

## CHAPTER 322

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**GOVERNMENT - STATE**

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**SENATE BILL 04-256**

BY SENATOR(S) Taylor, Chlouber, Isgar, and Veiga;  
also REPRESENTATIVE(S) White, Borodkin, Butcher, Fairbank, Hoppe, Larson, May M., Mitchell, Rippey, Smith, Spence,  
Spradley, Stafford, and Williams T.

**AN ACT**

**CONCERNING THE SALE OF SECURITIES IN THE CUSTODY OF THE STATE TREASURER AS THE ADMINISTRATOR OF UNCLAIMED PROPERTY TO PROVIDE A SOURCE OF REVENUE FROM THE INVESTMENT OF THE SALE PROCEEDS FOR THE PROMOTION OF TOURISM IN THE STATE.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The tourism and travel industries are vital to the economic health of the state of Colorado.

(b) The continued success and expansion of the travel and tourism industries in the state requires a significant and sustained investment to promote Colorado as a world-class travel destination.

(c) Colorado will only spend \$5.4 million in general fund moneys next year to promote tourism.

(d) Hawaii, with a budget of \$70 million, leads the nation in tourism funding, and states in the region such as Utah, Wyoming, New Mexico, Arizona, and Montana all provide more public moneys to promote tourism in their states.

(e) Colorado ranks 32nd of all 50 states in public sector funding for tourism and would have to provide over \$13 million annually just to expend the average amount expended by other states.

(f) Colorado has struggled to find an adequate and stable source of revenues to

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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.*

promote tourism in the state.

(g) The creation of an unclaimed property tourism trust fund to hold and generate earnings from the proceeds of sales of securities held by the state as unclaimed property would provide a nominal, stable source of additional moneys to promote travel and tourism in the state.

(h) It is the intent of the general assembly that any moneys derived from the unclaimed property tourism trust fund be in addition to and not replace or cause any reduction in any existing moneys appropriated by the state for the promotion of tourism and travel in the state in the current or any future fiscal year.

**SECTION 2.** 38-13-115 (3), Colorado Revised Statutes, is amended to read:

**38-13-115. Public sale of abandoned property.** (3) Unless the administrator considers it to be in the best interest of the state to do otherwise, all securities delivered to the administrator ~~must~~ SHALL be held for at least one year before he OR SHE may sell them. ON AND AFTER JULY 1, 2004, THE ADMINISTRATOR SHALL TAKE ALL REASONABLE ACTION TO SELL THE SECURITIES DELIVERED TO HIM OR HER AS PROVIDED IN THIS SECTION. ALL PROCEEDS COLLECTED FROM THE SALE OF SECURITIES PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND CREATED IN SECTION 38-13-116.7.

**SECTION 3.** Article 13 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**38-13-116.7. Unclaimed property tourism promotion trust fund - creation - payments - interest - transfers.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND. THE PRINCIPAL IN THE TRUST FUND SHALL CONSIST OF ALL PROCEEDS COLLECTED BY THE ADMINISTRATOR FROM THE SALE OF SECURITIES PURSUANT TO SECTION 38-13-115.

(2) THE PRINCIPAL OF THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND SHALL NOT BE EXPENDED EXCEPT TO PAY CLAIMS MADE PURSUANT TO THIS ARTICLE. MONEYS COMPRISING THE PRINCIPAL OF THE TRUST FUND THAT ARE CREDITED TO OR EXPENDED FROM THE TRUST FUND TO PAY CLAIMS SHALL NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND SUCH MONEYS SHALL BE DEEMED CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

(3) ALL 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. ANY MONEYS THAT ARE CREDITED TO AND EXPENDED FROM THE COLORADO 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.

(4) THE MONEYS IN THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

**SECTION 4.** 24-49.7-106 (1) (a), Colorado Revised Statutes, is amended, and the said 24-49.7-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, 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 ~~section 24-32-1307.5 and section 12-47.1-701 (4) (a)~~ SECTIONS 12-47.1-701 (4) (a) AND 38-13-116.7 (3), C.R.S.; AND

(4) (a) BEGINNING WITH THE 2005-06 STATE FISCAL YEAR, OF THE MONEYS CREDITED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND IN ACCORDANCE WITH SECTION 38-13-116.7 (3), C.R.S., AN AMOUNT EQUAL TO NOT LESS THAN TEN PERCENT OF THE MONEYS CREDITED SHALL BE APPROPRIATED TO PROMOTE:

(I) CURRENT ANNUAL COLORADO STATE FAIR AND INDUSTRIAL EXPOSITION EVENTS; AND

(II) ADDITIONAL EVENTS ON ANY OF THE FACILITIES AT THE COLORADO STATE FAIR AND EXPOSITION THAT ARE NOT ANNUAL COLORADO STATE FAIR AND INDUSTRIAL EXPOSITION EVENTS.

(b) THE BOARD SHALL CONSULT WITH THE BOARD OF COMMISSIONERS OF THE COLORADO STATE FAIR AUTHORITY CREATED IN THE SECTION 35-65-401, C.R.S., REGARDING THE EXPENDITURE OF MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (4).

**SECTION 5.** 35-65-401 (9), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**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. 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 27, 2004