

## CHAPTER 136

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**GOVERNMENT - STATE**

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**HOUSE BILL 10-1339**

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert, Curry, Frangas, Gardner B., Kerr J., Liston, Massey, Priola, Riesberg, Ryden, Schafer S., Scanlan;  
also SENATOR(S) White, Keller, Tapia.

**AN ACT**

**CONCERNING THE DISTRIBUTION OF LIMITED GAMING FUND MONEYS FOR THE 2009-10 STATE FISCAL YEAR, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

*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), (4.5), (5) (b), and (5) (c), Colorado Revised Statutes, are amended, and the said 12-47.1-701 (4) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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~~ 2005-06, 2006-07, 2007-08, 2008-09, AND 2010-11 FISCAL YEARS, 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~~ 2006-07, 2007-08, 2008-09,

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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.*

AND 2010-11 FISCAL YEARS and each fiscal year thereafter, no later than June 1, 2007, JUNE 1, 2008, JUNE 1, 2009, AND JUNE 1, 2011, and no later than June 1 of each calendar year thereafter, the executive director of the department of revenue 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, 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, 2007-08, and 2008-09 fiscal years, 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. Except as provided in sub-subparagraphs (B) and (C) of this subparagraph (V), for ~~the 2009-10~~ THE 2010-11 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 Colorado office of film, television, and media operational account cash fund created in section 24-48.5-203, C.R.S. For purposes of the transfers occurring at the end of the ~~2006-07 fiscal year~~ 2006-07, 2007-08, 2008-09, AND 2010-11 FISCAL YEARS and each fiscal year thereafter, no later than June 1, 2007, JUNE 1, 2008, JUNE 1, 2009, AND JUNE 1, 2011, 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.

(d) FOR THE 2009-10 FISCAL YEAR, AFTER THE TRANSFER TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND REQUIRED BY SECTION 12-47.1-1601 AND THE TRANSFER TO THE BIOSCIENCE DISCOVERY EVALUATION CASH FUND REQUIRED BY SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (4), FOURTEEN MILLION TWO HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE GENERAL FUND.

(e) (I) FOR THE 2009-10 FISCAL YEAR, OF THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE 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 AND THE TRANSFER TO THE STATE GENERAL FUND REQUIRED BY PARAGRAPH (d) OF THIS SUBSECTION (4):

(A) FOURTEEN MILLION NINE HUNDRED TWENTY-TWO THOUSAND TWO HUNDRED THIRTY-ONE DOLLARS SHALL BE TRANSFERRED TO THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106, C.R.S.;

(B) ONE MILLION ONE HUNDRED SEVENTY-EIGHT THOUSAND SEVENTY-ONE DOLLARS SHALL BE TRANSFERRED TO THE STATE COUNCIL ON THE ARTS CASH FUND CREATED IN SECTION 24-48.8-109, C.R.S.;

(C) ONE MILLION THREE HUNDRED FIFTY-SIX THOUSAND ONE HUNDRED FORTY-TWO DOLLARS SHALL BE TRANSFERRED TO THE NEW JOBS INCENTIVES CASH FUND CREATED IN SECTION 24-46-105.7, C.R.S.;

(D) FOUR HUNDRED TWENTY-EIGHT THOUSAND FIVE HUNDRED FIFTY-SIX DOLLARS SHALL BE TRANSFERRED TO THE COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA OPERATIONAL ACCOUNT CASH FUND CREATED IN SECTION 24-48.5-203, C.R.S.; AND

(E) TWO MILLION DOLLARS SHALL BE TRANSFERRED TO THE INNOVATIVE HIGHER EDUCATION RESEARCH FUND CREATED IN SECTION 23-19.7-104, C.R.S.

(II) IF, WHEN MAKING THE TRANSFERS IN JUNE 2010 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), BASED ON THE JUNE 2010 REVENUE FORECAST PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL, THE STATE TREASURER DETERMINES THAT THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE 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 AND THE TRANSFER TO THE STATE GENERAL FUND REQUIRED BY PARAGRAPH (d) OF THIS SUBSECTION (4), IS INSUFFICIENT TO MAKE THE TRANSFERS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE TRANSFERS SHALL BE PROPORTIONALLY REDUCED.

(III) IF, WHEN MAKING THE TRANSFERS IN JUNE 2010 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), BASED ON THE JUNE 2010 REVENUE FORECAST PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL, THE STATE TREASURER DETERMINES THAT THE PORTION OF LIMITED GAMING FUND MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE STATE 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 AND THE TRANSFER TO THE STATE GENERAL FUND REQUIRED BY PARAGRAPH (d) OF THIS SUBSECTION (4), IS MORE THAN SUFFICIENT TO MAKE THE TRANSFERS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE REMAINING BALANCE SHALL BE TRANSFERRED PROPORTIONALLY TO THE FUNDS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

(4.5) (a) Except as otherwise provided in paragraph (b) of this subsection (4.5),

at the end of ~~the 2009-10~~ THE 2010-11 state fiscal year and each year thereafter, one million dollars of moneys that would otherwise be transferred to the state general fund pursuant to subparagraph (I) of paragraph (c) of subsection (1) of this section and paragraph (c) of subsection (4) of this section shall instead be transferred to the innovative higher education research fund created in section 23-19.7-104, C.R.S.

(b) If, based on the revenue forecast prepared by the staff of the legislative council in June 2011, AND JUNE of ~~any~~ EACH STATE fiscal year THEREAFTER, 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), C.R.S., to be made for the fiscal year, the state treasurer, at the end of the fiscal year, shall transfer to the general fund from the moneys that would otherwise be transferred to the innovative higher education research fund pursuant to paragraph (a) of this subsection (4.5) an amount equal to the lesser of the full amount that would otherwise be transferred to the innovative higher education research fund or the amount necessary to allow the maximum amount of general fund appropriations to be made for the fiscal year.

(5) (b) Except as otherwise provided in subsection (4) of this section and paragraph (c) of this subsection (5), after the transfer to the local government limited gaming impact fund required by section 12-47.1-1601, at the end of the ~~2007-08 state fiscal year~~ 2007-08, 2008-09, AND 2010-11 STATE FISCAL YEARS, and at the end of each state fiscal year thereafter, any moneys that would otherwise be transferred to the state general fund pursuant to subparagraph (I) of paragraph (c) of subsection (1) of this section and paragraph (c) of subsection (4) of this section shall instead be transferred to the clean energy fund created in section 24-75-1201 (1), C.R.S.

(c) If, based on the revenue forecast prepared by the staff of the legislative council in June 2008, JUNE 2009, JUNE 2011, AND JUNE of ~~any~~ EACH STATE fiscal year THEREAFTER, the state treasurer determines that the amount of general fund revenues for the fiscal year will be insufficient to cover the amount of general fund appropriations to be made for the fiscal year as included in the joint budget committee's appropriations report, the state treasurer shall transfer to the general fund from the moneys that would otherwise be transferred to the clean energy fund pursuant to either paragraph (a) or paragraph (b) of this subsection (5) at the end of the fiscal year an amount equal to the lesser of the full amount that would otherwise be transferred to the clean energy fund or the amount necessary to cover the amount of general fund appropriations to be made for the fiscal year as included in the joint budget committee's appropriations report.

**SECTION 2.** 12-47.1-1601 (4) (a), Colorado Revised Statutes, is amended to read:

**12-47.1-1601. Local government limited gaming impact fund - repeal.**  
(4) (a) (I) After considering the recommendations of the local government limited gaming impact advisory committee created in section 12-47.1-1602, the moneys from the limited gaming impact account shall be distributed at the authority of the executive director of the department of local affairs to eligible local governmental entities upon their application for grants to finance planning, construction, and maintenance of public facilities and the provision of public services related to the

documented gaming impacts. At the end of any fiscal year, all unexpended and unencumbered moneys in the limited gaming impact account shall remain available for expenditure in any subsequent fiscal year without further appropriation by the general assembly.

(II) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL DISTRIBUTE THE MONEYS FROM THE LIMITED GAMING IMPACT ACCOUNT THAT WERE TRANSFERRED IN THE 2008-09 STATE FISCAL YEAR FOR USE IN THE 2009-10 STATE FISCAL YEAR.

**SECTION 3.** 12-47.1-1601, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-47.1-1601. Local government limited gaming impact fund - repeal.**

(8) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2010, THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 4.** 24-46-105.7 (9) (a) (I), Colorado Revised Statutes, is amended to read:

**24-46-105.7. Performance-based incentive for new job creation - new jobs incentives cash fund.** (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)~~ SECTION 12-47.1-701 (4), C.R.S.; and

**SECTION 5.** 24-48.5-203 (4) (b), Colorado Revised Statutes, is amended to read:

**24-48.5-203. Performance-based incentive for film production in Colorado - Colorado office of film, television, and media operational account cash fund - creation.** (4) There is hereby created in the state treasury the Colorado office of film, television, and media operational account cash fund, referred to in this section as the "fund". The fund shall consist of:

(b) Moneys transferred to the fund in accordance with ~~section 12-47.1-701(4)(a)~~ ~~(v)(A)~~ SECTION 12-47.1-701 (4), C.R.S.;

**SECTION 6.** 24-48.8-109 (1) (a), Colorado Revised Statutes, is amended to read:

**24-48.8-109. 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)~~ SECTION 12-47.1-701 (4), C.R.S.; and

**SECTION 7.** 24-49.7-106 (1) (a), Colorado Revised Statutes, is amended 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 ~~sections 12-47.1-701 (4)~~ ~~(a)~~ SECTIONS 12-47.1-701 (4) and 38-13-116.7 (3), C.R.S.; and

**SECTION 8. Appropriation - adjustments to the 2010 long bill.** (1) For the implementation of this act, appropriations made in the general appropriation act for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The cash funds appropriation to the office of the governor, economic development programs for Colorado promotion - other program costs, from the Colorado travel and tourism promotion fund created in section 24-49.7-106 (1), Colorado Revised Statutes, is decreased by five million seven hundred eighty-one thousand six hundred three dollars (\$5,781,603).

(b) The cash funds appropriation to the office of the governor, economic development programs for council on the arts, from the state council on the arts cash fund created in section 24-48.8-109 (1), Colorado Revised Statutes, is decreased by four hundred fifty-six thousand four hundred forty-two dollars (\$456,442).

(c) The cash funds appropriation to the office of the governor, economic development programs for new jobs incentives, from the new jobs incentives cash fund created in section 24-46-105.7 (9) (a), Colorado Revised Statutes, is decreased by one million nine hundred twelve thousand eight hundred eighty-four dollars (\$1,912,884).

(d) The cash funds appropriation to the office of the governor, economic development programs for Colorado office of film, television, and media, from the Colorado office of film, television, and media operational account cash fund created in section 24-48.5-203 (4), Colorado Revised Statutes, is decreased by two hundred twenty-five thousand two hundred forty-nine dollars (\$225,249).

(e) The cash funds appropriation to the department of higher education, Colorado commission on higher education, special purpose for distribution to higher education competitive research authority, from the innovative higher education research fund created in section 23-19.7-104, Colorado Revised Statutes, is increased by one million dollars (\$1,000,000).

(f) The cash funds appropriation to the office of the governor, governor's energy office for clean energy, from the clean energy fund created in section 24-75-1201 (1) (a), Colorado Revised Statutes, is decreased by six million eight hundred seventy-four thousand nine hundred one dollars (\$6,874,901).

**SECTION 9. 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 15, 2010