

CHAPTER 334

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 06-1201

BY REPRESENTATIVE(S) Plant and White, Buescher, Curry, Lindstrom, Borodkin, Larson, Madden, Benefield, Berens, Boyd, Butcher, Carroll M., Crane, Gallegos, Hall, Hoppe, Jahn, Massey, May M., McGihon, Penry, Riesberg, Rose, Solano, Stafford, Todd, Vigil, Coleman, Hodge, Kerr J., McFadyen, Merrifield, Paccione, and Romanoff;
also SENATOR(S) Taylor and Isgar, Fitz-Gerald, Tapia, Veiga, Bacon, Entz, Grossman, Johnson, Kester, Shaffer, Teck, Tochtrop, Traylor, Tupa, Wiens, Williams, and Windels.

AN ACT

CONCERNING THE PROPORTION OF LIMITED GAMING REVENUES DESIGNATED FOR THE PROMOTION OF TOURISM IN THE STATE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 12-47.1-701 (4) (a), Colorado Revised Statutes, is amended to read:

12-47.1-701. Limited gaming fund. (4) (a) At the end of each fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund in accordance with the provisions of section 9 (5) (b) (II) of article XVIII of the state constitution; except that:

(I) For fiscal years commencing prior to July 1, 2003, and for ~~fiscal years commencing on or after July 1, 2004~~ THE 2004-05 FISCAL YEAR, forty-nine and eight-tenths percent shall be transferred to the general fund of this state and two-tenths of one percent shall be transferred to the Colorado travel and tourism promotion fund created in section 24-49.7-106, C.R.S.;

(II) For the 2003-04 ~~state~~ fiscal year, fifty percent shall be transferred to the general fund of the state; AND

(III) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), FOR THE 2005-06 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, OF THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5)

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

(b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND REQUIRED BY SECTION 12-47.1-1601, NINETEEN MILLION DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S., AND ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 23-9-108, C.R.S. FOR THE 2006-07 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE AMOUNTS TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL BE ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR. AS USED IN THIS SUB-SUBPARAGRAPH (A), "INFLATION" MEANS THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX.

(B) IF, BASED ON THE JUNE REVENUE FORECAST PREPARED BY THE LEGISLATIVE COUNCIL, THE STATE TREASURER DETERMINES THAT THE AMOUNT OF GENERAL FUND REVENUES FOR THE FISCAL YEAR WILL BE INSUFFICIENT TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS PERMITTED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., TO BE MADE FOR THAT FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND FROM THE MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) AT THE END OF THE FISCAL YEAR AN AMOUNT EQUAL TO THE LESSER OF THE FULL AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND OR THE AMOUNT NECESSARY TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS TO BE MADE FOR THE FISCAL YEAR. ANY REDUCTION IN THE AMOUNTS TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND REQUIRED BY THIS SUB-SUBPARAGRAPH (B) SHALL BE PRO-RATED BASED ON THE AMOUNTS OTHERWISE REQUIRED TO BE TRANSFERRED TO SAID FUNDS PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) THE MONEYS TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (III) AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED FOR USE IN THE NEXT FISCAL YEAR.

SECTION 2. 12-47.1-701 (4) (a), Colorado Revised Statutes, is amended to read:

12-47.1-701. Limited gaming fund. (4) (a) At the end of each fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund in accordance with the provisions of section 9 (5) (b) (II) of article XVIII of the state constitution; except that:

(I) For fiscal years commencing prior to July 1, 2003, and for ~~fiscal years commencing on or after July 1, 2004~~ THE 2004-05 FISCAL YEAR, forty-nine and eight-tenths percent shall be transferred to the general fund of this state and two-tenths of one percent shall be transferred to the Colorado travel and tourism

promotion fund created in section 24-49.7-106, C.R.S.;

(II) For the 2003-04 ~~state~~ fiscal year, fifty percent shall be transferred to the general fund of the state; AND

(III) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), FOR THE 2005-06 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, OF THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND REQUIRED BY SECTION 12-47.1-1601, NINETEEN MILLION DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 23-9-108, C.R.S., AND FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE FILM INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.8, C.R.S. FOR THE 2006-07 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE AMOUNTS TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL BE ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR. AS USED IN THIS SUB-SUBPARAGRAPH (A), "INFLATION" MEANS THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX.

(B) IF, BASED ON THE JUNE REVENUE FORECAST PREPARED BY THE LEGISLATIVE COUNCIL, THE STATE TREASURER DETERMINES THAT THE AMOUNT OF GENERAL FUND REVENUES FOR THE FISCAL YEAR WILL BE INSUFFICIENT TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS PERMITTED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., TO BE MADE FOR THAT FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND FROM THE MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) AT THE END OF THE FISCAL YEAR AN AMOUNT EQUAL TO THE LESSER OF THE FULL AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND OR THE AMOUNT NECESSARY TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS TO BE MADE FOR THE FISCAL YEAR. ANY REDUCTION IN THE AMOUNTS TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND REQUIRED BY THIS SUB-SUBPARAGRAPH (B) SHALL BE PRO-RATED BASED ON THE AMOUNTS OTHERWISE REQUIRED TO BE TRANSFERRED TO SAID FUNDS PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) THE MONEYS TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (III) AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED FOR USE IN THE NEXT FISCAL YEAR.

SECTION 3. 12-47.1-701 (4) (a), Colorado Revised Statutes, is amended to

read:

12-47.1-701. Limited gaming fund. (4) (a) At the end of each fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund in accordance with the provisions of section 9 (5) (b) (II) of article XVIII of the state constitution; except that:

(I) For fiscal years commencing prior to July 1, 2003, and for ~~fiscal years commencing on or after July 1, 2004~~ THE 2004-05 FISCAL YEAR, forty-nine and eight-tenths percent shall be transferred to the general fund of this state and two-tenths of one percent shall be transferred to the Colorado travel and tourism promotion fund created in section 24-49.7-106, C.R.S.;

(II) For the 2003-04 ~~state~~ fiscal year, fifty percent shall be transferred to the general fund of the state; AND

(III) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), FOR THE 2005-06 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, OF THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND REQUIRED BY SECTION 12-47.1-1601, NINETEEN MILLION DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 23-9-108, C.R.S., AND THREE MILLION DOLLARS SHALL BE TRANSFERRED TO THE NEW JOBS INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.7, C.R.S. FOR THE 2006-07 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE AMOUNTS TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL BE ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR. AS USED IN THIS SUB-SUBPARAGRAPH (A), "INFLATION" MEANS THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX.

(B) IF, BASED ON THE JUNE REVENUE FORECAST PREPARED BY THE LEGISLATIVE COUNCIL, THE STATE TREASURER DETERMINES THAT THE AMOUNT OF GENERAL FUND REVENUES FOR THE FISCAL YEAR WILL BE INSUFFICIENT TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS PERMITTED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., TO BE MADE FOR THAT FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND FROM THE MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) AT THE END OF THE FISCAL YEAR AN AMOUNT EQUAL TO THE LESSER OF THE FULL AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND OR THE AMOUNT NECESSARY TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS TO BE MADE

FOR THE FISCAL YEAR. ANY REDUCTION IN THE AMOUNTS TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND REQUIRED BY THIS SUB-SUBPARAGRAPH (B) SHALL BE PRO-RATED BASED ON THE AMOUNTS OTHERWISE REQUIRED TO BE TRANSFERRED TO SAID FUNDS PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) THE MONEYS TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (III) AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED FOR USE IN THE NEXT FISCAL YEAR.

SECTION 4. 12-47.1-701 (4) (a), Colorado Revised Statutes, is amended to read:

12-47.1-701. Limited gaming fund. (4) (a) At the end of each fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund in accordance with the provisions of section 9 (5) (b) (II) of article XVIII of the state constitution; except that:

(I) For fiscal years commencing prior to July 1, 2003, and for ~~fiscal years commencing on or after July 1, 2004~~ THE 2004-05 FISCAL YEAR, forty-nine and eight-tenths percent shall be transferred to the general fund of this state and two-tenths of one percent shall be transferred to the Colorado travel and tourism promotion fund created in section 24-49.7-106, C.R.S.;

(II) For the 2003-04 ~~state~~ fiscal year, fifty percent shall be transferred to the general fund of the state; AND

(III) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), FOR THE 2005-06 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, OF THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND REQUIRED BY SECTION 12-47.1-1601, NINETEEN MILLION DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 23-9-108, C.R.S., FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE FILM INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.8, C.R.S., AND THREE MILLION DOLLARS SHALL BE TRANSFERRED TO THE NEW JOBS INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.7, C.R.S. FOR THE 2006-07 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE AMOUNTS TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL BE ADJUSTED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR. AS USED IN THIS SUB-SUBPARAGRAPH (A), "INFLATION" MEANS THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX.

(B) IF, BASED ON THE JUNE REVENUE FORECAST PREPARED BY THE LEGISLATIVE

COUNCIL, THE STATE TREASURER DETERMINES THAT THE AMOUNT OF GENERAL FUND REVENUES FOR THE FISCAL YEAR WILL BE INSUFFICIENT TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS PERMITTED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., TO BE MADE FOR THAT FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TO THE GENERAL FUND FROM THE MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) AT THE END OF THE FISCAL YEAR AN AMOUNT EQUAL TO THE LESSER OF THE FULL AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND OR THE AMOUNT NECESSARY TO ALLOW THE MAXIMUM AMOUNT OF GENERAL FUND APPROPRIATIONS TO BE MADE FOR THE FISCAL YEAR. ANY REDUCTION IN THE AMOUNTS TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND, THE FILM INCENTIVES CASH FUND, THE NEW JOBS INCENTIVES CASH FUND, AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND REQUIRED BY THIS SUB-SUBPARAGRAPH (B) SHALL BE PRO-RATED BASED ON THE AMOUNTS OTHERWISE REQUIRED TO BE TRANSFERRED TO SAID FUNDS PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) THE MONEYS TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (III) AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED FOR USE IN THE NEXT FISCAL YEAR.

SECTION 5. 12-47.1-1601 (2) and (3), Colorado Revised Statutes, are amended to read:

12-47.1-1601. Local government limited gaming impact fund. (2) Out of the fifty percent share to be transferred to the general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution, ~~a percentage thereof, which shall be determined by the commission in consultation with the local government limited gaming impact advisory committee created in section 12-47.1-1602,~~ AN AGGREGATE TOTAL OF THIRTEEN PERCENT shall be transferred annually to the fund.

(3) ~~Except as otherwise provided in this subsection (3), in no event shall less than an aggregate total of eleven percent of the fifty percent share of the limited gaming fund to be transferred to the general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution be transferred annually to the fund. Commencing July 1, 2002, in no event shall less than an aggregate total of thirteen percent of the fifty percent share of the limited gaming fund to be transferred annually to the general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution be transferred to the fund. The local government limited gaming impact advisory committee shall request that the commission and the general assembly approve funding for all documented gaming impacts upon local governments eligible for funding pursuant to subsection (4) of this section from the general fund share of gaming revenues if the committee determines that the documented gaming impacts upon eligible local governments exceed:~~

~~(a) The amount of state gaming funds provided by the state constitution to affected counties;~~

~~(b) The amount of locally derived revenues from gaming, and~~

~~(c) The amount of revenue distributed pursuant to this section.~~

SECTION 6. Repeal. 12-47.1-1602 (3) (e), Colorado Revised Statutes, is repealed as follows:

12-47.1-1602. Local government limited gaming impact advisory committee - creation - duties. (3) The committee shall have the following duties:

~~(e) To make requests as required by section 12-47.1-1601 (3) that the Colorado limited gaming control commission and the general assembly approve funding for all documented gaming impacts upon local governments eligible for funding pursuant to section 12-47.1-1601(3).~~

SECTION 7. Article 9 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-9-108. State council on the arts cash fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE STATE COUNCIL ON THE ARTS CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(a) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SECTION 12-47.1-701 (4) (a), C.R.S.; AND

(b) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

(2) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS ARTICLE, INCLUDING ADMINISTRATION OF THIS ARTICLE BY THE COUNCIL. ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

SECTION 8. 24-46-105.8, Colorado Revised Statutes, as enacted by House Bill 06-1362, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-46-105.8. Performance-based incentive for film production in Colorado - film incentives cash fund - definitions. (6) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FILM INCENTIVES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(I) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SECTION 12-47.1-701 (4) (a), C.R.S.; AND

(II) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

(b) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION. ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR

DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

SECTION 9. 24-46-105.7, Colorado Revised Statutes, as enacted by House Bill 06-1017, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-46-105.7. Performance-based incentive for new job creation - new jobs incentives cash fund - definitions. (9) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE NEW JOBS INCENTIVES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(I) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SECTION 12-47.1-701 (4) (a), C.R.S.; AND

(II) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

(b) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION. ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

SECTION 10. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund, created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to Colorado promotion - other program costs in the economic development programs division, for the fiscal year beginning July 1, 2006, the sum of eighteen million eight hundred fifty-four thousand five hundred eighty-seven dollars (\$18,854,587) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund, created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to Colorado promotion - other program costs in the economic development programs division, for the fiscal year beginning July 1, 2006, the sum of eighteen million eight hundred fifty-four thousand five hundred eighty-seven dollars (\$18,854,587), or so much thereof as may be necessary, for the implementation of this act.

SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state council on the arts cash fund, created in section 23-9-108, Colorado Revised Statutes, not otherwise appropriated, to the state council on the arts, created in section 23-9-103, Colorado Revised Statutes, in the department of higher education, for the fiscal year beginning July 1, 2006, the sum of one million five hundred thousand dollars (\$1,500,000) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 13. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the film incentives cash fund created in

section 24-46-105.8, Colorado Revised Statutes, not otherwise appropriated, to the Colorado economic development commission in the office of economic development, office of the governor, for the fiscal year beginning July 1, 2006, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 14. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the new jobs incentives cash fund created in section 24-46-105.7, Colorado Revised Statutes, not otherwise appropriated, to the Colorado economic development commission in the office of economic development, office of the governor, for the fiscal year beginning July 1, 2006, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 15. Effective date. (1) Except as otherwise provided in subsections (2), (3), (4), (5), (6), (7), (8), and (9) of this section, this act shall take effect upon passage.

(2) Section 1 of this act shall only take effect if House Bill 06-1017 and House Bill 06-1362 are not enacted at the second regular session of the sixty-fifth general assembly and do not become law.

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

(a) House Bill 06-1362 is enacted at the second regular session of the sixty-fifth general assembly and becomes law; and

(b) House Bill 06-1017 is not enacted at the second regular session of the sixty-fifth general assembly and does not become law.

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

(a) House Bill 06-1017 is enacted at the second regular session of the sixty-fifth general assembly and becomes law; and

(b) House Bill 06-1362 is not enacted at the second regular session of the sixty-fifth general assembly and does not become law.

(5) Section 4 of this act shall only take effect if:

(a) House Bill 06-1362 is enacted at the second regular session of the sixty-fifth general assembly and becomes law; and

(b) House Bill 06-1017 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(6) Sections 8 and 13 of this act shall only take effect if House Bill 06-1362 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(7) Sections 9 and 14 of this act shall only take effect if House Bill 06-1017 is

enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(8) Section 10 of this act shall only take effect if House Bill 06-1384 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(9) Section 11 of this act shall only take effect if House Bill 06-1384 is not enacted at the second regular session of the sixty-fifth general assembly and does not become law.

SECTION 16. 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