

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0957.01 Ed DeCecco

SENATE BILL 11-226

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SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Appropriations

House Committees

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A BILL FOR AN ACT

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

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

For the purpose of augmenting the amount of revenues in the state general fund, the bill requires the state treasurer to transfer to the general fund the unexpended and unencumbered balance in the following funds:

! The read-to-achieve cash fund (**Section 1**);

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

! The health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund (**Section 2**); and  
! The child welfare action committee cash fund (**Section 4**).  
The bill also requires the state treasurer to make the following specific transfers to the general fund:  
! \$249,494 from the debt collection fund (**Section 3**);  
! \$30,000,000 from the local government mineral impact fund (**Section 5**);  
! \$48,100,000 from the perpetual base account of the severance tax trust fund (**Section 6**);  
! \$41,000,000 from the local government severance tax fund (**Section 7**);  
! \$6,500,000 from the department of human services low-income energy assistance fund, which shall be transferred in 2 equal installments over the current and next fiscal years (**Section 8**).

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

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

4 **22-7-908. Read-to-achieve cash fund - created.**

5 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
6 CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL  
7 FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE  
8 CASH FUND AS OF JUNE 30, 2011.

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

11 **24-22-115. Tobacco litigation settlement cash fund - health**  
12 **care supplemental appropriations and overexpenditures account -**  
13 **creation - repeal.** (4) (c) NOTWITHSTANDING ANY PROVISION OF THIS  
14 SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO  
15 THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS  
16 REMAINING IN THE HEALTH CARE SUPPLEMENTAL APPROPRIATIONS AND

1 OVEREXPENDITURES ACCOUNT AS OF JUNE 30, 2012.

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

4 **24-30-202.4. Collection of debts due the state - controller's**  
5 **duties - creation of debt collection fund - definitions.**

6 (3) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS  
7 SUBSECTION (3) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE  
8 TREASURER SHALL DEDUCT TWO HUNDRED FORTY-NINE THOUSAND FOUR  
9 HUNDRED NINETY-FOUR DOLLARS FROM THE DEBT COLLECTION FUND AND  
10 TRANSFER SUCH SUM TO THE GENERAL FUND.

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

13 **26-1-135. Child welfare action committee - reporting - cash**  
14 **fund - created.** (2) (c) NOTWITHSTANDING ANY PROVISION OF THIS  
15 SECTION TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO  
16 THE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS  
17 REMAINING IN THE FUND AS OF JULY 1, 2011.

18 **SECTION 5.** 34-63-102 (5.4), Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **34-63-102. Creation of mineral leasing fund - distribution -**  
21 **advisory committee - local government permanent fund created -**  
22 **definitions.** (5.4) Except as otherwise provided in subsection (5.5) of  
23 this section, on and after July 1, 2008, all moneys other than bonus  
24 payments, as defined in paragraph (b) of subsection (5.3) of this section,  
25 credited to the mineral leasing fund created in subparagraph (I) of  
26 paragraph (a) of subsection (1) of this section shall be distributed on a  
27 quarterly basis for quarters beginning on July 1, October 1, January 1,

1 and April 1 of each state fiscal year as follows:

2 (b.8) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF  
3 THIS SUBSECTION (5.4) TO THE CONTRARY, ON JUNE 30, 2012, THE STATE  
4 TREASURER SHALL DEDUCT THIRTY MILLION DOLLARS FROM THE LOCAL  
5 GOVERNMENT MINERAL IMPACT FUND AND TRANSFER SUCH SUM TO THE  
6 GENERAL FUND.

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

9 **39-29-109. Severance tax trust fund - created - administration**  
10 **- distribution of moneys - repeal.** (2) State severance tax receipts shall  
11 be credited to the severance tax trust fund as provided in section  
12 39-29-108. Except as otherwise set forth in section 39-29-109.5, all  
13 income derived from the deposit and investment of the moneys in the  
14 fund shall be credited to the fund. At the end of any fiscal year, all  
15 unexpended and unencumbered moneys in the fund shall remain therein  
16 and shall not be credited or transferred to the general fund or any other  
17 fund. All moneys in the fund shall be subject to appropriation by the  
18 general assembly for the following purposes:

19 (a) **The perpetual base account.** (IX) (A) NOTWITHSTANDING  
20 ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1,  
21 2011, THE STATE TREASURER SHALL DEDUCT TWENTY-FIVE MILLION  
22 DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND  
23 TRANSFER SUCH SUM TO THE GENERAL FUND.

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

1 SUM TO THE GENERAL FUND.

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

4 **39-29-110. Local government severance tax fund - creation -**  
5 **administration - definitions.** (7) Notwithstanding any provision of this  
6 section to the contrary:

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

10 **SECTION 8.** 40-8.7-112 (1), Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF THE FOLLOWING NEW  
12 PARAGRAPHS to read:

13 **40-8.7-112. Department of human services low-income energy**  
14 **assistance fund - creation - energy outreach Colorado low-income**  
15 **energy assistance fund - creation - governor's energy office**  
16 **low-income energy assistance fund - creation - definitions.**

17 (1) (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
18 SUBSECTION (1) TO THE CONTRARY, ON JUNE 30, 2011, THE STATE  
19 TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY  
20 THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES  
21 LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE  
22 GENERAL FUND.

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

1 GENERAL FUND.

2 **SECTION 9. Appropriation - adjustments in 2010 long bill.**

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

10 **SECTION 10. Appropriation - adjustments in 2011 long bill.**

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

18 **SECTION 11. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.