

HB1229_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.HB16-1229 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 23-1-106.3, amend
4 (2) (a) as follows:

5 **23-1-106.3. Duties and powers of the commission - capital**
6 **construction projects - federal mineral lease revenues fund - higher**
7 **education institutions lease-purchase cash fund.** (2) (a) On or before
8 August 15, 2009, and on or before August 15 OF each year thereafter
9 THROUGH AUGUST 15, 2015, the state treasurer shall notify the
10 commission, the office of state planning and budgeting, the capital
11 development committee, and the joint budget committee of the amount of
12 money in the revenues fund and whether the treasurer determines that
13 there are sufficient moneys in the revenues fund to enter into additional
14 lease-purchase agreements to be funded from the revenues fund. ON AND
15 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, THE
16 STATE SHALL NOT ENTER INTO ANY ADDITIONAL LEASE-PURCHASE
17 AGREEMENTS TO BE FUNDED FROM THE REVENUES FUND.

18 **SECTION 2.** In Colorado Revised Statutes, 23-19.9-101, **repeal**
19 (2) as follows:

20 **23-19.9-101. Definitions.** As used in this article, unless the
21 context otherwise requires:

22 (2) ~~"Maintenance and reserve fund" means the higher education~~
23 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a).~~

24 **SECTION 3.** In Colorado Revised Statutes, 23-19.9-102, **amend**
25 (1) (a) and (1) (b); **add** (1) (a.5); and **repeal** (2) (a) and (2) (b) as follows:

26 **23-19.9-102. Higher education federal mineral lease revenues**
27 **fund - higher education maintenance and reserve fund - creation -**
28 **sources of revenues - use.** (1) (a) The higher education federal mineral
29 lease revenues fund is hereby created in the state treasury. For the
30 2008-09 fiscal year and for each succeeding fiscal year THROUGH THE
31 QUARTERLY TRANSFER FOR THE QUARTER COMMENCING ON OCTOBER 1 OF
32 THE 2015-16 FISCAL YEAR, the lesser of the first fifty million dollars of the
33 total amount of moneys required to be transferred to the revenues fund
34 and the maintenance and reserve fund pursuant to section 34-63-102
35 (5.5), C.R.S., or all of such moneys shall be transferred to the revenues
36 fund and the remainder of such moneys shall be transferred to the
37 maintenance and reserve fund. FOR THE QUARTERLY TRANSFERS FOR THE



1 QUARTERS COMMENCING ON JANUARY 1, 2016, AND APRIL 1, 2016, FOR
2 THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER,
3 MONEY SHALL BE TRANSFERRED TO THE REVENUES FUND AS REQUIRED BY
4 SECTION 34-63-102 (5.5), C.R.S. Interest and income derived from the
5 deposit and investment of the revenues fund shall remain in the revenues
6 fund and shall not be transferred to the general fund or any other fund at
7 the end of any fiscal year. The state treasurer may invest the revenues
8 fund in any investment in which the board of trustees of the public
9 employees' retirement association may invest the funds of the association
10 pursuant to section 24-51-206, C.R.S.

11 (a.5) ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5), THE
12 TREASURER SHALL TRANSFER ALL MONEY IN THE MAINTENANCE AND
13 RESERVE FUND TO THE REVENUES FUND.

14 (b) The general assembly may annually appropriate moneys in the
15 revenues fund to THE DEPARTMENT OF HIGHER EDUCATION FOR TRANSFER
16 TO THE STATE TREASURER TO directly pay for or pay the costs of financing
17 capital construction projects at state-supported institutions of higher
18 education that are included on a prioritized list of such projects specified
19 in a joint resolution that has taken effect in accordance with section 39 of
20 article V of the state constitution after being sponsored by the joint budget
21 committee of the general assembly, approved by the general assembly,
22 and presented to the governor pursuant to section 23-1-106.3 (1) (b),
23 enacted by Senate Bill 08-233, enacted at the second regular session of
24 the sixty-sixth general assembly. MONEY TRANSFERRED TO THE
25 TREASURER IS CONTINUOUSLY APPROPRIATED TO THE TREASURER FOR THE
26 PURPOSE OF MAKING PAYMENTS RELATED TO THE CAPITAL CONSTRUCTION
27 PROJECTS. The general assembly may also appropriate moneys in the
28 revenues fund to the department of education for distribution by the
29 department, or any board or division within the department that the
30 department may designate, to school districts for capital construction
31 projects at area vocational schools, as defined in section 23-60-103 (1).
32 In making such appropriations, the general assembly shall give priority
33 consideration to capital construction projects at state-supported
34 institutions of higher education that are located in communities that are
35 substantially impacted by energy production or conversion activities, and
36 the department, or any board or division within the department designated
37 to distribute moneys appropriated to the department pursuant to this
38 paragraph (b), shall give priority consideration to capital construction
39 projects at area vocational schools that are located in such communities.
40 Only capital construction projects that will be used exclusively or
41 primarily for academic purposes shall be eligible for funding pursuant to
42 this paragraph (b).

43 ~~(2) (a) The higher education maintenance and reserve fund is~~

1 hereby created in the state treasury. The principal of the maintenance and
 2 reserve fund shall consist of moneys transferred to the maintenance and
 3 reserve fund pursuant to section 34-63-102 (5.3) (a) (ii), C.R.S. Except
 4 as otherwise provided in paragraph (b) of this subsection (2), the principal
 5 of the maintenance and reserve fund shall remain in the fund and shall not
 6 be expended for any purpose. The general assembly may annually
 7 appropriate interest and income derived from the deposit and investment
 8 of moneys in the maintenance and reserve fund for controlled
 9 maintenance projects for the system of public higher education that are
 10 selected through the process set forth in sections 24-30-1303 (1) (k.5) and
 11 2-3-1304 (1) (b), C.R.S. The state treasurer may invest the maintenance
 12 and reserve fund in any investment in which the board of trustees of the
 13 public employees' retirement association may invest the funds of the
 14 association pursuant to section 24-51-206, C.R.S.
 15 (b) (i) If the amount of moneys in the revenues fund will be
 16 insufficient to cover the full amount of the payments due to be made
 17 under lease-purchase agreements authorized pursuant to section
 18 23-1-106.3 (3), the general assembly may transfer from the principal of
 19 the maintenance and reserve fund or from any other sources to the
 20 revenues fund sufficient moneys to make the payments.
 21 (ii) If, at any time during a fiscal year, the most recent available
 22 quarterly revenue estimate prepared by the staff of the legislative council
 23 indicates that the amount of total general fund revenues for the fiscal year
 24 will not be sufficient to allow the state to maintain the four percent or
 25 higher reserve required by section 24-75-201.1 (1), C.R.S., the general
 26 assembly may make supplemental appropriations of principal of the
 27 maintenance and reserve fund or the state controller may allow
 28 overexpenditures to be made from principal of the maintenance and
 29 reserve fund pursuant to and in accordance with the requirements of
 30 section 24-75-111, C.R.S., in order to offset any reduction in the amount
 31 of one or more general fund appropriations for the fiscal year for
 32 operating expenses of state-supported institutions of higher education that
 33 resulted from the insufficiency in the amount of total general fund
 34 revenues:
 35 (iii) Notwithstanding any provision of this subsection (2) to the
 36 contrary, on June 30, 2009, the state treasurer shall deduct thirty-three
 37 million seven hundred thousand dollars from the higher education
 38 maintenance and reserve fund and transfer such sum to the general fund;
 39 except that, if the balance of moneys in the higher education maintenance
 40 and reserve fund on June 30, 2009, is less than thirty-three million seven
 41 hundred thousand dollars, the state treasurer shall transfer the balance of
 42 moneys in the fund to the general fund:
 43 (iv) Notwithstanding any provision of this subsection (2) to the

1 ~~contrary, on April 15, 2010, the state treasurer shall deduct two million~~
2 ~~three hundred thousand dollars from the higher education maintenance~~
3 ~~and reserve fund and transfer such sum to the general fund.~~

4 ~~(V) Notwithstanding any provision of this subsection (2) to the~~
5 ~~contrary, on May 5, 2011, the state treasurer shall deduct one million one~~
6 ~~hundred twenty-eight thousand six hundred twenty-four dollars from the~~
7 ~~higher education maintenance and reserve fund and transfer such sum to~~
8 ~~the general fund.~~

9 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, amend
10 (1) (a) (II), (5.3) (a) (II), (5.5) (a), and (5.5) (b) as follows:

11 **34-63-102. Creation of mineral leasing fund - distribution -**
12 **advisory committee - local government permanent fund created -**
13 **definitions - transfer of moneys - repeal.** (1) (a) (II) On and after July
14 1, 2008, all moneys, including any interest and income derived therefrom,
15 received by the state treasurer pursuant to the provisions of the federal
16 "Mineral Lands Leasing Act" of February 25, 1920, as amended, except
17 those moneys described in section 34-63-104, shall be deposited by the
18 state treasurer into the mineral leasing fund, which fund is hereby created,
19 for use by state agencies, public schools, and political subdivisions of the
20 state as described in subsections (5.3) and (5.4) of this section and for
21 transfer to the higher education federal mineral lease revenues fund
22 created in section 23-19.9-102 (1) (a), C.R.S., ~~the higher education~~
23 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a);~~
24 ~~C.R.S.~~, and the local government permanent fund created in
25 sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection
26 (5.3) of this section, as required by this section and section 23-19.9-102,
27 C.R.S.

28 (5.3) (a) Bonus payments credited to the mineral leasing fund
29 created in subparagraph (II) of paragraph (a) of subsection (1) of this
30 section shall be distributed on a quarterly basis for each quarter
31 commencing on July 1, October 1, January 1, or April 1 of any state fiscal
32 year as follows:

33 (II) Fifty percent of the bonus payments shall be transferred to the
34 higher education ~~maintenance and reserve~~ FEDERAL MINERAL LEASE
35 REVENUES fund created in ~~section 23-19.9-102 (2) (a);~~ SECTION
36 23-19.9-102 (1) (a), C.R.S.

37 (5.5) (a) (I) On and after July 1, 2008, BUT BEFORE THE EFFECTIVE
38 DATE OF THIS PARAGRAPH (a), AS AMENDED, all moneys other than bonus
39 payments, as defined in paragraph (b) of subsection (5.3) of this section,
40 credited to the mineral leasing fund in excess of the amounts distributed
41 pursuant to subsection (5.4) of this section shall be transferred on a
42 quarterly basis for each quarter commencing on July 1, October 1,
43 January 1, or April 1 of any state fiscal year to the higher education

1 federal mineral lease revenues fund created in section 23-19.9-102 (1) (a),
2 C.R.S., and the higher education maintenance and reserve fund created in
3 section 23-19.9-102 (2) (a), C.R.S., as specified in said section AS THAT
4 SECTION EXISTED PRIOR TO ITS REPEAL.

5 (II) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a),
6 AS AMENDED, ALL MONEYS OTHER THAN BONUS PAYMENTS, AS DEFINED
7 IN PARAGRAPH (b) OF SUBSECTION (5.3) OF THIS SECTION, CREDITED TO
8 THE MINERAL LEASING FUND IN EXCESS OF THE AMOUNTS DISTRIBUTED
9 PURSUANT TO SUBSECTION (5.4) OF THIS SECTION SHALL BE TRANSFERRED
10 ON A QUARTERLY BASIS FOR EACH QUARTER COMMENCING ON JULY 1,
11 OCTOBER 1, JANUARY 1, OR APRIL 1 OF ANY STATE FISCAL YEAR TO THE
12 HIGHER EDUCATION FEDERAL MINERAL LEASE REVENUES FUND CREATED
13 IN SECTION 23-19.9-102 (1) (a), C.R.S., AS SPECIFIED IN SAID SECTION.

14 (b) Notwithstanding the provisions of paragraph (a) of subsection
15 (5.4) of this section, if the amount of moneys in the higher education
16 federal mineral lease revenues fund, established pursuant to section
17 23-19.9-102 (1), C.R.S., ~~including any transfers pursuant to section~~
18 ~~23-19.9-102 (2) (b), C.R.S.~~, is insufficient to cover the full amount of the
19 payments due to be made under lease-purchase agreements authorized
20 pursuant to section 23-1-106.3 (3), C.R.S., the general assembly may
21 reduce the transfer to the state public school fund by the amount needed
22 to cover the full amount of payments and transfer that amount to the
23 higher education federal mineral lease revenues fund.

24 **SECTION 5. Effective date.** (1) Except as otherwise provided
25 in this section, this act takes effect upon passage.

26 (2) Section 23-19.9-102 (1) (b), Colorado Revised Statutes, as
27 ~~amended in section 3 of this act, takes effect July 1, 2016.~~

28 (3) The repeal of section 23-19.9-102 (2) (a), Colorado Revised
29 Statutes, as contained in section 3 of this act, takes effect on the day after
30 the remainder of this act takes effect.

31 **SECTION 6. Safety clause.** The general assembly hereby finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, and safety."

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