

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0964.01 Alison Killen x4350

SENATE BILL 23-263

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Velasco,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A LOAN FROM THE GENERAL FUND TO THE NATURAL**
102 **DISASTER MITIGATION ENTERPRISE TO DEFRAY EXPENSES**
103 **INCURRED BEFORE THE RECEIPT OF FEE REVENUE OR REVENUE**
104 **BOND PROCEEDS.**

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://leg.colorado.gov>.)

The bill requires the state treasurer to transfer \$95,000 from the general fund to the natural disaster mitigation cash fund (fund) before the natural disaster mitigation enterprise receives fee revenue or revenue

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 28, 2023

bond proceeds. The transfer is a loan from the state treasurer to the enterprise that is required to be repaid and is not a grant for purposes of the state constitution or any other state law.

The enterprise is required to repay the loan and accumulated interest by December 31, 2025.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1619, **amend** (5)(c)(II) and (5)(c)(III); and **add** (5)(c)(IV) and (5)(e) as follows:

24-33.5-1619. Natural disaster mitigation enterprise - fund - goals - grant program - gifts, grants, or donations - legislative declaration - definitions - repeal. (5) Fund. (c) Money in the fund is continuously appropriated to the enterprise for the purposes of:

(II) Providing local governments technical assistance on natural disaster mitigation; ~~and~~

(III) For any direct and indirect administrative expenses incurred by the enterprise; AND

(IV) REPAYING THE GENERAL FUND LOAN PROVIDED IN SUBSECTION (5)(e) OF THIS SECTION.

(e) (I) ON JUNE 30, 2023, THE STATE TREASURER SHALL TRANSFER NINETY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, THE TRANSFER IS A LOAN FROM THE STATE TREASURER TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR

1 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
2 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
3 TRANSFERRED AS A LOAN TO THE ENTERPRISE IS CREDITED TO THE FUND
4 OR TO AN ACCOUNT WITHIN THE FUND. LOAN LIABILITIES THAT ARE
5 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
6 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
7 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
8 24-75-109.

9 (II) NO LATER THAN DECEMBER 31, 2025, THE ENTERPRISE SHALL
10 REPAY THE LOAN OF NINETY-FIVE THOUSAND DOLLARS RECEIVED
11 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION AND ACCUMULATED
12 INTEREST. INTEREST ACCRUES ON THE MONEY BORROWED AT A RATE PER
13 ANNUM ON THE MOST RECENTLY ISSUED TEN-YEAR UNITED STATES
14 TREASURY NOTE, ROUNDED TO THE NEAREST ONE-TENTH OF ONE PERCENT,
15 AS REPORTED BY THE "WALL STREET JOURNAL" AS OF THE DATE THE
16 TRANSFER REQUIRED BY SUBSECTION (5)(e)(I) OF THIS SECTION IS MADE,
17 BEGINNING ON THAT DATE AND CONTINUING UNTIL THE DATE ON WHICH
18 THE MONEY IS REPAYED.

19 (III) THIS SUBSECTION (5)(e) IS REPEALED, EFFECTIVE JULY 1,
20 2026.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.