

CHAPTER 128

GOVERNMENT - STATE

SENATE BILL 15-236

BY SENATOR(S) Grantham, Lambert, Steadman;
 also REPRESENTATIVE(S) Rankin, Hamner, Young, Fields, Ginal, Lebsack, Lontine, Melton, Mitsch Bush, Pettersen, Priola,
 Rosenthal, Vigil, Williams, Windholz, Hullinghorst.

AN ACT

CONCERNING THE REORGANIZATION OF FUNDS EXPENDED BY THE STATE HISTORICAL SOCIETY.

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

SECTION 1. In Colorado Revised Statutes, 12-47.1-1201, **amend** (1) introductory portion, (3), (5) (b), (5) (c) (I), (5) (c) (II), and (5) (d) (IV); and **add** (5) (c) (II.5) as follows:

12-47.1-1201. State historical fund - administration - legislative declaration - state museum cash fund - capitol dome restoration fund - repeal. (1) The state treasurer shall make annual distributions, from the state historical fund created by subsection (5) (b) (II) of section 9 of article XVIII of the state constitution, in accordance with the provisions of subsection (5) (b) (III) of said section 9. As specified in said subsection (5) (b) (III), twenty percent of the moneys in the state historical fund shall be used for the preservation and restoration of the cities of Central, Black Hawk, and Cripple Creek. The remaining eighty percent of the fund shall be administered by the state historical society IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION. Expenditures from the fund shall be subject to the provisions of section 12-47.1-1202. The society shall make grants from the eighty percent portion of said fund administered by the society for the following historic preservation purposes:

(3) ~~The society may expend a portion of the state historical fund administered by the society to cover such reasonable costs as may be incurred in the selection, monitoring, and administration of grants for historic preservation purposes.~~ SUBJECT TO ANNUAL APPROPRIATION, the society may employ such personnel in accordance with section 13 of article XII of the state constitution as may be necessary to fulfill its duties in accordance with this section.

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

(5)(b) Subject to annual appropriation, the society may make expenditures FROM THE MUSEUM AND PRESERVATION OPERATIONS ACCOUNT for THE reasonable costs incurred by the society in connection with fulfilling the society's mission as a state educational institution to collect, preserve, and interpret the history of Colorado and the west and carrying out other activities and programs authorized by statute or rule. Such reasonable costs may include capital construction and controlled maintenance expenditures relating to properties owned, managed, or used by the society.

(c) (I) All moneys received by the society FROM LIMITED GAMING REVENUES PURSUANT TO SECTION 12-47.1-701 (1) (d) (II) shall be transmitted to the state treasurer, who shall credit the same to the state historical fund. ~~or other funds authorized by law. Such moneys include, but are not limited to, grants, admission fees, user charges, concessionaire fees, rentals, commissions, store sales, service fees, program fees, membership fees, publications income, exhibit fees, special event fees, donations, and gifts.~~ EIGHTY PERCENT OF THE STATE HISTORICAL FUND ADMINISTERED BY THE SOCIETY IS DIVIDED INTO THE FOLLOWING TWO ACCOUNTS:

(A) THE PRESERVATION GRANT PROGRAM ACCOUNT, WHICH IS HEREBY CREATED IN THE STATE HISTORICAL FUND, THAT CONSISTS OF FIFTY AND ONE-TENTH OF ONE PERCENT OF THE MONEYS RECEIVED FROM THE SOCIETY IN A FISCAL YEAR. MONEYS IN THE ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE SOCIETY TO COVER THE REASONABLE COSTS AS MAY BE INCURRED IN THE SELECTION, MONITORING, AND ADMINISTRATION OF GRANTS FOR HISTORIC PRESERVATION PURPOSES. ANY MONEYS NOT APPROPRIATED FOR SUCH COSTS ARE CONTINUOUSLY APPROPRIATED TO THE SOCIETY FOR THE PURPOSE OF MAKING GRANTS PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(B) THE MUSEUM AND PRESERVATION OPERATIONS ACCOUNT, WHICH IS HEREBY CREATED IN THE STATE HISTORICAL FUND, THAT CONSISTS OF FORTY-NINE AND NINE-TENTHS OF ONE PERCENT OF THE MONEYS RECEIVED FROM THE SOCIETY IN A FISCAL YEAR. MONEYS IN THE ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (5).

(II) Except as otherwise specified in subparagraph (III) of this paragraph (c), all interest and income derived from the deposit and investment of moneys in the state historical fund, ~~or other funds authorized by law~~ INCLUDING THE ACCOUNTS CREATED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), shall remain in ~~such~~ THE fund. ~~or funds~~ AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND REMAIN THEREIN and shall not be transferred or revert to the general fund or any other fund; ~~at the end of any fiscal year;~~ except that, for the fiscal year commencing July 1, 2008, and for each fiscal year thereafter through the fiscal year commencing July 1, 2045, the society may direct the state treasurer to transfer any unexpended and unencumbered moneys in the state historical fund from the portion not reserved for the statewide grant program for preservation pursuant to sub-subparagraph (B) of subparagraph (II) of paragraph (d) of this subsection (5) MUSEUM AND PRESERVATION OPERATIONS ACCOUNT at the end of the fiscal year to the state museum cash fund created pursuant to section 24-80-214, C.R.S. The state treasurer shall be the custodian of such funds pursuant to section 24-80-209, C.R.S.

(II.5) ON JULY 1, 2015, THE CONTROLLER SHALL CREDIT PORTIONS OF THE FUND BALANCE IN THE STATE HISTORICAL FUND TO THE PRESERVATION GRANT PROGRAM ACCOUNT AND THE MUSEUM AND PRESERVATION OPERATIONS ACCOUNT AS IF THE ACCOUNTS HAD EXISTED WHEN THE MONEYS WERE INITIALLY RECEIVED. FOR THE 2015-16 FISCAL YEAR, ANY APPROPRIATION FROM THE MINORITY SHARE OF THE HISTORICAL SOCIETY'S EIGHTY PERCENT SHARE OF THE STATE HISTORICAL FUND IS CONSIDERED AN APPROPRIATION FROM THE MUSEUM AND PRESERVATION OPERATIONS ACCOUNT AND ANY APPROPRIATION FROM THE MAJORITY SHARE OF THE HISTORICAL SOCIETY'S EIGHTY PERCENT SHARE OF THE STATE HISTORICAL FUND IS CONSIDERED AN APPROPRIATION FROM THE PRESERVATION GRANT PROGRAM ACCOUNT. THIS SUBPARAGRAPH (II.5) IS REPEALED, EFFECTIVE JUNE 30, 2016.

(d) (IV) For the fiscal year beginning on July 1, 2011, and for each fiscal year thereafter through the fiscal year beginning on July 1, 2045, so long as there are payments due on an agreement entered into pursuant to the provisions of section 3 of Senate Bill 08-206, as enacted at the second regular session of the sixty-sixth general assembly, the general assembly shall appropriate to the state historical society from the MUSEUM AND PRESERVATION OPERATIONS ACCOUNT OF THE state historical fund an amount equal to the annual aggregate rentals or other payments due from state funds; except that the amount shall not exceed four million nine hundred ninety-eight thousand dollars in any given fiscal year.

SECTION 2. In Colorado Revised Statutes, 24-75-402, **add** (5) (ee) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(ee) THE ENTERPRISE SERVICES CASH FUND CREATED IN SECTION 24-80-209.

SECTION 3. In Colorado Revised Statutes, **amend** 24-80-209 as follows:

24-80-209. Title to property - disbursement of revenues - enterprise services cash fund. (1) The title to all property acquired by the society by gift, purchase, or otherwise shall absolutely vest in and belong to the state of Colorado when accepted or received by the society. ~~and~~

(2) All ~~moneys or securities~~ NONCUSTODIAL REVENUES received by it, ~~sale~~ THE SOCIETY OTHER THAN LIMITED GAMING REVENUES DEPOSITED IN THE STATE HISTORICAL FUND PURSUANT TO SECTION 12-47.1-1201, C.R.S., ~~whether from gifts, sales of duplicate or undesired books, specimens, documents, exhibits, or other properties, sale of microfilms or other copies, publication or sale of books, magazines, postcards, pamphlets, maps, or other materials,~~ COMMISSIONS, SALE OF GOODS AND SERVICES, admissions, ~~dues,~~ MEMBERSHIP AND USER CHARGES, SERVICE FEES, operation or rental of concessions or facilities, ~~rendering of services,~~ or from any other state source shall be DEPOSITED IN THE ENTERPRISE SERVICES CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS OF CARRYING OUT THE ACTIVITIES OF THE SOCIETY. THE STATE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT

AND INVESTMENT OF MONEYS IN THE FUND TO THE FUND. ANY MONEYS NOT APPROPRIATED REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. MONEYS IN THE ENTERPRISE SERVICES CASH FUND AND ANY OTHER HISTORICAL SOCIETY CUSTODIAL ACCOUNTS SHALL BE held by the state treasurer as custodian separate and apart from other funds and may be withdrawn from his custody for the purposes and under the control of the society, only upon the issuance of vouchers signed by the president or vice-president and treasurer or secretary of the society and upon warrants drawn against such funds by the controller.

SECTION 4. Effective date. This act takes effect July 1, 2015.

SECTION 5. 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 1, 2015