

## CHAPTER 19

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**EDUCATION - UNIVERSITIES AND COLLEGES**


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**SENATE BILL 03-193**

BY SENATOR(S) Reeves, Owen, and Teck;  
also REPRESENTATIVE(S) Young, Plant, Witwer, and Frangas.

**AN ACT****CONCERNING THE STATE HISTORICAL FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 12-47.1-1201 (1) (b), (1) (c), and (2), Colorado Revised Statutes, are amended, and the said 12-47.1-1201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-47.1-1201. State historical fund - administration.** (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. 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:

(b) The excavation, stabilization, PRESERVATION, restoration, rehabilitation, reconstruction, or acquisition of such designated properties;

(c) Education and training for governmental entities, organizations, and private citizens on how to plan for and accommodate the preservation of historic AND ARCHAEOLOGICAL structures, buildings, OBJECTS, SITES, and districts; ~~as well as archaeological sites;~~

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

(2) (a) The society shall make grants primarily to ~~public~~ GOVERNMENTAL entities AND TO NONPROFIT ORGANIZATIONS; except that the society may make grants to persons in the private sector so long as the person requesting the grant makes application through a ~~municipality or a county~~ GOVERNMENTAL ENTITY. The selection of recipients and the amount granted to a recipient shall be determined by the society, which determination shall be based on the information provided in the applications submitted to the society.

(b) AS USED IN THIS SUBSECTION (2), "GOVERNMENTAL ENTITY" MEANS THE STATE AND ANY STATE AGENCY OR INSTITUTION, COUNTY, CITY AND COUNTY, INCORPORATED CITY OR TOWN, SCHOOL DISTRICT, SPECIAL IMPROVEMENT DISTRICT, AUTHORITY, AND EVERY OTHER KIND OF DISTRICT, INSTRUMENTALITY, OR POLITICAL SUBDIVISION OF THE STATE ORGANIZED PURSUANT TO LAW. "GOVERNMENTAL ENTITY" SHALL INCLUDE ANY COUNTY, CITY AND COUNTY, OR INCORPORATED CITY OR TOWN, GOVERNED BY A HOME RULE CHARTER.

(5) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) THE STATE HISTORICAL SOCIETY, WHICH WAS FOUNDED IN 1879, HAS A UNIQUE ROLE AS THE STATE EDUCATIONAL INSTITUTION CHARGED WITH COLLECTING, PRESERVING, AND INTERPRETING THE HISTORY OF COLORADO AND THE WEST. THE STATE FORMALLY RECOGNIZED THE STATE HISTORICAL SOCIETY AS A STATE AGENCY BY STATUTE IN 1915, AND THE GENERAL ASSEMBLY HAS CONTINUOUSLY MADE APPROPRIATIONS FOR THE SOCIETY SINCE THAT TIME.

(B) THE STATE HISTORICAL FUND CREATED BY SUBSECTION (5) (b) (II) OF SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION HAS GROWN SIGNIFICANTLY SINCE ITS INCEPTION IN 1991. IN ACCORDANCE WITH SUBSECTION (5) (b) (III) OF SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY HEREBY DETERMINES THAT IT IS APPROPRIATE TO PROVIDE FUNDING FOR THE STATE HISTORICAL SOCIETY THROUGH THE STATE HISTORICAL FUND.

(C) THE USE OF A PORTION OF THE STATE HISTORICAL FUND FOR THE SUPPORT NEEDS OF THE STATE HISTORICAL SOCIETY IS CONSISTENT WITH THE PRESERVATION PURPOSES OF THE FUND AND OF THE SOCIETY.

(D) GRANTS FROM THE STATE HISTORICAL FUND BY THE SOCIETY PURSUANT TO SUBSECTION (1) OF THIS SECTION SERVE THE STATE AND ITS PEOPLE WELL IN PROMOTING PRESERVATION PURPOSES AND ECONOMIC DEVELOPMENT THROUGHOUT THE STATE.

(II) ACCORDINGLY, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MAJORITY OF THE GAMING REVENUES DEPOSITED IN AND AVAILABLE FOR DISTRIBUTION FROM THE EIGHTY PERCENT PORTION OF THE STATE HISTORICAL FUND ADMINISTERED BY THE SOCIETY SHALL CONTINUE TO BE USED FOR SUCH GRANTS.

(b) SUBJECT TO ANNUAL APPROPRIATION, THE SOCIETY MAY MAKE EXPENDITURES FOR 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 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.

(II) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE STATE HISTORICAL FUND OR OTHER FUNDS AUTHORIZED BY LAW SHALL REMAIN IN SUCH FUND OR FUNDS AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. THE STATE TREASURER SHALL BE THE CUSTODIAN OF SUCH FUNDS PURSUANT TO SECTION 24-80-209, C.R.S.

**SECTION 2.** Part VI (1) and (9) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART VI  
DEPARTMENT OF HIGHER EDUCATION**

**(1) DEPARTMENT ADMINISTRATIVE OFFICE**

Health, Life, and Dental	322,897	<del>249,032</del>		48,297 <sup>a</sup>	<del>25,568(T)<sup>b</sup></del>	
		102,439			172,161(T) <sup>b</sup>	
Short-term Disability	8,846	<del>6,707</del>		1,112 <sup>a</sup>	<del>425(T)<sup>b</sup></del>	602
		3,881			3,251(T) <sup>b</sup>	
Salary Survey and Senior Executive Service	384,717	<del>300,733</del>		47,199 <sup>a</sup>	<del>36,785(T)<sup>b</sup></del>	
		136,132			201,386(T) <sup>b</sup>	
Performance-based Pay Awards	129,796	<del>108,066</del>		13,452 <sup>a</sup>	<del>8,278(T)<sup>b</sup></del>	
		57,822			58,522(T) <sup>b</sup>	
Workers' Compensation	16,039	<del>15,445</del>		594 <sup>a</sup>		
		6,030			9,415(T) <sup>d</sup>	
Legal Services for 505 hours	30,199	<del>30,199</del>				
		23,555			6,644(T) <sup>d</sup>	

## APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Purchase of Services from Computer Center	5,678	<del>5,678</del> 1,295				4,383(T) <sup>d</sup>
Payment to Risk Management and Property Funds	9,917	<del>8,478</del> 376		1,439 <sup>a</sup>		8,102(T) <sup>d</sup>
Leased Space	<u>294,099</u>	225,574		68,525 <sup>c</sup>		
	1,202,188					

<sup>a</sup> These amounts shall be from various sources of cash funds throughout the Department.

<sup>b</sup> These amounts shall be from Limited Gaming revenue received by the State Historical Society.

<sup>c</sup> This amount shall be from the Private Occupational Schools Fund.

<sup>d</sup> THESE AMOUNTS SHALL BE FROM THE STATE HISTORICAL FUND PURSUANT TO SECTION 12-47.1-1201, C.R.S.

**(9) STATE HISTORICAL SOCIETY****(A) Administration**

Administration and General	4,232,193	<del>2,849,136</del>		600,810 <sup>a</sup>	<del>152,247</del> <sup>b</sup> 3,001,383 <sup>b</sup>	630,000
(76.4 FTE)						
Utilities	54,163	<del>29,781</del>		24,382 <sup>a</sup>		

29,781(T)<sup>c</sup>

Cumbres and Toltec Railroad				
Commission	10,000	10,000		
Certified Local Government				
Program	<u>100,000</u>			100,000
	4,396,356			

<sup>a</sup> These amounts shall be from museum admission fees, user charges, and other sources of cash funds.

<sup>b</sup> Of this amount, \$2,849,136 (T) SHALL BE FROM THE STATE HISTORICAL FUND PURSUANT TO SECTION 12-47.1-1201, C.R.S., \$107,247 (T) shall be from indirect cost recoveries within the agency and \$45,000 shall be from various sources of cash funds exempt.

<sup>c</sup> THIS AMOUNT SHALL BE FROM THE STATE HISTORICAL FUND PURSUANT TO SECTION 12-47.1-1201, C.R.S.

**(B) Sponsored Programs**

Program Costs	290,000	20,000(T) <sup>a</sup>	50,000 <sup>b</sup>	220,000
	(2.5 FTE)			

<sup>a</sup> This amount shall be from a contract with the Division of Wildlife in the Department of Natural Resources.

<sup>b</sup> This amount shall be from donations and gifts.

**(C) Auxiliary Programs**

Program Costs	1,402,625	1,150,000 <sup>a</sup>	252,625 <sup>b</sup>	
	(14.5 FTE)			

<sup>a</sup> This amount shall be from museum shop sales, microphoto services, public education programs, membership and publication services, traveling exhibits, rentals, and special event fees.

<sup>b</sup> This amount shall be from donations and gifts.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>(D) Gaming Revenue</b>						
Historic Preservation for Gaming Cities	5,436,135					
Historic Preservation Grant Program	21,744,538					
	<u>(13.0 FTE)</u>					
	27,180,673				27,180,673(T) <sup>a</sup>	
	33,269,654					
<b>TOTALS PART VI</b>						
<b>(HIGHER EDUCATION)<sup>5, 6</sup></b>	\$1,625,761,674	<del>\$797,870,851</del>		\$721,408,270 <sup>a</sup>	<del>\$87,008,845<sup>a</sup></del>	\$19,473,708
		<u>\$794,599,126</u>			<u>\$90,280,570</u>	

<sup>a</sup> This amount shall be from the Department of Revenue, Division of Gaming, and is dedicated to historic preservation.

<sup>a</sup> Of these amounts, ~~\$76,557,335~~ \$79,829,060 contains a (T) notation and \$2,000,000 contains an (L) notation.

**SECTION 3. 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: March 5, 2003