

CHAPTER 90

GOVERNMENT - STATE

SENATE BILL 09-217

BY SENATOR(S) White, Keller, Tapia;
also REPRESENTATIVE(S) Ferrandino, Pommer, Marostica, Ryden.

AN ACT

CONCERNING THE REDUCTION OF MONEYS TRANSFERRED TO CERTAIN FUNDS FROM THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND.

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

SECTION 1. 12-47.1-701 (4) (a) (IV) (A), (4) (a) (V) (A), and (4) (a) (V) (E), Colorado Revised Statutes, are amended, and the said 12-47.1-701 (4) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, 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 and paragraph (c) of subsection (1) of this section; except that:

(IV) (A) Except as provided in SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a) AND sub-subparagraphs (A.5) and (B) of this subparagraph (IV), 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 24-48.8-109, 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 purposes of the transfers occurring at the end of the 2006-07 fiscal year and each fiscal year thereafter, no later than June 1, 2007, and no later than June 1 of each calendar year thereafter, the executive director of the department of revenue shall adjust the dollar

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

amounts specified in this sub-subparagraph (A) to reflect the percentage change in the consumer price index for the Denver metropolitan area. As used in this sub-subparagraph (A), "percentage change in the consumer price index for the Denver metropolitan area" means the percentage change between the two published annual estimates of the consumer price index for the Denver-Boulder-Greeley combined statistical area for all urban consumers, all goods, as defined and officially reported by the bureau of labor statistics in the United States department of labor, or its successor index, for the two calendar years immediately preceding the calendar year in which the adjustment is made.

(V) (A) Except as provided in SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a) AND sub-subparagraphs (B), (C), and (E) of this subparagraph (V), for the 2006-07 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, six hundred thousand dollars shall be transferred to the film incentives cash fund created in section 24-46-105.8, C.R.S. For purposes of the transfers occurring at the end of the 2006-07 fiscal year and each fiscal year thereafter, no later than June 1, 2007, and no later than June 1 of each calendar year thereafter, the executive director shall adjust the dollar amounts specified in this sub-subparagraph (A) to reflect the percentage change in the consumer price index for the Denver metropolitan area. As used in this sub-subparagraph (A), "percentage change in the consumer price index for the Denver metropolitan area" means the percentage change between the two published annual estimates of the consumer price index for the Denver-Boulder-Greeley combined statistical area for all urban consumers, all goods, as defined and officially reported by the bureau of labor statistics in the United States department of labor for the two calendar years immediately preceding the calendar year in which the adjustment is made.

(E) For the 2008-09 fiscal year, of the portion of limited gaming fund moneys that would otherwise be transferred to the film incentives cash fund pursuant to ~~sub-subparagraph (A) of this subparagraph (V)~~ SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a), three hundred thousand dollars shall be transferred to the Colorado office of economic development, created in section 24-48.5-101 (1), C.R.S., to be used for the operating costs of the Colorado film commission. ~~In the event that the amount of moneys transferred to the film incentives cash fund is adjusted pursuant to sub-subparagraph (B) or (C) of this subparagraph (V), the general assembly shall determine the amount of limited gaming fund moneys, if any, that shall be transferred to the Colorado office of economic development for the operating costs of the Colorado film commission, as authorized pursuant to this sub-subparagraph (E).~~

(VI) FOR THE 2008-09 FISCAL YEAR, 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, FIFTEEN MILLION FIVE HUNDRED SEVENTY-EIGHT THOUSAND SIX HUNDRED NINETY-NINE DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S., ONE MILLION TWO HUNDRED THOUSAND

TWENTY-SIX DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 24-48.8-109, C.R.S., ONE MILLION FOUR HUNDRED THOUSAND FIFTY-TWO DOLLARS SHALL BE TRANSFERRED TO THE NEW JOBS INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.7, C.R.S., AND FOUR HUNDRED EIGHTY THOUSAND ELEVEN DOLLARS SHALL BE TRANSFERRED TO THE FILM INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.8, C.R.S. IF WHEN MAKING THE TRANSFERS IN JUNE 2009 THE TREASURER DETERMINES THAT 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, IS INSUFFICIENT TO MAKE THE TRANSFERS SET FORTH IN THIS SUBPARAGRAPH (VI), THE TRANSFERS SHALL BE PROPORTIONALLY REDUCED.

SECTION 2. 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: April 2, 2009