

CHAPTER 166

GOVERNMENT - STATE

HOUSE BILL 20-1372

BY REPRESENTATIVE(S) Esgar and McCluskie;
also SENATOR(S) Rankin, Moreno, Zenzinger.

AN ACT

CONCERNING THE REPEAL OF PROVISIONS RELATING TO MINED LAND RECLAMATION.

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

SECTION 1. In Colorado Revised Statutes, 34-34-102, **amend** (1); and **add** (3) as follows:

34-34-102. Abandoned mine reclamation fund - project expenditures - repeal. (1) The abandoned mine reclamation fund is hereby created in the state treasury. The fund ~~shall consist of moneys~~ CONSISTS OF MONEY received pursuant to section 34-33-133 (2)(a), ~~moneys~~ MONEY transferred PRIOR TO JULY 1, 2020, from the severance tax operational fund pursuant to section 39-29-109.3 (1)(c), ~~C.R.S.~~, and interest earned on the investment of such ~~moneys~~ MONEY. Revenues in the fund shall not revert to the general fund. The fund shall be expended only for the purposes specified in this section. Appropriations from the fund shall be available for three successive state fiscal years. ~~THE STATE TREASURER SHALL TRANSFER ANY MONEY IN THE FUND ON JUNE 30, 2023, TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109.3.~~

(3) THIS ARTICLE 34 IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. In Colorado Revised Statutes, 39-29-109.3, **amend** (1) introductory portion and (1)(c); and **repeal** (2)(o) as follows:

39-29-109.3. Severance tax operational fund - core reserve - grant program reserve - definitions - repeal. (1) For fiscal years commencing on and after July 1, 1997, the executive director of the department of natural resources shall submit with the department's budget request for each fiscal year a list and description of the

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programs the executive director recommends to be funded from the severance tax operational fund created in section 39-29-109 (2)(b), referred to in this section as the "operational fund". The general assembly may appropriate ~~moneys~~ MONEY from the total ~~moneys~~ MONEY available in the operational fund to fund recommended programs as follows:

(c) For programs within the division of reclamation, mining, and safety, up to thirty percent of the ~~moneys~~ MONEY in the operational fund for fiscal years commencing before July 1, 2008, and up to twenty-five percent of the ~~moneys~~ MONEY in the operational fund for fiscal years commencing on or after July 1, 2008. ~~As part of any appropriation made, five hundred thousand dollars, or so much as may be available, shall be transferred to the abandoned mine reclamation fund created in section 34-34-102 (1), C.R.S.~~

(2) Subject to the requirements of subsections (3) and (3.5) of this section, if the general assembly chooses not to spend up to one hundred percent of the money in the operational fund on core departmental programs, the state treasurer shall transfer the following amounts:

(o) ~~For the state fiscal year commencing July 1, 2015, and for each state fiscal year thereafter, one hundred twenty-seven thousand dollars to the special account in the general fund established pursuant to section 34-32-122 (1)(a), C.R.S., by the mined land reclamation board established in section 34-32-105, C.R.S., for the purpose of reclaiming lands that were obligated to be reclaimed under permits upon which financial warranties have been forfeited;~~

SECTION 3. Effective date. This act takes effect July 1, 2020.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 29, 2020