



Colorado
Legislative
Council
Staff

Room 029 State Capitol, Denver, CO 80203-1784
(303) 866-3521 FAX: 866-3855 TDD: 866-3472

MEMORANDUM

January 19, 2010

TO: Interested Persons

FROM: Elizabeth Hanson, Research Assistant, 303-866-4146

SUBJECT: Cash Fund Transfers to the General Fund

This memorandum lists cash fund transfers used to balance the budget.

Table 1 shows transfers for Fiscal Years 2001-02 through 2005-06. A total of \$1.2 billion was transferred to the General Fund over this time period, of which a net total of \$79.4 million was paid back.

Table 2 shows transfers authorized by 2009 legislation to be transferred in Fiscal Years 2008-09 through 2010-11. A total of \$639.0 million was authorized to be transferred from cash funds to the General Fund in FY 2008-09, 2009-10, and 2010-11.

Although it is not reflected in the table, Senate Bill 09-279 authorized the Governor to transfer up to \$565.9 million from cash funds to the General Fund over a one-day period on June 30, 2009, to make up for a potential revenue shortfall at the end of the fiscal year. On June 29, the Governor signed Executive Order D 013 09, which authorized the State Controller and the State Treasurer to transfer \$458.1 million from the cash funds listed in SB 09-279 to the General Fund over a one-day period on June 30, 2009. A copy of the Governor's Executive Order is included as Appendix A.

**Table 1: Net Cash Fund Transfers to the General Fund
FY 2001-02 through FY 2005-06**

Cash Fund	Statutory Citation	Net Transfer to the General Fund					
		FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	Total
Advanced Technology Fund (SB 03-191, SB 03-271)	23-1-106.5 (9) (a)	\$0	\$1,063,124	\$174,842	\$0	\$0	\$1,237,966
Alcohol and Drug Driving Safety Program Fund (SB 03-271)	42-4-1301.3 (4) (a)	0	1,000,000	0	0	0	1,000,000
Auto Dealers License Fund (HB 02-1391)	12-6-123 (1)	1,100,000	0	0	0	0	1,100,000
Capital Account of the Species Conservation Trust Fund (HB 02-1391, HB 02-1444, SB 03-191)	24-33-111 (2) (a)	5,500,000	1,000,000	0	0	0	6,500,000
Capital Construction Fund (HB 02-1389, HB 02-1391, HB 02-1443, HB 02-1471, SB 03-179)	24-75-302	174,904,802	25,401,078	0	152,800	0	200,458,680
Children's Basic Health Plan Trust Fund (CBHP) ¹ (HB 02-1391, SB 03-190, HB 05-1262)	26-19-105 (1)	900,000 (paid back Jan 2006)	2,001,125	0	0	7,200,000	10,101,125
Collection Agency Cash Fund (HB 02-1391, SB 03-191)	12-14-136 (1) (a)	462,000	120,000	0	0	0	582,000
Colorado Children's Trust Fund (SB 03-191)	19-3.5-106 (1)	0	980,396	0	0	0	980,396
Colorado Heritage Communities Fund (HB 04-1417)	24-32-3207 (1)	0	0	0	74,236	0	74,236
Colorado State Veterans Trust Fund (SB 03-190, HB 08-1078)	28-5-709		2,280,900 (paid back per HB08-1078, plus interest, total of: 2,917,300)	0	0	0	0

¹ An \$8.1 million transfer occurred in FY 2005-06 from excess revenue in the Children's Basic Health Plan (CBHP) Trust Fund resulting from changes to the Medicaid program made by House Bill 05-1262. The \$7.2 million total reflects this \$8.1 million less the \$900,000 paid back to the fund.

**Table 1: Net Cash Fund Transfers to the General Fund
FY 2001-02 through FY 2005-06**

Cash Fund	Statutory Citation	Net Transfer to the General Fund					
		FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	Total
Controlled Maintenance Trust Fund ² (HB 01-1267, HB 02-1391, SB 03-190, SB 09-342, HB 04-1222, SB 05-210)	24-75-302.5 (2) (a)	253,400,000	0	1,985,213	(185,682,801)	188,826,963	258,529,375
Disabled Telephone Users Fund (HB 02-1391, SB 03-191)	40-17-104 (1)	500,000	1,132,416	0	0	0	1,632,416
Law Enforcement Assistance Fund (SB 03-191)	43-4-401	0	357,000	0	0	0	357,000
Department of State Cash Fund (HB 02-1391, SB 03-188, SB 03-191)	24-21-104 (3) (b)	1,200,000	2,700,000	0	0	0	3,900,000
Educator Licensure Cash Fund (SB 03-191)	22-60.5-112 (1)	0	143,535	0	0	0	143,535
Emergency Response Cash Fund (SB 03-271)	34-32-122 (3) (a) (I)	0	0	486,613	0	0	486,613
Employment Support Fund (HB 02-1391, HB 02-1445, SB 03-191)	8-77-109 (1)	15,000,000	11,400,000	0	0	0	26,400,000
Environmental Leadership Pollution Prevention Revolving Fund (HB 02-1444)	25-6.7-109 (2)	514,092	0	0	0	0	514,092
Family Support Registry Fund (HB 02-1391)	26-13-115.5 (1)	346,879	0	0	0	0	346,879
Fitzsimons Trust Fund (HB 02-1391)	23-20-136 (3) (a)	18,400,000 (paid back Jan 2006)	0	0	0	(18,400,000)	0
Hazardous Substance Response Fund (HB 02-1391)	25-16-104.6 (1) (a)	30,000,000 (paid back Jan 2006)	0	0	0	(30,000,000)	0
Infant Immunization Fund (SB 03-271)	25-4-1708 (1)	0	0	240,000	0	0	240,000

² In FY 2003-04, \$40 million was transferred back to Controlled Maintenance Trust Fund (CMTF) from the General Fund and subsequently transferred back to the General Fund, along with an additional \$1.9 million. The \$1.9 million amount reflects the net of these transfers.

In FY 2004-05, of the \$185,682,801 deposited into the CMTF from the General Fund in FY 2004-05, \$130,682,801 was appropriated from the General Fund to the fund. This amount was counted under the 6 percent General Fund spending limit in FY 2004-05. The remaining \$55,000,000 was *transferred* from the General Fund. This transfer was not counted under the 6 percent spending limit. The entire amount was transferred back to the General Fund in FY 2005-06, along with \$3.1 million in interest authorized by House Bill 05-1349.

**Table 1: Net Cash Fund Transfers to the General Fund
FY 2001-02 through FY 2005-06**

Cash Fund	Statutory Citation	Net Transfer to the General Fund					
		FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	Total
Major Medical Insurance Fund ³ (HB 02-1478, SB 03-191)	8-46-202 (1) (a)	211,481,539	13,518,461	(10,000,000)	0	0	215,000,000
Motor Carrier Fund, Public Utilities Commission (SB 03-271)	40-2-110.5	0	1,300,000	0	0	0	1,300,000
Off-Highway Vehicle Recreation Fund (SB 03-295)	33-14.5-106 (1)	0	0	700,000	0	0	700,000
Persistent Drunk Driver Cash Fund (HB 02-1391)	42-3-130.5 (1), C.R.S.	500,000 (paid back Jan 2006)	0	0	0	(500,000)	0
Petroleum Storage Tank Fund (HB 02-1391)	8-20.5-103 (1)	4,000,000 (paid back Jan 2006)	0	0	0	(4,000,000)	0
Publicly-Supported Libraries Fund, State Grants (SB 03-191)	24-90-407 (1)	0	12,875	0	0	0	12,875
Read-To-Achieve Cash Fund (HB 02-1391, SB 03-191)	22-7-506 (4) (a) (I)	1,900,000 (paid back Jan 2006)	1,440,621	0	0	(1,900,000)	1,440,621
Real Estate Recovery Fund (<i>This fund has since been repealed</i>) (SB 03-191)	12-61-301 (1)	0	3,200,000	0	0	0	3,200,000
Severance Tax Trust Fund, Operational Account (HB 02-1391, SB 03-191, SB 03-271)	39-29-109 (1) (a) (II)	20,200,000 (\$7.9 million paid back Jan 2006)	6,877,397	4,600,000	0	(7,900,000)	23,777,397
State Rail Bank Fund (HB 02-1391)	43-1-1309	500,000	0	0	0	0	500,000
Subsequent Injury Fund (SB 03-191)	8-46-101 (b) (I)	0	20,000,000	0	0	0	20,000,000
Supplier Database Cash Fund (SB 03-191)	24-102-205.5 (2)	0	300,000	0	0	0	300,000
Teacher Development Fund (SB 03-191)	22-7-708 (1)	0	392,880	0	0	0	392,880

³ In FY 2002-03, \$211,481,539 was transferred back to the Major Medical Insurance Fund from the General Fund and subsequently transferred back into the General Fund, along with an additional \$225 million. The \$13 million amount reflects the net of these transfers.

**Table 1: Net Cash Fund Transfers to the General Fund
FY 2001-02 through FY 2005-06**

Cash Fund	Statutory Citation	Net Transfer to the General Fund					
		FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	Total
Technology Learning Grant and Revolving Loan Program in the Department of Higher Education ⁴ (SB 03-198)	Article 11.5 of Title 23	0	314,670	0	0	0	314,670
Tobacco Litigation Settlement Trust Fund ⁵ (HB 02-1445, SB 03-190, SB 03-282, HB 04-1421)	24-22-115.5	138,123,849	33,515,188	0	38,338,888	18,257,517	228,735,442
Tobacco Litigation Settlement Cash Fund (HB 02-1445, SB 03-190, SB 03-282)	24-22-115	3,500,000 (paid back Jan 2006)	33,226,778	0	25,337,679	12,417,694	74,482,151
Trade Name Registration Fund (HB 02-1445)	24-35-301 (3) (a)	400,000	0	0	0	0	400,000
Unclaimed Property Trust Fund (HB 02-1445)	38-13-116.5 (1) (a)	9,970,171	30,000,000	0	0	0	39,970,171
Uniform Consumer Credit Code Cash Fund (HB 02-1391)	5-6-204 (1)	150,000	100,000	0	0	0	250,000
Victims & Witnesses Assistance & Law Enforcement Fund (SB 03-271)	24-4.2-103 (1)	0	0	10,072	0	0	10,072
Vital Statistics Records Cash Fund (SB 03-191)	25-2-121 (b) (I)	0	763,680	0	0	0	763,680
Waste Tire Cleanup Fund (HB 02-1391, SB 03-191)	24-32-114	600,000	1,468,152	0	0	0	2,068,152
Workers' Compensation Cash Fund (SB 03-191)	8-44-112 (7) (a)	0	6,000,000	0	0	0	6,000,000
Total		\$893,553,332	\$202,010,276	(\$1,803,260)	(\$121,779,198)	\$164,502,174	\$1,134,202,424

Source: Legislative Council Staff, State Controller's Office, and State Treasurer's Office

⁴ Section 23-11.5-107, enacted by Senate Bill 03-198, provided for the repeal of this program and fund, effective April 4, 2003.

⁵ In FY 2002-03, \$138,123,849 was transferred back to the Tobacco Litigation Settlement Cash Fund from the General Fund and subsequently transferred back to the General Fund, along with an additional \$33.5 million. The \$33.5 million amount reflects the net of these transfers.

**Table 2: Net Cash Fund Transfers to the General Fund
FY 2008-09 through FY 2010-11**

Cash Fund and Bill Number(s)	Statutory Citation	Net Transfer to the General Fund			
		FY 2008-09	FY 2009-10	FY 2010-11	Total
Alcohol and Drug Abuse Community Prevention and Treatment Fund (SB 09-208)	24-75-1104.5 (1.5) (VII)	61,186	0	0	61,186
Building Regulation Fund (SB 09-279)	24-32-3309 (1) (b)	1,101,349	0	0	1,101,349
Capital Construction Fund (SB 09-279)	24-75-302 (10)	0	28,054,476	0	28,054,476
Capitol Complex Facilities Fund (SB 09-208)	24-30-1108 (5)	2,300,000	0	0	2,300,000
Cathode Ray Tube Recycling Fund (SB 09-208)	25-17-105.5 (5)	2,332	0	0	2,332
Colorado CollegeInvest (SB 09-279)	23-3.1-206.9 (2) (b)		15,000,000	0	15,000,000
Colorado Health Care Services Fund (SB 09-208)	25.5-3-112 (1) (a)	500,000	0	0	500,000
Colorado High Cost Administration Fund ¹ (SB 09-272, SB 09-279)	45-15-208 (3) (b)		15,000,000	0	15,000,000
Colorado Water Conservation Board Construction Fund (SB 09-208)	37-60-119	10,250,000	0	0	10,250,000
Contingency Reserve Fund (SB 09-208)	22-54-117 (1) (f)	3,082,452	0	0	3,082,452
Controlled Maintenance Trust Fund (SB 09-279)	24-75-302.5 (7)	0	803,610		803,610
Court Security Cash Fund (SB 09-208, SB 09-279)	13-1-204 (1) (c) (II) and (III)	1,500,000	500,000	0	2,000,000
Department of Human Services Low-Income Energy Assistance (LEAP) Fund (SB 09-279)	40.8.7-112 (1) (b)	3,000,000	0	0	3,000,000

¹ Senate Bill 09-272 transfers \$15 million from the High Cost Support Mechanism account (currently maintained at a private bank) to the Colorado High Cost Administration Fund (a state cash fund.) Because the High Cost Support Mechanism account is maintained at a private bank outside the state treasury, the funds cannot be transferred directly from that account to the General Fund. Senate Bill 09-279 transferred the money from the Colorado High Cost Administration Fund to the General Fund.

**Table 2: Net Cash Fund Transfers to the General Fund
FY 2008-09 through FY 2010-11**

Cash Fund and Bill Number(s)	Statutory Citation	Net Transfer to the General Fund			
		FY 2008-09	FY 2009-10	FY 2010-11	Total
Dispute Resolution Fund (SB 09-208)	13-22-310 (2) (b)	32,500	0	0	32,500
Department of State Cash Fund (SB 09-208)	24-21-104 (3) (d)	2,175,000	0	0	2,175,000
Drug Offender Surcharge Fund (SB 09-208, SB 09-279)	18-19-103 (4) (b) and (c)	151,341	1,360,000	0	1,511,341
Drug Offender Treatment Fund (SB 09-208)	18-19-103 (5.5) (b)	350,000	0	0	350,000
Employment Support Fund (SB 09-208)	8-77-109 (2)	5,000,000	0	0	5,000,000
Family-Friendly Court Program Cash Fund (SB 09-208)	13-3-113 (6.5)	200,000	0	0	200,000
Guardian Ad Litem Fund (SB 09-208)	13-91-106 (1) (b)	8,000	0	0	8,000
Hazardous Substance Response Fund (SB 09-208, SB 09-279)	25-16-104.6 (1) (c) and (d)	29,968,517	2,500,000	0	32,468,517
Health Care Expansion Fund* (SB 09-270)	24-22-117	4,545,000	2,923,166	1,543,000	9,011,166
Health Disparities Grant Program Fund* (SB 09-270)	24-22-117	146,000	98,000	94,241	338,241
Higher Education Maintenance and Reserve Fund ² (SB 09-208)	23.19.9-102 (2) (b) (III)	31,248,350	0	0	31,248,350
Home Investment Trust Fund (SB 09-279)	24-32-717(1)(b)	1,284,000	0	0	1,284,000
Licensing Services Cash Fund (SB 09-279)	42-2-114.5(2)	0	2,589,894	0	2,589,894

² Senate Bill 09-208 authorizes the transfer of up to \$33.7 million from the Higher Education Maintenance and Reserve Fund to the General Fund in FY 2008-09. However, the source of revenue is federal mineral lease dollars, and the full \$33.7 million was not available to be transferred. Senate Bill 09-208 provided that the remaining balance would be transferred, which was \$31.2 million.

**Table 2: Net Cash Fund Transfers to the General Fund
FY 2008-09 through FY 2010-11**

Cash Fund and Bill Number(s)	Statutory Citation	Net Transfer to the General Fund			
		FY 2008-09	FY 2009-10	FY 2010-11	Total
Local Government Limited Gaming Impact Fund (SB 09-208, SB 09-279)	12-47.1-1601 (6) (a) (II) 12.47.1-1601 (7)	1,050,000	0	0	1,050,000
Local Government Mineral Impact Fund (SB 09-279)	34-63-102 (5.4) (b.5)	1,000,000	22,600,000	0	23,600,000
Local Government Severance Tax Fund (SB 09-279)	39-29-110 (1) (a) (I) 39-29-110 (5)	7,500,000	0	0	7,500,000
Major Medical Insurance Fund (SB 09-208, SB 09-279)	8-46-202 (1.6) and (1.7)	69,500,000	26,500,000	0	96,000,000
Medical Marijuana Program Cash Fund (SB 09-208)	25-1.5-106 (3) (b)	258,735	0	0	258,735
Moffat Tunnel Cash Fund (SB 09-279)	32-8-126 (2)	86,758	0	0	86,758
Motor Fleet Management Fund (SB 09-208)	24-30-1115 (3)	1,000,000	0	0	1,000,000
Notary Administration Cash Fund (SB 09-208)	12-55-102.5 (4)	575,000	0	0	575,000
Offender Mental Health Care Services Fund (SB 09-208)	27-1-204 (5.5) (b)	246,350	0	0	246,350
Offender Services Fund (SB 09-208)	16-11-214 (1) (c)	250,000	2,498,439	0	2,748,439
Performance-Based Collaborative Management Incentive Cash Fund (SB 09-279)	24.1.9-104	300,000	0	0	300,000
Prevention, Early Detection, and Treatment Fund ** (SB 09-270, SB 09-271)	24-22-117	994,000	572,000	648,099	2,214,099
Primary Care Fund** (SB 09-270, SB 09-271)	24-22-117	232,000	147,000	145,533	524,533
Public Health Services Support Fund (SB 09-210)	25-1-512 (2)	149,070	0	0	149,070

**Table 2: Net Cash Fund Transfers to the General Fund
FY 2008-09 through FY 2010-11**

Cash Fund and Bill Number(s)	Statutory Citation	Net Transfer to the General Fund			
		FY 2008-09	FY 2009-10	FY 2010-11	Total
Recycling Resources Economic Opportunity Fund (SB 09-208)	25-16.5-106.5 (4.5)	1,500,000	0	0	1,500,000
Risk Management Fund (SB 09-279)	24-30-1510 (1) (b)	10,010,599	0	0	10,010,599
Self-Insured Property Fund (SB 09-279)	24-30-1510.5 (1) (b)	1,295,055	0	0	1,295,055
Severance Tax Trust Fund, Perpetual Base Account ³ (SB 09-208, SB 09-279)	37-60-119 39-29-109	35,000,000	62,000,000	0	97,000,000
Short-Term Innovative Health Program Grant Fund (SB 09-208)	25-36-101 (2) (b)	4,352,319	0	0	4,352,319
State Commission on Judicial Performance Cash Fund (SB 09-208)	13.5-5-107 (2)	900,000	0	0	900,000
State Employees Workers' Compensation Account (SB 09-279)	24-30-1510.7 (1)(b)	10,316,060	0	0	10,316,060
State Rail Bank Fund (SB 09-208)	43-1-1309 (3)	1,543,937	0	0	1,543,937
Streptococcus Cash Fund (SB 09-208)	25-4-1202 (2) (b)	9	0	0	9
Subsequent Injury Fund (SB 09-208)	8-46-101 (1.7)	26,500,000	0	0	26,500,000
Student Dropout Prevention and Intervention Fund (SB 09-208)	25-20.5-204 (6) (b) (II)	11,129	0	0	11,129
Stroke Prevention and Treatment Cash Fund (SB 09-208)	25-34.1-101 (1)	4,045	0	0	4,045
Tobacco Education Programs Fund ** (SB 09-270, SB 09-271)	24-22-117	290,000	122,000	186,822	598,822

³ Senate Bill 09-279 authorizes a transfer of \$43 million from the perpetual base account of the Severance Tax Cash fund to the General Fund at the beginning of the FY 2009-10 (on July 1, 2009) and up to \$19 million in unencumbered and unexpended money at the end of the fiscal year (on June 30, 2010, for a total of \$62 million). However, if there is less than \$19 million in unencumbered and unexpended money in the fund on June 30, 2010, the transfer will be whatever unencumbered funds are available.

**Table 2: Net Cash Fund Transfers to the General Fund
FY 2008-09 through FY 2010-11**

Cash Fund and Bill Number(s)	Statutory Citation	Net Transfer to the General Fund			
		FY 2008-09	FY 2009-10	FY 2010-11	Total
Tobacco Litigation Settlement Cash Fund (SB 09-210, SB 09-269)	24-75-1104.5	13,495,534	67,400,000	0	80,895,534
Tobacco Programs Cash Fund (SB 09-208)	25-3.5-807.5 (1)	240,619	0	0	240,619
Tobacco Tax Cash Fund * (SB 09-270)	24-22-117	64,000	49,000	43,810	156,810
Transportation Infrastructure Revolving Fund (SB 09-208)	43-1-113.5 (1.5)	3,000,000	0	0	3,000,000
Unclaimed Property Tourism Promotion Fund (SB 09-279)	38-13-116.7 (5)	0	5,000,000	0	5,000,000
Unclaimed Property Trust Fund (SB 09-279)	38-13-116.5 (2.6) (a) and (b)	50,000,000	25,000,000	0	75,000,000
Waste Tire Cleanup Fund (SB 09-279)	24-32-114 (1.6)	500,000	0	0	500,000
Waste Tire Recycling Development Fee Cash Fund (SB 09-279)	25-17-202 (3) (e)	150,000	0	0	150,000
Water Quality Improvement Fund (SB 09-208)	25-8-608-(1.8)	700,000	0	0	700,000
Workers' Compensation Cash Fund (SB 09-208)	8-44-112 (7) (c)	15,700,000	0	0	15,700,000
Youth Mentoring Services Cash Fund (SB 09-208)	25-20.5-203 (6) (b)	11,818	0	0	11,818
Total		\$355,633,064	\$280,717,585	\$2,661,505	\$639,012,154

Source: Legislative Council Staff, Joint Budget Committee

*For these three cash funds, Senate Bill 09-270 transfers moneys from interest earned on tobacco taxes collected as a result of Amendment 35 of the State Constitution, not principal revenue, and amounts reflect the net estimated interest. Note that final values for interest earnings for FY 2008-09 will not be available until after July 1, 2009, and for FY 2009-10, after July 1, 2010.

** Senate Bill 09-270 transfers moneys from interest earned on tobacco taxes collected as a result of Amendment 35 of the State Constitution, not principal revenue. Senate Bill 09-271 reduces the income-earning balance of several cash funds, thus reducing the net transfer in FY 2009-10 from the Tobacco Education Programs Fund, the Prevention, Early Detection, and Treatment Fund, and the Primary Care Fund. Thus, the amount for these three cash funds reflects the estimated interest with the reduction authorized in Senate Bill 09-271 subtracted. Note that final values for interest earnings for FY 2008-09 will not be available until after July 1, 2009, and for FY 2009-10, after July 1, 2010.

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax



Bill Ritter, Jr.
Governor

D 013 09

EXECUTIVE ORDER

**Ordering the Transfer of Funds from Certain Cash Funds to the General Fund
Pursuant to Senate Bill 09-279**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular the provisions of Senate Bill 09-279 signed into law on June 1, 2009, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order transferring \$458,057,698 from certain cash funds to the General Fund on June 30, 2009.

I. Background and Findings

During the 2009 legislative session the General Assembly passed and I signed Senate Bill 09-279, which authorizes the transfer of moneys from certain cash funds to the General Fund in the event that the June 2009 revenue forecast indicates that there will be inadequate General Fund revenue to fund all fiscal year 2008-09 General Fund appropriations. The June 2009 revenue forecasts prepared by both the Office of State Planning and Budgeting and Legislative Council projected such a General Fund shortfall in the current fiscal year. As a result of these forecasts, on June 26, 2009, the Controller sent me a letter recommending that I order the transfer of \$458,057,698 from certain cash funds to the General Fund, pursuant to section 28 of Senate Bill 09-279.

Having reviewed the Controller's letter, I find that the revenue estimate prepared in accordance with C.R.S. § 24-75-201.3(2), in June 2009 indicates that General Fund expenditures for fiscal year 2008-09, based on appropriations now in effect, will exceed the amount of General Fund revenues available for expenditure for this fiscal year. Moreover, in accord with the Controller's recommendation, I find that the amount required to permit prompt disbursement from the General Fund of any appropriation made therefrom for any lawful purpose to be \$458,057,698.

II. Directives

A. Based upon the findings set forth above and pursuant to C.R.S. § 24-75-201.5(1)(g), the State Treasurer and the Controller are ordered to transfer the sum of \$458,057,698 from the following cash funds to the General Fund on June 30, 2009:

1. \$25 million from the Employment Support Fund created in C.R.S. § 8-77-109(1);
2. \$84.6 million from the Tobacco Litigation Settlement Cash Fund created in C.R.S. § 24-22-115(1)(a);
3. \$14,248,358 million from the Local Government Mineral Impact Fund created in C.R.S. § 34-63-102(5)(a)(i);
4. \$60 million from the Colorado Water Conservation Board Construction Fund created in C.R.S. § 37-60-121(1)(a);
5. \$68,275,348 from the Unclaimed Property Trust Fund created in C.R.S. § 38-13-116.5(1)(a);
6. \$75 million from the Severance Tax Trust Fund created in C.R.S. § 39-29-109(2)(a);
7. \$21.3 million from the Operational Account of the Severance Tax Trust Fund created in C.R.S. § 39-29-109(2)(b); and
8. \$109,633,992 from the Local Government Severance Tax Fund created in C.R.S. § 39-29-110(1)(a)(i).

B. Pursuant to C.R.S. § 24-75-201.5(1)(g)(III), effective July 1, 2009, the State Treasurer and the Controller shall transfer moneys from the General Fund's fiscal year 2009-10 general-purpose resources to the funds described in paragraph A above in the amount transferred from those funds pursuant to this Executive Order.

III. Duration

This Executive Order shall remain in full force until July 2, 2009, unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this twenty-ninth day of
June, 2009.

A handwritten signature in black ink that reads "Bill Ritter, Jr." with a stylized flourish at the end.

Bill Ritter, Jr.
Governor