreased by three million two hundred fifty thousand dollars (\$3,250,000) cash funds. Said sum shall be from the department of human services low-income energy assistance fund, created in section 40-8.7-112 (1) (a), Colorado Revised Statutes.

SECTION 11. Appropriation - adjustments in 2011 long bill. For the implementation of this act, the appropriation made in the annual general

appropriation act for the fiscal year beginning July 1, 2011, to the department of human services, office of self-sufficiency, for the low income energy assistance program, is decreased by three million two hundred fifty thousand dollars (\$3,250,000) cash funds. Said sum shall be from the department of human services low-income energy assistance fund, created in section 40-8.7-112 (1) (a), Colorado Revised Statutes.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 2011