

CHAPTER 69

GOVERNMENT - STATE

SENATE BILL 21-227

BY SENATOR(S) Moreno and Rankin, Hansen;
 also REPRESENTATIVE(S) Ransom, Herod, McCluskie, Arndt, Bennett, Bird, Bockenfeld, Esgar, Exum, Hooton, Kipp,
 McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Tipper, Van Beber, Weissman, Young, Garnett.

AN ACT

CONCERNING THE STATE EMERGENCY RESERVE, AND, IN CONNECTION THEREWITH, DESIGNATING THE STATE EMERGENCY RESERVE FOR THE 2021-22 STATE FISCAL YEAR, CREATING THE STATE EMERGENCY RESERVE CASH FUND, AND REQUIRING REIMBURSEMENTS FOR EXPENDITURES FROM A FUND THAT IS DESIGNATED AS PART OF THE STATE EMERGENCY RESERVE TO BE RETURNED TO THE FUND.

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

SECTION 1. State emergency reserve - designation. (1) The funds and capital asset designated to constitute the state emergency reserve for the 2021-22 fiscal year are:

(a) The disaster emergency fund created in section 24-33.5-706 (2)(a), C.R.S., up to a maximum of \$48,000,000;

(b) The state emergency reserve cash fund created in section 24-77-104 (6), C.R.S., up to a maximum of \$201,000,000;

(c) The unclaimed property tourism promotion trust fund created in section 38-13-801.5 (1), C.R.S., up to a maximum of \$5,000,000;

(d) The Colorado water conservation board construction fund created in section 37-60-121 (1)(a), C.R.S., up to a maximum of \$33,000,000;

(e) The major medical insurance fund created in section 8-46-202 (1)(a), C.R.S., up to a maximum of \$59,000,000;

(f) The marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., up to

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

a maximum of \$100,000,000; and

(g) The capitol annex building located at 1375 Sherman Street, Denver, Colorado, 80203, which has a value that exceeds \$29,000,000.

SECTION 2. In Colorado Revised Statutes, 24-77-104, **amend** (1) and (2)(a); and **add** (6) and (7) as follows:

24-77-104. State emergency reserve - cash fund - creation - declaration of emergency - reimbursement of emergency reserve expenditures. (1) The state shall hereby establish a state emergency reserve ~~which shall be~~ THAT IS held by the state for emergencies declared pursuant to subsection (3) of this section. ~~Said~~ FOR EACH STATE FISCAL YEAR, THE state emergency reserve shall ~~be no less than the following:~~ NOT BE LESS THAN THREE PERCENT OF STATE FISCAL YEAR SPENDING MINUS ANNUAL BONDED DEBT SERVICE.

~~(a) For fiscal year 1993-94, one percent of state fiscal year spending minus annual bonded debt service;~~

~~(b) For fiscal year 1994-95, two percent of state fiscal year spending minus annual bonded debt service;~~

~~(c) For fiscal year 1995-96 and each fiscal year thereafter, three percent of state fiscal year spending minus annual bonded debt service.~~

(2)(a) The state emergency reserve ~~shall consist of such moneys as are~~ CONSISTS OF MONEY IN THE STATE EMERGENCY RESERVE CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION AND ANY OTHER MONEY OR CAPITAL ASSET THAT IS annually designated by the general assembly in the general appropriation bill or by separate bill to constitute ~~said~~ THE emergency reserve. ~~For the fiscal year 1996-97 and each fiscal year thereafter,~~ The principal of the controlled maintenance trust fund created in section 24-75-302.5 (2), may constitute all or some portion of the state emergency reserve.

(6) (a) THE STATE EMERGENCY RESERVE CASH FUND, REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (6)(c) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE STATE EMERGENCY RESERVE CASH FUND TO THE FUND.

(b) MONEY IN THE FUND SHALL NOT BE EXPENDED OR APPROPRIATED FOR ANY PURPOSE OTHER THAN FOR A DECLARED EMERGENCY IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION. IF THE GOVERNOR DECLARES A DISASTER EMERGENCY PURSUANT TO SECTION 24-33.5-704 (4), THEN THE GOVERNOR MAY TRANSFER MONEY FROM THE FUND TO THE DISASTER EMERGENCY FUND CREATED IN SECTION 24-33.5-706, IF THE MONEY IN THE DISASTER EMERGENCY FUND IS INSUFFICIENT.

(c) (I) ON JUNE 30, 2021, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED

ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(II) ON JUNE 30, 2021, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED MILLION DOLLARS FROM THE CONTROLLED MAINTENANCE TRUST FUND CREATED IN SECTION 24-75-302.5 (2)(a) TO THE FUND.

(7) BEGINNING JULY 1, 2021, IF ANY MONEY IN A FUND THAT IS DESIGNATED BY THE GENERAL ASSEMBLY AS PART OF THE STATE EMERGENCY RESERVE IS EXPENDED AND THE STATE SUBSEQUENTLY RECEIVES A REIMBURSEMENT FOR THE EXPENDITURE, THEN THE STATE TREASURER SHALL DEPOSIT THE REIMBURSEMENT INTO THE FUND THAT WAS THE ORIGINAL SOURCE OF THE MONEY. THIS SUBSECTION (7) APPLIES REGARDLESS OF WHETHER THE EXPENDITURE IS MADE DIRECTLY FROM THE FUND OR IF IT IS TRANSFERRED FROM THE FUND TO THE DISASTER EMERGENCY FUND, CREATED IN SECTION 24-33.5-706 (2)(a), OR ANY OTHER FUND, OR IF THE EXPENDITURE IS OF MONEY IN THE FUND THAT WAS PREVIOUSLY REIMBURSED BEFORE BEING SPENT AGAIN.

SECTION 3. 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: April 29, 2021