

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

INTRODUCED

LLS NO. 25-0928.01 Megan McCall x4215

SENATE BILL 25-262

SENATE SPONSORSHIP

Amabile and Kirkmeyer, Bridges

HOUSE SPONSORSHIP

Bird and Taggart, Sirota

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE AMOUNT OF MONEY IN THE CAPITAL**
102 **CONSTRUCTION FUND.**

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/>.)

Joint Budget Committee. Under current law, all unappropriated balances in the capital construction fund (fund) and in the information technology capital account, a special account within the fund, (IT subaccount) at the close of any fiscal year must remain in the fund or the IT subaccount, respectively, and do not revert to the general fund. Additionally, all unexpended or unencumbered money from an

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.

appropriation from the fund or the IT subaccount to a state agency or state institution of higher education reverts to the fund or the IT subaccount, as applicable, at the end of the period for which the money is appropriated.

For state fiscal years commencing on or after July 1, 2025, the bill requires that the state treasurer transfer any unappropriated balances in the fund or the IT subaccount or any otherwise unexpended and unencumbered money remaining in the fund or the IT subaccount at the end of a fiscal year to the general fund. Further, the bill requires that, for state fiscal years commencing on or after July 1, 2025, all unexpended or unencumbered money from an appropriation from the fund or the IT subaccount to a state agency or state institution of higher education reverts to the general fund at the end of the period for which the money is appropriated.

The bill also requires that the following transfers be made by the state treasurer on July 1, 2025:

- \$129,498,033 from the general fund to the fund;
- \$500,000 from the general fund exempt account of the general fund to the fund;
- \$20,557,433 from the general fund to the IT subaccount;
- and
- \$3,230,000 from the marijuana tax cash fund to the IT subaccount.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend**
3 (1)(a), (2)(tt), (2)(uu), (2.3)(o), (2.3)(p), (2.5)(r), (2.5)(s), (3.7)(a), and
4 (13); and **add** (2)(vv), (2.3)(q), and (2.5)(t) as follows:

5 **24-75-302. Capital construction fund - capital assessment fees**
6 **- calculation - information technology capital account.** (1) (a) ~~There~~
7 ~~is hereby created~~ The capital construction fund IS CREATED. The fund
8 consists of ~~moneys~~ MONEY transferred to the fund by the general
9 assembly and ~~moneys~~ MONEY credited to the fund pursuant to section
10 24-30-1310. ~~Moneys~~ MONEY in the capital construction fund may be
11 appropriated for capital construction, capital renewal, controlled
12 maintenance, or state highway reconstruction, repair, and maintenance

1 projects as requested pursuant to section 43-1-113 (2.5); ~~C.R.S.~~; except
2 that any ~~moneys~~ MONEY transferred to the capital construction fund for
3 state highway reconstruction, repair, and maintenance projects may only
4 be appropriated for such projects. The appropriation for projects must be
5 set forth in a single line item as a total sum. FOR STATE FISCAL YEARS
6 COMMENCING ON OR BEFORE JULY 1, 2024, all unappropriated balances in
7 the fund at the close of any fiscal year must remain in the fund and may
8 not revert to the general fund. FOR STATE FISCAL YEARS COMMENCING ON
9 OR AFTER JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER ANY
10 UNAPPROPRIATED BALANCES IN THE FUND OR ANY OTHERWISE
11 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
12 THE END OF A FISCAL YEAR TO THE GENERAL FUND. All unexpended or
13 unencumbered ~~moneys~~ MONEY from a capital construction fund
14 appropriation to a state agency or state institution of higher education for
15 ~~any fiscal year~~ reverts, FOR STATE FISCAL YEARS COMMENCING ON OR
16 BEFORE JULY 1, 2024, to the capital construction fund, AND, FOR STATE
17 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025, TO THE GENERAL
18 FUND at the end of the period for which the ~~moneys are~~ MONEY IS
19 appropriated. Except as provided in sections 2-3-1304 (1)(a.5) and
20 24-30-1303.7 (1), ~~C.R.S.~~; no portion of the unexpended balance of a state
21 agency's or state institution of higher education's capital construction fund
22 appropriation may be used by the state agency or the state institution of
23 higher education for any additional projects that are beyond the scope or
24 design of the original project without further approval by the capital
25 development committee of such additional project. Anticipation warrants
26 or checks may be issued against the revenues of the fund as provided by
27 law. Except as provided in subsection (7) of this section, all interest

1 earned from the investment of ~~moneys~~ MONEY in the capital construction
2 fund must remain in the fund and become a part thereof.

3 (2) The controller shall transfer a sum as specified in this
4 subsection (2) from the general fund to the capital construction fund as
5 money becomes available in the general fund during the fiscal year
6 beginning on July 1 of the fiscal year in which the transfer is made or on
7 the date otherwise specified for the transfer. Transfers between funds
8 pursuant to this subsection (2) are not appropriations subject to the
9 limitations of section 24-75-201.1. The amounts transferred pursuant to
10 this subsection (2) are as follows:

11 (tt) On April 1, 2024, eighteen million nine hundred seventy-one
12 thousand one hundred dollars; ~~and~~

13 (uu) On July 1, 2024, one hundred sixty-two million seven
14 hundred seventy-eight thousand two hundred eighty-five dollars; AND

15 (vv) ON JULY 1, 2025, ONE HUNDRED TWENTY-NINE MILLION FOUR
16 HUNDRED NINETY-EIGHT THOUSAND THIRTY-THREE DOLLARS.

17 (2.3) In addition to the sums transferred pursuant to subsections
18 (2) and (2.5) of this section, the state treasurer and the controller shall
19 transfer a sum as specified in this subsection (2.3) from the general fund
20 to the information technology capital account created in subsection (3.7)
21 of this section as money becomes available in the general fund during the
22 fiscal year beginning on July 1 of the fiscal year in which the transfer is
23 made or on April 1 of the fiscal year if otherwise specified. Transfers
24 between funds pursuant to this subsection (2.3) are not appropriations
25 subject to the limitations of section 24-75-201.1. The amounts transferred
26 pursuant to this subsection (2.3) are as follows:

27 (o) On July 1, 2023, sixty-three million nine hundred thirteen

1 thousand nine hundred eighty-eight dollars; ~~and~~

2 (p) On July 1, 2024, seventy million eight hundred eleven
3 thousand three hundred thirty-four dollars; AND

4 (q) ON JULY 1, 2025, TWENTY MILLION FIVE HUNDRED
5 FIFTY-SEVEN THOUSAND FOUR HUNDRED THIRTY-THREE DOLLARS.

6 (2.5) In addition to the sums transferred pursuant to subsections
7 (2) and (2.3) of this section, the state treasurer and the controller shall
8 transfer a sum as specified in this subsection (2.5) from the general fund
9 exempt account of the general fund created pursuant to section
10 24-77-103.6 to the capital construction fund as money becomes available
11 in the general fund exempt account during the fiscal year beginning on
12 July 1 of the fiscal year in which the transfer is made. Transfers between
13 funds pursuant to this subsection (2.5) are not appropriations subject to
14 the limitations of section 24-75-201.1. The amounts transferred pursuant
15 to this subsection (2.5) are as follows:

16 (r) On July 1, 2023, five hundred thousand dollars; ~~and~~

17 (s) On July 1, 2024, five hundred thousand dollars; AND

18 (t) ON JULY 1, 2025, FIVE HUNDRED THOUSAND DOLLARS.

19 (3.7) (a) There is ~~hereby~~ created a special account within the
20 capital construction fund established pursuant to subsection (1) of this
21 section to be known as the information technology capital account. The
22 account consists of any money appropriated or transferred to the account
23 by the general assembly. The general assembly may appropriate money
24 in the account for information technology projects. The appropriation for
25 information technology projects must be set forth in a single line item as
26 a total sum. FOR STATE FISCAL YEARS COMMENCING ON OR BEFORE JULY
27 1, 2024, all unappropriated balances in the account at the close of any

1 fiscal year remain in the account and do not revert to the general fund.
2 FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025, THE
3 STATE TREASURER SHALL TRANSFER ANY UNAPPROPRIATED BALANCES IN
4 THE ACCOUNT OR ANY OTHERWISE UNEXPENDED AND UNENCUMBERED
5 MONEY REMAINING IN THE ACCOUNT AT THE END OF A FISCAL YEAR TO THE
6 GENERAL FUND. All unexpended or unencumbered money from an
7 information technology capital account appropriation to a state agency or
8 state institution of higher education ~~for any fiscal year~~ reverts, FOR STATE
9 FISCAL YEARS COMMENCING ON OR BEFORE JULY 1, 2024, to the account,
10 AND, FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025,
11 TO THE GENERAL FUND at the end of the period for which the money is
12 appropriated. No portion of the unexpended balance of a state agency's or
13 state institution of higher education's information technology capital
14 account appropriation may be used by the state agency or the state
15 institution of higher education for any additional projects that are beyond
16 the scope or design of the original project without further approval by the
17 joint technology committee of the additional project. Anticipation
18 warrants or checks may be issued against the revenues of the account as
19 provided by law. All interest earned from the investment of money in the
20 account must remain in and become part of the account.

21 (13) The fund includes money transferred pursuant to sections
22 24-33.5-706 (4.7), **39-28.8-501 (4.7)**, and 39-29-109.3 (10).

23 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**
24 (4.7)(b); and **add** (4.7)(c) as follows:

25 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
26 **- legislative declaration - repeal.** (4.7) (b) This subsection (4.7) is
27 repealed, effective ~~July 1, 2025~~ JULY 1, 2026.

1 (c) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER
2 THREE MILLION TWO HUNDRED THIRTY THOUSAND DOLLARS FROM THE
3 FUND TO THE INFORMATION TECHNOLOGY CAPITAL ACCOUNT OF THE
4 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 (3.7)(a).

5 **SECTION 3. Safety clause.** The general assembly finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety or for appropriations for
8 the support and maintenance of the departments of the state and state
9 institutions.