

CHAPTER 229

AGRICULTURE

HOUSE BILL 08-1399

BY REPRESENTATIVE(S) Buescher, Carroll T., Curry, Gallegos, Gardner C., Hodge, Loooper, McFadyen, Pommer, Sonnenberg, White, McKinley, Borodkin, Fischer, Labuda, Massey, Rose, Stafford, and Todd;
also SENATOR(S) Isgar, Keller, Kester, Morse, and Taylor.

AN ACT

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

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

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

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

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

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

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

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

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

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

SECTION 2. Repeal. 24-49.7-106 (4) and (5), Colorado Revised Statutes, are repealed.

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

35-1-106.9. Agriculture management fund - creation. THERE IS HEREBY CREATED IN THE STATE TREASURY THE AGRICULTURE MANAGEMENT FUND. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED PURSUANT TO SECTION 38-13-116.7 (3), C.R.S. THE DEPARTMENT SHALL USE SUCH MONEYS TO FUND AGRICULTURAL EFFORTS APPROVED BY THE COMMISSIONER, INCLUDING, BUT NOT LIMITED TO, FUNDING ADDITIONAL DEPARTMENT EMPLOYEES NECESSARY TO IMPLEMENT AND MANAGE APPROVED PROGRAMS. MONEYS MAY BE USED FOR DIRECT ASSISTANCE OR GRANT ASSISTANCE FOR CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF THIS TITLE. MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION TO THE DEPARTMENT. ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR ANY OTHER FUND.

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

35-65-107. State fair fund - lease and use of facilities. (3) (a) The Colorado state fair authority cash fund shall consist of:

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

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

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

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

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

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

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

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

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

(2) The cash funds appropriation to the office of the governor, economic development programs, Colorado promotion - other promotion programs, for the fiscal year beginning July 1, 2008, is increased by 1.0 FTE.

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

SECTION 9. 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.

Approved: May 14, 2008