

HB1137_L.013

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1137 be amended as follows:

- 1 Strike the Appropriations Committee Report, dated March 13, 2009.
- 2 Strike the Judiciary Committee Report, dated February 12, 2009, and
3 substitute the following:
- 4 "Amend printed bill, page 2, after line 6, insert the following:
- 5 "SECTION 2. 12-47.1-701 (1) (b), Colorado Revised Statutes, is
6 amended to read:
- 7 **12-47.1-701. Limited gaming fund.** (1) There is hereby created
8 in the office of the state treasurer the limited gaming fund. The fund shall
9 be maintained and operated as follows:
- 10 (b) In addition to the initial appropriation to the division, all
11 moneys paid into the limited gaming fund shall be available immediately,
12 without further appropriation, for the purposes of said fund. From the
13 moneys in the limited gaming fund, the state treasurer is hereby
14 authorized to pay all ongoing expenses of the commission, the
15 department, the division, and any other state agency from whom
16 assistance related to the administration of this article is requested by the
17 commission, director, or executive director. FOR STATE FISCAL YEARS
18 COMMENCING ON OR AFTER JULY 1, 2009, IF THERE ARE INSUFFICIENT
19 MONEYS IN THE GAMBLING PAYMENT INTERCEPT CASH FUND CREATED IN
20 SECTION 24-35-605 (3)(a), C.R.S., THE STATE TREASURER IS AUTHORIZED
21 TO PAY ALL ONGOING EXPENSES OF THE DEPARTMENT AND ANY OTHER



1 STATE AGENCY RELATED TO THE ADMINISTRATION OF THE "GAMBLING
2 PAYMENT INTERCEPT ACT", PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S.;
3 EXCEPT THAT ANY EXPENSES RELATED TO THE IMPLEMENTATION OF
4 HOUSE BILL 09-1137, ENACTED IN 2009, THAT ARE INCURRED PRIOR TO
5 JANUARY 1, 2011, AND RELATED TO AN INTERCEPT FOR AN OUTSTANDING
6 DEBT THAT IS RESTITUTION SHALL BE SPREAD EQUALLY BETWEEN STATE
7 FISCAL YEARS 2009-10 AND 2010-11. Such payment shall be made upon
8 proper presentation of a voucher prepared by the commission in
9 accordance with other statutes governing payments of liabilities incurred
10 on behalf of the state. Such payment shall not be conditioned on any
11 appropriation by the general assembly. Receipt of such payment shall
12 constitute spending authority by the department of revenue, division of
13 gaming."

14 Renumber succeeding sections accordingly.

15 Page 3, line 5, strike "RESTITUTION,";

16 line 6, strike "FINES, AND FEES" and substitute "RESTITUTION";

17 line 8, strike "RESTITUTION, FINES, AND FEES" and substitute
18 "RESTITUTION";

19 strike lines 10 through 15;

20 strike lines 21 through 23.

21 Reletter succeeding paragraphs accordingly.

22 Page 3, line 25, after "C.R.S.;" add "AND".

23 Page 4, line 3, strike "C.R.S.; AND" and substitute "C.R.S.";

24 strike lines 4 through 6;

25 line 9, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute
26 "A NEW SUBSECTION,";

27 line 15, strike "(2) (a) OR (2) (b)." and substitute "(2) (a).";

28 line 19, strike "(c)." and substitute "(b).";



- 1 strike lines 20 through 23;
- 2 line 25 strike "DEPARTMENT, THE" and substitute "DEPARTMENT AND
3 THE";
- 4 line 26, strike "services, AND THE DEPARTMENT OF REVENUE" and
5 substitute "services";
- 6 line 27, strike "(1.5), (2), AND (2.5)" and substitute "(1.5) AND (2)".
- 7 Page 5, strike line 10 and substitute the following:
- 8 "amended, and the said 24-35-605 is further amended BY THE
9 ADDITION OF A NEW SUBSECTION, to read:";
- 10 line 12, strike "**procedures.**" and substitute "**procedures - gambling
11 payment intercept cash fund - creation.**".
- 12 Page 6, strike lines 19 through 23;
- 13 line 27, strike "AND THE DEPARTMENT OF REVENUE".
- 14 Page 7, line 3, strike "EACH" and substitute "THE";
- 15 after line 3, insert the following:
- 16 "(3) (a) IN ADDITION TO THE AMOUNT WITHHELD PURSUANT TO
17 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS
18 SECTION, A LICENSEE SHALL WITHHOLD A FEE OF EIGHTY-FIVE DOLLARS,
19 WHICH AMOUNT SHALL BE ADDED TO THE DEBTOR'S OUTSTANDING DEBT.
20 THE LICENSEE SHALL SEND THE WITHHELD FEE TO THE REGISTRY
21 OPERATOR ALONG WITH THE MONEYS REQUIRED PURSUANT TO
22 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS
23 SECTION, AND THE REGISTRY OPERATOR SHALL FORWARD SUCH AMOUNT
24 TO THE STATE TREASURER FOR DEPOSIT IN THE GAMBLING PAYMENT
25 INTERCEPT CASH FUND, WHICH IS HEREBY CREATED IN THE STATE
26 TREASURY. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
27 SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3) MAY BE INVESTED BY
28 THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME
29 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND
30 SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND



1 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
2 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
3 TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND;
4 EXCEPT THAT THE STATE TREASURER SHALL TRANSFER ALL
5 UNAPPROPRIATED MONEYS IN FUND TO THE LIMITED GAMING FUND
6 CREATED IN SECTION 12-47.1-701 (1), C.R.S., UNTIL SUCH TIME THAT ALL
7 EXPENDITURES FROM THE LIMITED GAMING FUND TO PAY ONGOING
8 EXPENSES OF THE DEPARTMENT OF REVENUE AND ANY OTHER STATE
9 AGENCY RELATED TO THE ADMINISTRATION OF THE "GAMBLING PAYMENT
10 INTERCEPT ACT", PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., HAVE BEEN
11 REPAYED FROM THE GAMBLING PAYMENT INTERCEPT CASH FUND.

12 (b) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE
13 FUND TO PAY THE ONGOING EXPENSES OF THE DEPARTMENT OF REVENUE
14 AND ANY OTHER STATE AGENCY RELATED TO THE ADMINISTRATION OF THE
15 "GAMBLING PAYMENT INTERCEPT ACT", PART 6 OF ARTICLE 35 OF TITLE
16 24, C.R.S."

17 Page 8, strike lines 12 and 13 and substitute the following:

18 "SECTION 11. 26-13-118.7 (3) and (6), Colorado Revised
19 Statutes, are amended to read:";

20 strike line 15 and substitute the following:

21 "~~(3) The state department shall deposit a payment received from the~~
22 ~~registry operator pursuant to section 24-35-605 (2) (b), C.R.S., with the~~
23 ~~state treasurer.~~ UPON RECEIPT OF A PAYMENT FROM THE REGISTRY
24 OPERATOR PURSUANT TO SECTION 24-35-605 (2) (b), C.R.S., THE STATE
25 DEPARTMENT SHALL DEPOSIT THE PAYMENT WITH THE FAMILY SUPPORT
26 REGISTRY CREATED PURSUANT TO SECTION 26-13-114. After the final
27 disposition of any administrative review requested pursuant to subsection
28 (2) of this section, the state department shall disburse the payment to the
29 family support registry created in section 26-13-114 for processing or for
30 distribution to the individual receiving support enforcement services
31 pursuant to section 26-13-106, as appropriate.

32 (6) ~~This section shall be repealed if part 6 of article 35 of title 24,~~
33 ~~C.R.S.,";~~

34 line 17, strike "(3) (a) (II),";



- 1 line 18, strike "(3) (a) (VI), and (3) (a) (VII)," and substitute "and (3) (a)
2 (VI),";
- 3 strike lines 20 through 27.
- 4 Page 9, strike lines 1 through 5;
- 5 line 6, strike "(III)" and substitute "**39-21-108. Refunds.** (3) (a) (III)";
- 6 line 8, strike "monthly with the state treasurer" and substitute "monthly
7 ~~with the state treasurer~~ IN THE FAMILY SUPPORT REGISTRY CREATED
8 PURSUANT TO SECTION 26-13-114, C.R.S.,";
- 9 strike lines 9 through 17 and substitute the following:
- 10 "human services. For all names and amounts certified by the department
11 of human services pursuant to section 26-13-111, C.R.S., the executive
12 director of the department of revenue shall provide to the department of
13 human services the taxpayers' names and associated amounts deposited
14 with the state treasurer and any other identifying information as required
15 by the department of human services."
- 16 Page 10, strike lines 26 and 27.
- 17 Page 11, strike lines 1 through 12;
- 18 line 20, strike "This";
- 19 strike line 21 and substitute the following:
- 20 "Sections 1, 2, 3, 4, 10, 11, 12, 13, and 14 of this act shall take effect
21 September 1, 2009, and the remainder of this act shall take effect January
22 1, 2011."
- 23 Page 1, strike line 103;
- 24 line 104, strike "TAXES" and substitute "RESTITUTION".

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