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An Act

SENATE BILL 11-159

BY SENATOR(S) Steadman, Hodge, Lambert;
also REPRESENTATIVE(S) Ferrandino, Becker, Gerou, Murray.

CONCERNING THE DISTRIBUTION OF FIFTY PERCENT 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, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 12-47.1-701, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

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

(a) ALL REVENUES OF THE DIVISION SHALL BE PAID INTO THE LIMITED GAMING FUND. ALL EXPENSES OF THE DIVISION AND THE COMMISSION, INCLUDING THE EXPENSES OF INVESTIGATION AND PROSECUTION RELATING

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TO LIMITED GAMING, SHALL BE PAID FROM THE FUND.

(b) (I) ALL MONEYS PAID INTO THE LIMITED GAMING FUND SHALL BE AVAILABLE IMMEDIATELY, WITHOUT FURTHER APPROPRIATION, FOR THE PURPOSES OF THE FUND. FROM THE MONEYS IN THE LIMITED GAMING FUND, THE STATE TREASURER IS HEREBY AUTHORIZED TO PAY ALL ONGOING EXPENSES OF THE COMMISSION, THE DEPARTMENT, THE DIVISION, AND ANY OTHER STATE AGENCY FROM WHOM ASSISTANCE RELATED TO THE ADMINISTRATION OF THIS ARTICLE IS REQUESTED BY THE COMMISSION, DIRECTOR, OR EXECUTIVE DIRECTOR. SUCH PAYMENT SHALL BE MADE UPON PROPER PRESENTATION OF A VOUCHER PREPARED BY THE COMMISSION IN ACCORDANCE WITH OTHER STATUTES GOVERNING PAYMENTS OF LIABILITIES INCURRED ON BEHALF OF THE STATE. SUCH PAYMENT SHALL NOT BE CONDITIONED ON ANY APPROPRIATION BY THE GENERAL ASSEMBLY. RECEIPT OF SUCH PAYMENT SHALL CONSTITUTE SPENDING AUTHORITY BY THE DIVISION OF GAMING IN THE DEPARTMENT OF REVENUE.

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

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

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

(d) PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, EXCEPT FOR AMOUNTS REQUIRED TO BE TRANSFERRED TO THE EXTENDED LIMITED GAMING FUND PURSUANT TO SECTION 12-47.1-701.5, AND EXCEPT FOR AN AMOUNT EQUAL TO ALL EXPENSES OF THE ADMINISTRATION OF THIS ARTICLE FOR THE PRECEDING TWO-MONTH PERIOD, AT THE END OF EACH STATE FISCAL YEAR, THE STATE TREASURER SHALL DISTRIBUTE THE BALANCE REMAINING IN THE LIMITED GAMING FUND

AS FOLLOWS:

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

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

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

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

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

(I) THE FIRST NINETEEN MILLION TWO HUNDRED THOUSAND DOLLARS OF THE STATE SHARE SHALL BE TRANSFERRED TO THE STATE GENERAL FUND;

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

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

(B) EIGHTEEN PERCENT TO THE BIOSCIENCE DISCOVERY EVALUATION CASH FUND FOR THE IMPLEMENTATION OF THE BIOSCIENCE DISCOVERY

EVALUATION GRANT PROGRAM, CREATED IN SECTION 24-48.5-108, C.R.S.;

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

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

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

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

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

(III) ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN FORTY-EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE GENERAL FUND.

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

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

12-47.1-1601. Local government limited gaming impact fund - repeal. (1) (a) There is hereby created in the office of the state treasurer the local government limited gaming impact fund, referred to in this part 16 as the "fund", and within the fund, there is created the limited gaming impact account and the gambling addiction account. Of the moneys

transferred to the fund pursuant to ~~subsection (2) of this section~~ SECTION 12-47.1-701 (2) (a) (II) (C), ninety-eight percent shall be allocated to the limited gaming impact account and two percent shall be allocated to the gambling addiction account. Moneys in the limited gaming impact account shall be used to provide financial assistance to designated local governments for documented gaming impacts, and moneys in the gambling addiction account shall be used to award grants for the provision of gambling addiction counseling, including prevention and education, to Colorado residents. For the purposes of this part 16, "documented gaming impacts" means the documented expenses, costs, and other impacts incurred directly as a result of limited gaming permitted in the counties of Gilpin and Teller and on Indian lands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-48.5-301. Creative industries division - creative industries cash fund - creation - repeal. (2) (a) There is hereby created in the state treasury the creative industries cash fund, referred to in this section as the "fund". The fund shall consist of:

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

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

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

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

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

24-75-1201. Clean energy fund - creation - use of fund - definitions. (1) (a) The clean energy fund is hereby created in the state treasury. The principal of the fund shall consist of moneys transferred to the fund at the end of the 2006-07 state fiscal year and at the end of each succeeding state fiscal year from ~~the limited gaming fund created in section 12-47.1-701(1), C.R.S., in accordance with section 12-47.1-701(5), C.R.S.,~~ moneys received by the governor's energy office pursuant to section 39-29-109.3 (2) (f), ~~(f)(C)~~, C.R.S., in accordance with section 40-8.7-112 (3) (g), C.R.S., moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue contracts, court settlement funds, supplemental environmental program funds, repayment or return of funds from eligible public depositories, and gifts, grants, and donations, and any other moneys received by the governor's energy office. Interest and income earned on the deposit and investment of moneys in the clean energy fund shall be credited to the fund. Moneys in the fund at the end of any state fiscal year shall remain in the fund and shall not be credited to the state

general fund or any other fund.

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

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

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

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

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

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

~~(HH) For purposes of this paragraph (c), "limited gaming community" means any town, city, or unincorporated portion of a county or any Indian lands where limited gaming is authorized, and "proposed or anticipated transportation needs" includes but is not limited to the acquisition of rights-of-way and easements for the construction, improvement, repair, and maintenance of public roads and highways.~~

SECTION 10. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the creative industries cash fund created in section 24-48.5-301 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado office of film, television, and media, for the fiscal year beginning July 1, 2011, the sum of two hundred ninety-three thousand dollars (\$293,000) cash funds and 4.5

FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado promotion - Colorado welcome centers, for the fiscal year beginning July 1, 2011, the sum of five hundred thousand dollars (\$500,000) cash funds and 3.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado promotion - other program costs, for the fiscal year beginning July 1, 2011, the sum of fourteen million one hundred fifty thousand dollars (\$14,150,000) cash funds and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the creative industries cash fund created in section 24-48.5-301 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, council on the arts, for the fiscal year beginning July 1, 2011, the sum of one million one hundred seventy-two thousand dollars (\$1,172,000) cash funds and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the innovative higher education research fund created in section 23-19.7-104 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of higher education, for allocation to the Colorado commission on higher education, special purpose, distribution to higher education competitive research authority, for the fiscal year beginning July 1, 2011, the sum of two million fifty-one thousand

dollars (\$2,051,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 11. Appropriation - adjustments in 2011 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(a) The cash funds appropriation from the bioscience discovery evaluation cash fund created in section 24-48.5-108 (5) (a), Colorado Revised Statutes, to the governor-lieutenant governor-state planning and budgeting, economic development programs division, for bioscience discovery evaluation, is decreased by two hundred twenty-six thousand dollars (\$226,000).

(b) The cash funds appropriation from the local government limited gaming impact fund created in section 12-47.1-1601 (1) (a), Colorado Revised Statutes, to the department of local affairs, division of local governments, field services, for local government limited gaming impact grants, is decreased by one million nine hundred five thousand dollars (\$1,905,000).

SECTION 12. Safety clause. The general assembly hereby finds,

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

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO