

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0644.01 Esther van Mourik

SENATE BILL 11-159

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

HOUSE SPONSORSHIP

Ferrandino, Becker, Gerou

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE DISTRIBUTION OF FIFTY PERCENT OF THE BALANCE
102 REMAINING IN THE LIMITED GAMING FUND THAT IS ALLOCATED
103 TO THE STATE GENERAL FUND OR SUCH OTHER FUND AS THE
104 GENERAL ASSEMBLY PROVIDES AS SPECIFIED IN SECTION 9 (5)
105 (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

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://www.leg.state.co.us/billsummaries>.)

2010-11 budget balancing bill. Section 1 of the bill repeals and

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.

reenacts the statute related to the distribution of 50% of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution.

The effects and intentions of the repeal and reenactment are:

! To remove certain triggers and exceptions related to the distributions for the Colorado travel and tourism promotion fund, creative industries cash fund, new jobs incentives cash fund, and innovative higher education research fund;

! To remove and update several obsolete provisions;

! That former recipients of moneys, such as the clean energy fund and the state highway fund, are no longer listed in the statute; and

! To move statutory language for clarity and organization.

While the recipients of the available moneys are not different from the 2010-11 state fiscal year, the amount of those distributions is changed.

Sections 2 to 11 make conforming amendments.

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

2 **SECTION 1.** 12-47.1-701, Colorado Revised Statutes, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **12-47.1-701. Limited gaming fund - created.** (1) THERE IS
5 HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER THE LIMITED
6 GAMING FUND. THE FUND SHALL BE MAINTAINED AND OPERATED AS
7 FOLLOWS:

8 (a) ALL REVENUES OF THE DIVISION SHALL BE PAID INTO THE
9 LIMITED GAMING FUND. ALL EXPENSES OF THE DIVISION AND THE
10 COMMISSION, INCLUDING THE EXPENSES OF INVESTIGATION AND
11 PROSECUTION RELATING TO LIMITED GAMING, SHALL BE PAID FROM THE
12 FUND.

13 (b) (I) ALL MONEYS PAID INTO THE LIMITED GAMING FUND SHALL
14 BE AVAILABLE IMMEDIATELY, WITHOUT FURTHER APPROPRIATION, FOR
15 THE PURPOSES OF THE FUND. FROM THE MONEYS IN THE LIMITED GAMING
16 FUND, THE STATE TREASURER IS HEREBY AUTHORIZED TO PAY ALL

1 ONGOING EXPENSES OF THE COMMISSION, THE DEPARTMENT, THE DIVISION,
2 AND ANY OTHER STATE AGENCY FROM WHOM ASSISTANCE RELATED TO
3 THE ADMINISTRATION OF THIS ARTICLE IS REQUESTED BY THE COMMISSION,
4 DIRECTOR, OR EXECUTIVE DIRECTOR. SUCH PAYMENT SHALL BE MADE
5 UPON PROPER PRESENTATION OF A VOUCHER PREPARED BY THE
6 COMMISSION IN ACCORDANCE WITH OTHER STATUTES GOVERNING
7 PAYMENTS OF LIABILITIES INCURRED ON BEHALF OF THE STATE. SUCH
8 PAYMENT SHALL NOT BE CONDITIONED ON ANY APPROPRIATION BY THE
9 GENERAL ASSEMBLY. RECEIPT OF SUCH PAYMENT SHALL CONSTITUTE
10 SPENDING AUTHORITY BY THE DIVISION OF GAMING IN THE DEPARTMENT
11 OF REVENUE.

12 (II) NO CLAIM FOR THE PAYMENT OF ANY EXPENSE OF THE
13 COMMISSION, DEPARTMENT, DIVISION, OR OTHER STATE AGENCY SHALL BE
14 MADE UNLESS IT IS AGAINST THE LIMITED GAMING FUND. NO OTHER
15 MONEYS OF THE STATE SHALL BE USED OR OBLIGATED TO PAY THE
16 EXPENSES OF THE DIVISION OR COMMISSION.

17 (III) THE DIVISION SHALL BE OPERATED SO THAT IT SHALL BE
18 SELF-SUSTAINING.

19 (c) THE STATE TREASURER SHALL INVEST THE MONEYS IN THE
20 LIMITED GAMING FUND SO LONG AS SAID MONEYS ARE READILY
21 AVAILABLE TO PAY THE EXPENSES OF THE DIVISION. INVESTMENTS SHALL
22 BE THOSE OTHERWISE PERMITTED BY STATE LAW, AND INTEREST OR ANY
23 OTHER RETURN ON THE INVESTMENTS SHALL BE PAID INTO THE LIMITED
24 GAMING FUND.

25 (d) PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE
26 STATE CONSTITUTION, EXCEPT FOR AMOUNTS REQUIRED TO BE
27 TRANSFERRED TO THE EXTENDED LIMITED GAMING FUND PURSUANT TO

1 SECTION 12-47.1-701.5, AND EXCEPT FOR AN AMOUNT EQUAL TO ALL
2 EXPENSES OF THE ADMINISTRATION OF THIS ARTICLE FOR THE PRECEDING
3 TWO-MONTH PERIOD, AT THE END OF EACH STATE FISCAL YEAR, THE STATE
4 TREASURER SHALL DISTRIBUTE THE BALANCE REMAINING IN THE LIMITED
5 GAMING FUND AS FOLLOWS:

6 (I) FIFTY PERCENT SHALL BE REFERRED TO IN THIS SECTION AS THE
7 "STATE SHARE" AND SHALL BE TRANSFERRED TO THE STATE GENERAL
8 FUND OR SUCH OTHER FUND AS THE GENERAL ASSEMBLY SHALL PROVIDE
9 IN SUBSECTION (2) OF THIS SECTION;

10 (II) TWENTY-EIGHT PERCENT SHALL BE TRANSFERRED TO THE
11 STATE HISTORICAL FUND CREATED IN SECTION 9 (5) (b) (II) OF ARTICLE
12 XVIII OF THE STATE CONSTITUTION AND DISTRIBUTED AS SPECIFIED IN
13 SECTION 9 (5) (b) (III) OF ARTICLE XVIII OF THE STATE CONSTITUTION AND
14 SECTION 12-47.1-1201;

15 (III) TWELVE PERCENT SHALL BE DISTRIBUTED TO THE GOVERNING
16 BODIES OF GILPIN COUNTY AND TELLER COUNTY IN PROPORTION TO THE
17 GAMING REVENUES GENERATED IN EACH COUNTY; AND

18 (IV) THE REMAINING TEN PERCENT SHALL BE DISTRIBUTED TO THE
19 GOVERNING BODIES OF THE CITIES OF CENTRAL, BLACK HAWK, AND
20 CRIPPLE CREEK IN PROPORTION TO THE GAMING REVENUES GENERATED IN
21 EACH RESPECTIVE CITY.

22 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
23 SUBSECTION (2), AT THE END OF THE 2010-11 STATE FISCAL YEAR AND AT
24 THE END OF EACH STATE FISCAL YEAR THEREAFTER, THE STATE
25 TREASURER SHALL DISTRIBUTE THE STATE SHARE AS FOLLOWS:

26 (I) THE FIRST NINETEEN MILLION TWO HUNDRED THOUSAND
27 DOLLARS OF THE STATE SHARE SHALL BE TRANSFERRED TO THE STATE

1 GENERAL FUND;

2 (II) ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN
3 NINETEEN MILLION TWO HUNDRED THOUSAND DOLLARS BUT LESS THAN OR
4 EQUAL TO FORTY-EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS
5 SHALL BE TRANSFERRED AS FOLLOWS:

6 (A) FIFTY-ONE PERCENT TO THE COLORADO TRAVEL AND TOURISM
7 PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S.;

8 (B) NINETEEN PERCENT TO THE BIOSCIENCE DISCOVERY
9 EVALUATION CASH FUND FOR THE IMPLEMENTATION OF THE BIOSCIENCE
10 DISCOVERY EVALUATION GRANT PROGRAM, CREATED IN SECTION
11 24-48.5-108, C.R.S.;

12 (C) THIRTEEN PERCENT TO THE LOCAL GOVERNMENT LIMITED
13 GAMING IMPACT FUND CREATED IN SECTION 12-47.1-1601;

14 (D) SEVEN PERCENT TO THE INNOVATIVE HIGHER EDUCATION
15 RESEARCH FUND CREATED IN SECTION 23-19.7-104, C.R.S.;

16 (E) FIVE PERCENT TO THE NEW JOBS INCENTIVES CASH FUND
17 CREATED IN SECTION 24-46-105.7, C.R.S.;

18 (F) FOUR PERCENT TO THE CREATIVE INDUSTRIES CASH FUND,
19 CREATED IN SECTION 24-48.5-301, C.R.S., FOR PURPOSES OF THE COUNCIL
20 ON CREATIVE INDUSTRIES, INCLUDING THE ADMINISTRATION OF THE
21 COUNCIL; AND

22 (G) ONE PERCENT TO THE CREATIVE INDUSTRIES CASH FUND,
23 CREATED IN SECTION 24-48.5-301, C.R.S., FOR THE OPERATION OF THE
24 COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA AND FOR THE
25 PERFORMANCE-BASED INCENTIVE FOR FILM PRODUCTION IN COLORADO AS
26 SPECIFIED IN SECTION 24-48.5-311 (1), C.R.S.

27 (III) ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN

1 FORTY-EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE
2 TRANSFERRED TO THE STATE GENERAL FUND.

3 (b) IF A TRANSFER SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH
4 (a) OF THIS SUBSECTION (2) PROVIDES MONEYS FOR A PURPOSE OR
5 PROGRAM THAT IS REPEALED OR OTHERWISE DISCONTINUED, THEN THE
6 TRANSFER SHALL NOT BE MADE TO THAT PARTICULAR FUND BUT SHALL
7 INSTEAD BE TRANSFERRED TO THE STATE GENERAL FUND.

8 **SECTION 2.** 12-47.1-1601 (1) (a) and (2), Colorado Revised
9 Statutes, are amended to read:

10 **12-47.1-1601. Local government limited gaming impact fund**

11 **- repeal.** (1) (a) There is hereby created in the office of the state
12 treasurer the local government limited gaming impact fund, referred to in
13 this part 16 as the "fund", and within the fund, there is created the limited
14 gaming impact account and the gambling addiction account. Of the
15 moneys transferred to the fund pursuant to ~~subsection (2) of this section~~
16 SECTION 12-47.1-701 (2) (a) (II) (C), ninety-eight percent shall be
17 allocated to the limited gaming impact account and two percent shall be
18 allocated to the gambling addiction account. Moneys in the limited
19 gaming impact account shall be used to provide financial assistance to
20 designated local governments for documented gaming impacts, and
21 moneys in the gambling addiction account shall be used to award grants
22 for the provision of gambling addiction counseling, including prevention
23 and education, to Colorado residents. For the purposes of this part 16,
24 "documented gaming impacts" means the documented expenses, costs,
25 and other impacts incurred directly as a result of limited gaming permitted
26 in the counties of Gilpin and Teller and on Indian lands.

27 (2) ~~Out of the fifty percent share to be transferred to the general~~

1 ~~fund pursuant to section 9 (5) (b) (II) of article XVIII of the state~~
2 ~~constitution, an aggregate total of thirteen percent shall be transferred~~
3 ~~annually to the fund.~~

4 **SECTION 3.** 23-19.7-104 (1), Colorado Revised Statutes, is
5 amended to read:

6 **23-19.7-104. Innovative higher education research fund -**
7 **funding - repeal.** (1) There is hereby created in the state treasury the
8 innovative higher education research fund, which shall consist of:

9 (a) Moneys transferred to the research fund pursuant to section
10 25-17-202 (3) (a) (I) (A), C.R.S. This paragraph (a) is repealed, effective
11 July 1, 2014.

12 (b) Any moneys that the general assembly may appropriate to the
13 research fund;

14 (c) Any moneys received pursuant to section 23-19.7-103 (1) (j);
15 **and**

16 (d) ANY MONEYS TRANSFERRED PURSUANT TO SECTION
17 12-47.1-701 (2), C.R.S.; AND

18 ~~(d)~~ (e) All income and interest derived from the deposit and
19 investment of moneys in the research fund.

20 **SECTION 4.** 24-46-105.7 (9) (a) (I), Colorado Revised Statutes,
21 is amended to read:

22 **24-46-105.7. Performance-based incentive for new job**
23 **creation - new jobs incentives cash fund.** (9) (a) There is hereby
24 created in the state treasury the new jobs incentives cash fund, referred to
25 in this section as the "fund". The fund shall consist of:

26 (I) Moneys transferred to the fund in accordance with ~~section~~
27 ~~12-47.1-701 (4)~~ SECTION 12-47.1-701 (2), C.R.S.; and

1 **SECTION 5.** 24-48.5-108 (5) (a), Colorado Revised Statutes, is
2 amended to read:

3 **24-48.5-108. Bioscience research - evaluation - grants - fund**
4 **- definitions - repeal.** (5) **Fund.** (a) There is hereby created in the state
5 treasury the bioscience discovery evaluation cash fund, referred to in this
6 section as the "fund", that shall consist of moneys that are transferred to
7 the fund pursuant to ~~section 12-47.1-701 (4) (a)~~ SECTION 12-47.1-701 (2),
8 C.R.S., any moneys transferred to the fund pursuant to paragraph (e) of
9 subsection (3) of this section, and any other moneys appropriated to the
10 fund by the general assembly. The moneys in the fund shall be subject to
11 annual appropriation by the general assembly for the purposes specified
12 in this section, including administration of the program by the Colorado
13 office of economic development. Any moneys in the fund not expended
14 for the purpose of this section may be invested by the state treasurer as
15 provided by law. All interest and income derived from the investment
16 and deposit of moneys in the fund shall be credited to the fund. Any
17 unexpended and unencumbered moneys remaining in the fund at the end
18 of a fiscal year shall remain in the fund and shall not be credited or
19 transferred to the general fund or another fund; except that any
20 unexpended and unencumbered moneys remaining in the fund upon the
21 repeal of this section shall be transferred to the general fund. Any
22 moneys included in an annual appropriation that are not expended or
23 encumbered at the end of the fiscal year shall remain available for
24 expenditure in the next fiscal year without further appropriation.

25 **SECTION 6.** 24-48.5-301 (2) (a) (II), Colorado Revised Statutes,
26 is amended to read:

27 **24-48.5-301. Creative industries division - creative industries**

1 **cash fund - creation - repeal.** (2) (a) There is hereby created in the state
2 treasury the creative industries cash fund, referred to in this section as the
3 "fund". The fund shall consist of:

4 (II) Moneys transferred to the fund in accordance with ~~section~~
5 ~~12-47.1-701(4)~~ SECTION 12-47.1-701 (2), C.R.S.;

6 **SECTION 7.** 24-49.7-106 (1) (a), Colorado Revised Statutes, is
7 amended to read:

8 **24-49.7-106. Colorado travel and tourism promotion fund -**
9 **Colorado travel and tourism additional source fund - creation -**
10 **nature of funds.** (1) There is hereby created a fund in the state treasury
11 to be known as the Colorado travel and tourism promotion fund, which
12 shall be administered by the board and which shall consist of:

13 (a) All moneys transferred thereto in accordance with ~~sections~~
14 ~~12-47.1-701(4)~~ SECTIONS 12-47.1-701 (2) and 38-13-116.7 (3), C.R.S.;

15 and
16 **SECTION 8.** 24-75-1201 (1) (a), Colorado Revised Statutes, is
17 amended to read:

18 **24-75-1201. Clean energy fund - creation - use of fund -**
19 **definitions.** (1) (a) The clean energy fund is hereby created in the state
20 treasury. The principal of the fund shall consist of moneys transferred to
21 the fund at the end of the 2006-07 state fiscal year and at the end of each
22 succeeding state fiscal year from ~~the limited gaming fund created in~~
23 ~~section 12-47.1-701 (1), C.R.S., in accordance with section 12-47.1-701~~
24 ~~(5), C.R.S.~~; moneys received by the governor's energy office pursuant to
25 section 39-29-109.3 (2) (f), ~~(f)-(c)~~, C.R.S., in accordance with section
26 40-8.7-112 (3) (g), C.R.S., moneys received pursuant to the federal
27 "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or

1 any amendments thereto, or from revenue contracts, court settlement
2 funds, supplemental environmental program funds, repayment or return
3 of funds from eligible public depositories, and gifts, grants, and
4 donations, and any other moneys received by the governor's energy office.
5 Interest and income earned on the deposit and investment of moneys in
6 the clean energy fund shall be credited to the fund. Moneys in the fund
7 at the end of any state fiscal year shall remain in the fund and shall not be
8 credited to the state general fund or any other fund.

9 **SECTION 9. Repeal.** 43-1-220 (1) (c), Colorado Revised
10 Statutes, is repealed as follows:

11 **43-1-220. Sources of funds - assumption of obligations.** (1) All
12 receipts from the following sources shall be paid into and credited to the
13 state highway fund as soon as received from:

14 ~~(c) (I) The limited gaming fund. The receipts from the limited~~
15 ~~gaming fund shall be segregated from other receipts paid into the state~~
16 ~~highway fund.~~

17 ~~(H) In accordance with the provisions of section 12-47.1-701 (1)~~
18 ~~(c) (I), C.R.S., the receipts from the limited gaming fund are to be used~~
19 ~~on public roads and highways leading to and within a fifty-mile radius of~~
20 ~~any limited gaming community for:~~

21 ~~(A) Any proposed or anticipated transportation needs attributable~~
22 ~~to limited gaming; and~~

23 ~~(B) Any reimbursement for emergency repairs and modifications~~
24 ~~attributed to limited gaming that the department has performed during the~~
25 ~~previous fiscal year.~~

26 ~~(H) For purposes of this paragraph (c), "limited gaming~~
27 ~~community" means any town, city, or unincorporated portion of a county~~

1 or any Indian lands where limited gaming is authorized, and "proposed or
2 anticipated transportation needs" includes but is not limited to the
3 acquisition of rights-of-way and easements for the construction,
4 improvement, repair, and maintenance of public roads and highways.

5 **SECTION 10. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.