

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-1126.01 Kate Meyer

HOUSE BILL 08-1399

HOUSE SPONSORSHIP

Buescher, Carroll T., Curry, Gallegos, Gardner C., Hodge, Looper, McFadyen, Pommer, Sonnenberg, White, and McKinley

SENATE SPONSORSHIP

Isgar, Keller, Kester, and Morse

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF INTEREST FROM MONEYS IN THE UNCLAIMED**
102 **PROPERTY TOURISM PROMOTION TRUST FUND FOR STATE**
103 **AGRICULTURAL EFFORTS, AND, IN CONNECTION THEREWITH,**
104 **SPECIFYING HOW SUCH MONEYS SHALL BE DISTRIBUTED,**
105 **CLARIFYING THAT THE DISTRIBUTIONS SHALL BEGIN IN THE**
106 **2008-09 STATE FISCAL YEAR, AND CREATING THE AGRICULTURE**
107 **MANAGEMENT FUND, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Creates the agriculture management fund. Specifies that interest on the moneys in the unclaimed property tourism promotion trust fund shall be distributed as follows:

- ! 25% to the Colorado state fair authority cash fund;
- ! 65% to the agriculture management fund; and
- ! 10% to the Colorado travel and tourism promotion fund, to be expended to promote agritourism in the state.

Repeals statutory provisions dedicating all the interest from the unclaimed property tourism promotion trust fund to the Colorado travel and tourism promotion fund and specifying how those moneys should be expended. Defines agritourism. Makes conforming amendments.

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

2 **SECTION 1.** 38-13-116.7 (3), Colorado Revised Statutes, is
3 amended to read:

4 **38-13-116.7. Unclaimed property tourism promotion trust**
5 **fund - creation - payments - interest - transfers.** (3) (a) ~~All~~
6 BEGINNING WITH THE 2008-09 STATE FISCAL YEAR, the interest derived
7 from the deposit and investment of moneys in the unclaimed property
8 tourism promotion trust fund shall be credited to the ~~Colorado travel and~~
9 ~~tourism promotion fund created in section 24-49.7-106 (1), C.R.S., and,~~
10 ~~beginning with the 2005-06 state fiscal year, shall be subject to~~
11 ~~appropriation by the general assembly as provided in section 24-49.7-106~~
12 ~~(3) (a), C.R.S.~~ FOLLOWING FUNDS:

13 (I) TWENTY-FIVE PERCENT OF THE INTEREST TO THE COLORADO
14 STATE FAIR AUTHORITY CASH FUND CREATED IN SECTION 35-65-107 (1),
15 C.R.S., SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY
16 PURSUANT TO SECTION 35-65-107 (3) (b), C.R.S.;

17 (II) SIXTY-FIVE PERCENT OF THE INTEREST TO THE AGRICULTURE
18 MANAGEMENT FUND CREATED IN SECTION 35-1-106.9, C.R.S., SUBJECT TO
19 APPROPRIATION BY THE GENERAL ASSEMBLY PURSUANT TO SECTION

1 35-1-106.9, C.R.S.; AND

2 (III) (A) TEN PERCENT OF THE INTEREST TO THE COLORADO
3 TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106
4 (1), C.R.S., SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY
5 PURSUANT TO SECTION 24-49.7-106 (3), C.R.S., FOR USE IN THE
6 PROMOTION OF AGRITOURISM IN THE STATE. FOR THE PURPOSES OF THIS
7 SUBPARAGRAPH (III), "AGRITOURISM" MEANS THE PRACTICE OF ENGAGING
8 IN ACTIVITIES, EVENTS, AND SERVICES THAT HAVE BEEN PROVIDED TO
9 CONSUMERS FOR RECREATIONAL, ENTERTAINMENT, OR EDUCATIONAL
10 PURPOSES AT A FARM, RANCH, OR OTHER AGRICULTURAL,
11 HORTICULTURAL, OR AGRIBUSINESS OPERATION IN ORDER TO ALLOW
12 CONSUMERS TO EXPERIENCE, LEARN ABOUT, AND PARTICIPATE IN VARIOUS
13 FACETS OF AGRICULTURAL INDUSTRY, CULINARY PURSUITS, NATURAL
14 RESOURCES, AND HERITAGE.

15 (B) THE BOARD OF DIRECTORS OF THE COLORADO TOURISM OFFICE
16 CREATED IN SECTION 24-49.7-103, C.R.S., SHALL CONSULT ANNUALLY,
17 AND EXECUTE A MEMORANDUM OF UNDERSTANDING, WITH THE
18 COMMISSIONER OF AGRICULTURE REGARDING THE EXPENDITURE OF
19 MONEYS APPROPRIATED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS
20 SUBPARAGRAPH (III) IN ORDER TO COORDINATE AGRITOURISM PROMOTION
21 EFFORTS.

22 (b) Any moneys that are credited to and expended from the
23 Colorado STATE FAIR AUTHORITY CASH FUND, THE AGRICULTURE
24 MANAGEMENT FUND, OR THE travel and tourism promotion fund pursuant
25 to this subsection (3) shall constitute fiscal year spending of the state for
26 purposes of section 20 of article X of the state constitution.

27 **SECTION 2. Repeal.** 24-49.7-106 (4) and (5), Colorado Revised

1 Statutes, are repealed.

2

3 **SECTION 3.** Article 1 of title 35, Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW SECTION to read:

5 **35-1-106.9. Agriculture management fund - creation.** THERE
6 IS HEREBY CREATED IN THE STATE TREASURY THE AGRICULTURE
7 MANAGEMENT FUND. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED
8 PURSUANT TO SECTION 38-13-116.7 (3), C.R.S. THE DEPARTMENT SHALL
9 USE SUCH MONEYS TO FUND AGRICULTURAL EFFORTS APPROVED BY THE
10 COMMISSIONER, INCLUDING, BUT NOT LIMITED TO, FUNDING ADDITIONAL
11 DEPARTMENT EMPLOYEES NECESSARY TO IMPLEMENT AND MANAGE
12 APPROVED PROGRAMS. MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
13 APPROPRIATION TO THE DEPARTMENT. ANY MONEYS NOT EXPENDED OR
14 ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR
15 SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR
16 WITHOUT FURTHER APPROPRIATION. ALL INTEREST DERIVED FROM THE
17 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
18 TO THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE
19 GENERAL FUND OR ANY OTHER FUND.

20 **SECTION 4.** 35-65-107 (3) (a), Colorado Revised Statutes, is
21 amended to read:

22 **35-65-107. State fair fund - lease and use of facilities.**

23 (3) (a) The Colorado state fair authority cash fund shall consist of:

24 (I) All moneys that may be appropriated thereto by the general
25 assembly; and

26 (II) All other moneys that may be available to it, including the
27 moneys received under subsection (1) of this section; AND

1 (III) ALL MONEYS CREDITED TO THE FUND IN ACCORDANCE WITH
2 SECTION 38-13-116.7 (3), C.R.S.

3 **SECTION 5. Repeal.** 35-65-401 (9) (f.5), Colorado Revised
4 Statutes, is repealed as follows:

5 **35-65-401. Colorado state fair authority - creation - board -**
6 **powers and duties.** (9) The board shall:

7 (f.5) ~~Consult with the board of directors of the Colorado tourism~~
8 ~~office in accordance with section 24-49.7-106 (4), C.R.S., regarding the~~
9 ~~expenditure of moneys transferred to the Colorado travel and tourism~~
10 ~~promotion fund;~~

11 **SECTION 6. Appropriation.** In addition to any other
12 appropriation, there is hereby appropriated, out of any moneys in the
13 agriculture management fund created in section 35-1-106.9, Colorado
14 Revised Statutes, not otherwise appropriated, to the department of
15 agriculture, for further allocation to the special purpose division, for the
16 fiscal year beginning July 1, 2008, the sum of one million three hundred
17 forty-eight thousand seven hundred sixty-three dollars (\$1,348,763) and
18 6.0 FTE, or so much thereof as may be necessary, for the implementation
19 of this act.

20 **SECTION 7. Appropriation - adjustments to the 2008 long**
21 **bill.** For the implementation of this act, appropriations made in the
22 annual general appropriation act for the fiscal year beginning July 1,
23 2008, shall be adjusted as follows:

24 (1) The federal funds appropriation to the department of
25 agriculture, commissioner's office and administrative services, grants, for
26 the fiscal year beginning July 1, 2008, is decreased by 3.6 FTE.

27 (2) The cash funds appropriation to the office of the governor,

1 economic development programs, Colorado promotion - other promotion
2 programs, for the fiscal year beginning July 1, 2008, is increased by 1.0
3 FTE.

4 **SECTION 8. Effective date.** This act shall take effect when the
5 board of commissioners of the Colorado state fair authority, created in
6 section 35-65-401, Colorado Revised Statutes, certifies to the state
7 treasurer and the revisor of statutes, in writing, that all loans owed by the
8 Colorado state fair authority to the state treasurer pursuant to section
9 24-75-203 (1), Colorado Revised Statutes, and any outstanding debt
10 incurred by the Colorado state fair authority to build the events center in
11 Pueblo have been repaid in full.

12 **SECTION 9. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.