

CHAPTER 332

AGRICULTURE

HOUSE BILL 06-1384

BY REPRESENTATIVE(S) Buescher, McFadyen, Butcher, Berens, Borodkin, Carroll M., Coleman, Curry, Decker, Gallegos, Hefley, Hoppe, McGihon, Rose, and Vigil;
also SENATOR(S) Tapia, Entz, Evans, Isgar, Keller, Kester, Owen, Taylor, Teck, Tochtrop, and Wiens.

AN ACT

CONCERNING THE EXPENDITURE OF MONEYS FROM THE COLORADO TRAVEL AND TOURISM PROMOTION FUND TO BENEFIT THE COLORADO STATE FAIR, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The introductory portion to 24-49.7-106 (4) (a) and 24-49.7-106 (4) (b), Colorado Revised Statutes, are 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. (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, 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:

(b) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, 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).

(5) (a) (I) SUBJECT TO THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (5), OF THE MONEYS CREDITED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND IN ACCORDANCE WITH SECTION 38-13-116.7 (3), C.R.S., FOR EACH OF THE 2006-07, 2007-08, AND 2008-09 STATE FISCAL YEARS THERE SHALL BE ANNUALLY APPROPRIATED TO THE COLORADO STATE FAIR AUTHORITY CREATED IN SECTION 35-65-401, C.R.S., THE FOLLOWING AMOUNTS IN THE FOLLOWING ORDER:

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

(A) THE AMOUNT NECESSARY TO REPAY ANY LOANS OWED BY THE COLORADO STATE FAIR AUTHORITY TO THE STATE TREASURER PURSUANT TO SECTION 24-75-203 (1);

(B) OF THE REMAINING MONEYS IN THE COLORADO TRAVEL AND TOURISM PROMOTION FUND AFTER THE APPROPRIATION SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE AMOUNT NECESSARY TO PAY ANY OUTSTANDING DEBT INCURRED BY THE COLORADO STATE FAIR AUTHORITY TO BUILD THE EVENTS CENTER IN PUEBLO; AND

(C) OF THE REMAINING MONEYS IN THE COLORADO TRAVEL AND TOURISM PROMOTION FUND AFTER THE APPROPRIATIONS IN SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (I), FIVE HUNDRED FIFTY THOUSAND DOLLARS FOR ADMINISTRATIVE EXPENSES, OPERATING COSTS, AND THE PROMOTION OF EVENTS ON ANY OF THE FACILITIES AT THE COLORADO STATE FAIR.

(II) ANY REMAINING MONEYS IN THE COLORADO TRAVEL AND TOURISM PROMOTION FUND AFTER THE APPROPRIATIONS IN SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE ANNUALLY APPROPRIATED AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, AND NO ADDITIONAL MONEYS SHALL BE APPROPRIATED TO PROMOTE THE COLORADO STATE FAIR PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(b) (I) SUBJECT TO THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (5), COMMENCING IN THE 2009-10 STATE FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, OF THE MONEYS CREDITED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND IN ACCORDANCE WITH SECTION 38-13-116.7 (3), C.R.S., FIVE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE APPROPRIATED TO THE COLORADO STATE FAIR AUTHORITY CREATED IN SECTION 35-65-401, C.R.S., FOR ADMINISTRATIVE EXPENSES, OPERATING COSTS, AND THE PROMOTION OF EVENTS ON ANY OF THE FACILITIES AT THE COLORADO STATE FAIR.

(II) IF IN THE 2009-10 STATE FISCAL YEAR AND ANY FISCAL YEAR THEREAFTER THE APPROPRIATION TO THE COLORADO STATE FAIR AUTHORITY SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IS MADE, THERE SHALL BE NO ADDITIONAL MONEYS APPROPRIATED TO PROMOTE THE COLORADO STATE FAIR PURSUANT TO SUBSECTION (4) OF THIS SECTION. ALL THE REMAINING MONEYS IN THE COLORADO TRAVEL AND TOURISM PROMOTION FUND AFTER THE APPROPRIATION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE ANNUALLY APPROPRIATED AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(c) THE MONEYS APPROPRIATED FROM THE COLORADO TRAVEL AND TOURISM PROMOTION FUND TO THE COLORADO STATE FAIR AUTHORITY CREATED IN SECTION 35-65-401, C.R.S., PURSUANT TO THIS SUBSECTION (5) SHALL ONLY BE APPROPRIATED IF THE FUND IS FULLY FUNDED AS PROVIDED IN SECTION 12-47.1-701 (4) (a) (III) (A), C.R.S. IF THE AMOUNT CREDITED TO THE FUND IS REDUCED PURSUANT TO SECTION 12-47.1-701 (4) (a) (III) (B), C.R.S., THE ANNUAL APPROPRIATIONS SPECIFIED IN THIS SUBSECTION (5) SHALL NOT BE REQUIRED.

SECTION 2. 24-75-203 (1), Colorado Revised Statutes, is amended to read:

24-75-203. Loans and advances. (1) (a) Upon the prior written approval of the governor and the controller as to purpose and amount, the state treasurer may lend the approved amount, out of any moneys in the state treasury not immediately required to be disbursed, to any department, institution, or agency to provide it with working capital for the operation of business enterprises by institutions of higher education the primary purpose of which is not teaching or research and which are, or may be, in competition with private enterprise or any other self-maintaining program in other state agencies which generate their own revenues and which in the judgment of the state treasurer have the capacity to repay loans on the terms described in this subsection (1). Except as provided in section 17-24-106 (1) (j), C.R.S., any such loan shall bear interest at the earnings rate calculated monthly by the state treasurer. Loans shall be repaid to the state treasury by the borrower out of moneys to be subsequently received by it from the activities specified in this subsection (1) at such times as the controller shall direct. Loans made pursuant to this section shall be reviewed at least annually by the controller to determine if such loans have a continuing purpose and necessity. The general assembly may, through appropriation or notation in the general appropriation bill, place limitations on the amount to be loaned either in total or to any department, institution, or agency.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), FOR PURPOSES OF THE LOAN APPROVED TO THE COLORADO STATE FAIR AUTHORITY CREATED IN SECTION 35-65-401, C.R.S., THE AUTHORITY MAY REPAY THE LOAN WITH THE APPROPRIATION SPECIFIED IN SECTION 24-49.7-106 (5) (a).

SECTION 3. Appropriation - adjustments to the 2006 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of agriculture, for allocation to the Colorado state fair, for the fiscal year beginning July 1, 2006, the sum of three million one hundred sixty-three thousand nine hundred seventy-eight dollars (\$3,163,978), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be cash funds from the Colorado travel and tourism promotion fund created in section 24-49.7-106, Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The appropriation to the office of the governor, economic development programs, Colorado promotion - other promotion programs, for the fiscal year beginning July 1, 2006, is decreased by two million three hundred thousand dollars (\$2,300,000) and 3.0 FTE. Said sum shall be cash funds from the Colorado travel and tourism promotion fund created in section 24-49.7-106, Colorado Revised Statutes.

SECTION 4. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall only take effect if House Bill 06-1201 is enacted at the Second Regular Session of the Sixty-fifth General Assembly and becomes law.

(2) Section 3 of this act shall only take effect if:

(a) House Bill 06-1201 is enacted at the Second Regular Session of the Sixty-fifth

General Assembly and becomes law; and

(b) The amount transferred to the Colorado travel and tourism promotion fund in accordance with section 12-47.1-701 (4) (a) (III), Colorado Revised Statutes, from the balance remaining in the limited gaming fund at the end of the fiscal year commencing July 1, 2005, is the amount specified in section 12-47.1-701 (4) (a) (III) (A), Colorado Revised Statutes; and

(c) The state treasurer files written notice with the state controller no later than July 15, 2006, that the requirement set forth in paragraph (b) of this subsection (2) has been met.

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: June 5, 2006