

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

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

**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.**

---

**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.** 24-49.7-106 (4) and (5), Colorado Revised Statutes,

1 are amended to read:

2 **24-49.7-106. Colorado travel and tourism promotion fund -**

3 **Colorado travel and tourism additional source fund - creation -**

4 **nature of funds - repeal.** (4) (a) ~~Except as provided in subsection (5)~~

5 ~~of this section, beginning with the 2005-06 state fiscal year, of the~~

6 ~~moneys credited to the Colorado travel and tourism promotion fund in~~

7 ~~accordance with section 38-13-116.7 (3), C.R.S., an amount equal to not~~

8 ~~less than ten percent of the moneys credited shall be appropriated to~~

9 ~~promote:~~

10 (I) ~~Current annual Colorado state fair and industrial exposition~~

11 ~~events; and~~

12 (H) ~~Additional events on any of the facilities at the Colorado state~~

13 ~~fair and exposition that are not annual Colorado state fair and industrial~~

14 ~~exposition events.~~

15 (b) ~~Except as provided in subsection (5) of this section, the board~~

16 ~~shall consult with the board of commissioners of the Colorado state fair~~

17 ~~authority created in the section 35-65-401, C.R.S., regarding the~~

18 ~~expenditure of moneys appropriated pursuant to this subsection (4).~~

19 (5) (a) (I) ~~Subject to the provisions of paragraph (c) of this~~

20 ~~subsection (5), Of the moneys credited to the Colorado travel and tourism~~

21 ~~promotion fund in accordance with PURSUANT TO section 38-13-116.7 (3),~~

22 ~~C.R.S., for each of the 2006-07, 2007-08, and THE 2008-09 state fiscal~~

23 ~~years YEAR, there shall be annually appropriated to the Colorado state fair~~

24 ~~authority created in section 35-65-401, C.R.S., the following amounts in~~

25 ~~the following order:~~

26 (A) ~~The amount necessary, IF ANY, to repay any loans owed by the~~

27 ~~Colorado state fair authority to the state treasurer pursuant to section~~

1 24-75-203 (1); AND

2 (B) Of the remaining moneys in the Colorado travel and tourism  
3 promotion fund after the appropriation specified in sub-subparagraph (A)  
4 of this subparagraph (I), the amount necessary, IF ANY, to pay any  
5 outstanding debt incurred by the Colorado state fair authority to build the  
6 events center in Pueblo. and

7 (C) ~~Of the remaining moneys in the Colorado travel and tourism~~  
8 ~~promotion fund after the appropriations in sub-subparagraphs (A) and (B)~~  
9 ~~of this subparagraph (I), five hundred fifty thousand dollars for~~  
10 ~~administrative expenses, operating costs, and the promotion of events on~~  
11 ~~any of the facilities at the Colorado state fair.~~

12 (II) ~~Any remaining moneys in the Colorado travel and tourism~~  
13 ~~promotion fund after the appropriations in sub-subparagraphs (A), (B),~~  
14 ~~and (C) of subparagraph (I) of this paragraph (a) shall be annually~~  
15 ~~appropriated as specified in paragraph (a) of subsection (3) of this~~  
16 ~~section, and no additional moneys shall be appropriated to promote the~~  
17 ~~Colorado state fair pursuant to subsection (4) of this section.~~

18 (III) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2009.

19 (b) ~~(I) Subject to the provisions of paragraph (c) of this subsection~~  
20 ~~(5), commencing in the 2009-10 state fiscal year and each fiscal year~~  
21 ~~thereafter, of the moneys credited to the Colorado travel and tourism~~  
22 ~~promotion fund in accordance with section 38-13-116.7 (3), C.R.S., five~~  
23 ~~hundred fifty thousand dollars shall be appropriated to the Colorado state~~  
24 ~~fair authority created in section 35-65-401, C.R.S., for administrative~~  
25 ~~expenses, operating costs, and the promotion of events on any of the~~  
26 ~~facilities at the Colorado state fair.~~

27 (H) ~~If in the 2009-10 state fiscal year and any fiscal year thereafter~~

1 ~~the appropriation to the Colorado state fair authority specified in~~  
2 ~~subparagraph (f) of this paragraph (b) is made, there shall be no~~  
3 ~~additional moneys appropriated to promote the Colorado state fair~~  
4 ~~pursuant to subsection (4) of this section. All the remaining moneys in~~  
5 ~~the Colorado travel and tourism promotion fund after the appropriation~~  
6 ~~specified in subparagraph (f) of this paragraph (b) shall be annually~~  
7 ~~appropriated as specified in paragraph (a) of subsection (3) of this~~  
8 ~~section.~~

9 (c) ~~The moneys appropriated from the Colorado travel and~~  
10 ~~tourism promotion fund to the Colorado state fair authority created in~~  
11 ~~section 35-65-401, C.R.S., pursuant to this subsection (5) shall only be~~  
12 ~~appropriated if the fund is fully funded as provided in section~~  
13 ~~12-47.1-701 (4) (a) (IV) (A), C.R.S. If the amount credited to the fund~~  
14 ~~is reduced pursuant to section 12-47.1-701 (4) (a) (IV) (B), C.R.S., the~~  
15 ~~annual appropriations specified in this subsection (5) shall not be~~  
16 ~~required.~~

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

19 **35-1-106.9. Agriculture management fund - creation.** THERE  
20 IS HEREBY CREATED IN THE STATE TREASURY THE AGRICULTURE  
21 MANAGEMENT FUND. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED  
22 PURSUANT TO SECTION 38-13-116.7 (3), C.R.S. THE DEPARTMENT SHALL  
23 USE SUCH MONEYS TO FUND AGRICULTURAL EFFORTS APPROVED BY THE  
24 COMMISSIONER, INCLUDING, BUT NOT LIMITED TO, FUNDING ADDITIONAL  
25 DEPARTMENT EMPLOYEES NECESSARY TO IMPLEMENT AND MANAGE  
26 APPROVED PROGRAMS. MONEYS IN THE FUND ARE SUBJECT TO ANNUAL  
27 APPROPRIATION TO THE DEPARTMENT. ANY MONEYS NOT EXPENDED OR

1 ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR  
2 SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR  
3 WITHOUT FURTHER APPROPRIATION. ALL INTEREST DERIVED FROM THE  
4 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED  
5 TO THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE  
6 GENERAL FUND OR ANY OTHER FUND.

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

9 **35-65-107. State fair fund - lease and use of facilities.**

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

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

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

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

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

19 **35-65-401. Colorado state fair authority - creation - board -**  
20 **powers and duties.** (9) The board shall:

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

25 **SECTION 6. Effective date.** This act shall take effect July 1,  
26 2008.

27 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.