

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-1117.01 Esther van Mourik

SENATE BILL 10-206

SENATE SPONSORSHIP

White,

HOUSE SPONSORSHIP

Scanlan,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISTRIBUTION OF FIFTY PERCENT OF THE LIMITED**
102 **GAMING FUND ALLOCATED TO THE STATE GENERAL FUND OR**
103 **SUCH OTHER FUND AS THE GENERAL ASSEMBLY PROVIDES AS**
104 **SPECIFIED IN SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE**
105 **STATE CONSTITUTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill removes the triggers and exceptions related to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 30, 2010

distributions commencing with the state fiscal year 2010-11 and every state fiscal year thereafter of the 50% of the limited gaming fund allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution that the general assembly has allocated to the Colorado travel and tourism promotion fund, state council on the arts cash fund, new jobs incentives cash fund, Colorado office of film, television, and media operational account cash fund, innovative higher education research fund, and the clean energy fund. The bill also removes several obsolete provisions.

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

2 **SECTION 1.** 12-47.1-701 (1) (b) (II), the introductory portion to
3 12-47.1-701 (1) (c), and 12-47.1-701 (4) (a) (I), (4) (a) (II), (4) (a) (III)
4 (A), (4) (a) (III) (B), (4) (a) (III) (C), (4) (a) (IV) (A), (4) (a) (IV) (A.5),
5 (4) (a) (IV) (B), (4) (a) (V) (A), (4) (a) (V) (B), (4) (a) (V) (C), (4) (a) (V)
6 (E), (4) (a) (VI), (4.5), and (5), Colorado Revised Statutes, as the said (4)
7 (a) (IV) (A), (4) (a) (V) (A), (4.5), and (5) are amended by House Bill
8 10-1339, are amended to read:

9 **12-47.1-701. Limited gaming fund.** (1) There is hereby created
10 in the office of the state treasurer the limited gaming fund. The fund shall
11 be maintained and operated as follows:

12 (b) (II) ~~For the fiscal year ending June 30, 2009, the expenses~~
13 ~~incurred pursuant to subparagraph (I) of this paragraph (b) shall include~~
14 ~~the startup costs of administering expanded limited gaming under section~~
15 ~~9 (7) of article XVIII of the state constitution; except that an amount~~
16 ~~equal to these startup costs shall be treated as a loan and shall be deducted~~
17 ~~without interest from the moneys otherwise distributable pursuant to~~
18 ~~section 12-47.1-701.5 (3) (b) and (3) (c) as soon as the amount available~~
19 ~~for distribution under those paragraphs is sufficient to make such~~
20 ~~repayment.~~

1 (c) Except as otherwise provided in subsections ~~(4) and (5)~~ (4),
2 (4.5), AND (5) of this section, at the end of each state fiscal year, the state
3 treasurer shall distribute the balance remaining in the limited gaming
4 fund, except for amounts required to be transferred to the extended
5 limited gaming fund pursuant to section 12-47.1-701.5 and an amount
6 equal to all expenses of the administration of this article for the preceding
7 two-month period, according to the following guidelines:

8 (4) (a) At the end of each fiscal year, the state treasurer shall
9 distribute the balance remaining in the limited gaming fund in accordance
10 with the provisions of section 9 (5) (b) (II) of article XVIII of the state
11 constitution and paragraph (c) of subsection (1) of this section; except
12 that:

13 (I) ~~For fiscal years commencing prior to July 1, 2003, and for the~~
14 ~~2004-05 fiscal year, forty-nine and eight-tenths percent shall be~~
15 ~~transferred to the general fund of this state and two-tenths of one percent~~
16 ~~shall be transferred to the Colorado travel and tourism promotion fund~~
17 ~~created in section 24-49.7-106, C.R.S.;~~

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

20 (III) (A) ~~For the 2005-06 fiscal year, of the portion of limited~~
21 ~~gaming fund moneys that would otherwise be transferred to the general~~
22 ~~fund pursuant to section 9 (5) (b) (II) of article XVIII of the state~~
23 ~~constitution, after the transfer to the local government limited gaming~~
24 ~~impact fund required by section 12-47.1-1601, and after any other transfer~~
25 ~~or distribution of the general fund portion of limited gaming fund moneys~~
26 ~~required by this paragraph (a), two million dollars shall be transferred to~~
27 ~~the bioscience discovery evaluation cash fund for the implementation of~~

1 the bioscience discovery evaluation grant program, created in section
2 24-48.5-108, C.R.S., beginning in the 2006-07 fiscal year;

3 (B) For the 2006-07 fiscal year, of the portion of limited gaming
4 fund moneys that would otherwise be transferred to the general fund
5 pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution,
6 after the transfer to the local government limited gaming impact fund
7 required by section 12-47.1-1601, and after any other transfer or
8 distribution of the general fund portion of limited gaming fund moneys
9 required by this paragraph (a), two million five hundred thousand dollars
10 shall be transferred to the bioscience discovery evaluation cash fund for
11 the implementation of the bioscience discovery evaluation grant program,
12 created in section 24-48.5-108, C.R.S., beginning in the 2007-08 fiscal
13 year;

14 (C) For the 2008-09 fiscal year, of the portion of limited gaming
15 fund moneys that would otherwise be transferred to the general fund
16 pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution,
17 after the transfer to the local government limited gaming impact fund
18 required by section 12-47.1-1601, and after any other transfer or
19 distribution of the general fund portion of limited gaming fund moneys
20 required by this paragraph (a), four million five hundred thousand dollars
21 shall be transferred to the bioscience discovery evaluation cash fund for
22 the implementation of the bioscience discovery evaluation grant program,
23 created in section 24-48.5-108, C.R.S., beginning in the 2009-10 fiscal
24 year;

25 (IV) (A) Except as provided in subparagraph (VI) of this
26 paragraph (a) and sub-subparagraphs (A.5) and (B) of this subparagraph
27 (IV); For the 2005-06, 2006-07, 2007-08, 2008-09, and 2010-11 fiscal

1 years, and each fiscal year thereafter, of the portion of limited gaming
2 fund moneys that would otherwise be transferred to the general fund
3 pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution,
4 after the transfer to the local government limited gaming impact fund
5 required by section 12-47.1-1601, nineteen million dollars shall be
6 transferred to the Colorado travel and tourism promotion fund created in
7 section 24-49.7-106, C.R.S., one million five hundred thousand dollars
8 shall be transferred to the state council on the arts cash fund created in
9 section 24-48.8-109, C.R.S., and three million dollars shall be transferred
10 to the new jobs incentives cash fund created in section 24-46-105.7,
11 C.R.S. For purposes of the transfers occurring at the end of the 2006-07,
12 2007-08, 2008-09, and 2010-11 fiscal years and each fiscal year
13 thereafter, no later than June 1, 2007, June 1, 2008, June 1, 2009, and
14 June 1, 2011, and no later than June 1 of each calendar year thereafter, the
15 executive director of the department of revenue shall adjust the dollar
16 amounts specified in this sub-subparagraph (A) to reflect the percentage
17 change in the consumer price index for the Denver metropolitan area. As
18 used in this sub-subparagraph (A), "percentage change in the consumer
19 price index for the Denver metropolitan area" means the percentage
20 change between the two published annual estimates of the consumer price
21 index for the Denver-Boulder-Greeley combined statistical area for all
22 urban consumers, all goods, as defined and officially reported by the
23 bureau of labor statistics in the United States department of labor, or its
24 successor index, for the two calendar years immediately preceding the
25 calendar year in which the adjustment is made.

26 (A.5) ~~If, based on the March revenue forecast prepared by the~~
27 ~~legislative council, the joint budget committee determines that the amount~~

1 of general fund revenues for the fiscal year in which the forecast is
2 prepared will be insufficient to cover the amount of general fund
3 appropriations to be made for that fiscal year as included in the joint
4 budget committee's appropriations report, the joint budget committee,
5 acting by bill, shall determine the amount of limited gaming fund moneys,
6 if any, that should be transferred to the state council on the arts cash fund,
7 the new jobs incentives cash fund, and the Colorado travel and tourism
8 promotion fund at the end of that fiscal year.

9 (B) If the joint budget committee, pursuant to sub-subparagraph
10 (A.5) of this subparagraph (IV), does not determine the amount of limited
11 gaming fund moneys, if any, to be transferred to the funds specified in
12 sub-subparagraph (A) of this subparagraph (IV) and if, based on the June
13 revenue forecast prepared by the legislative council, the state treasurer
14 determines that the amount of general fund revenues for the fiscal year in
15 which the forecast is prepared will be insufficient to cover the amount of
16 general fund appropriations to be made for that fiscal year as included in
17 the joint budget committee's appropriations report, the state treasurer shall
18 transfer to the general fund from the moneys that would otherwise be
19 transferred to the state council on the arts cash fund, the new jobs
20 incentives cash fund, and the Colorado travel and tourism promotion fund
21 pursuant to sub-subparagraph (A) of this subparagraph (IV) at the end of
22 the fiscal year an amount equal to the lesser of the full amount that would
23 otherwise be transferred to the state council on the arts cash fund, the new
24 jobs incentives cash fund, and the Colorado travel and tourism promotion
25 fund or the amount necessary to cover the amount of general fund
26 appropriations to be made for the fiscal year as included in the joint
27 budget committee's appropriations report. Any reduction in the amounts

1 transferred to the state council on the arts cash fund, the new jobs
2 incentives cash fund, and the Colorado travel and tourism promotion fund
3 required by this sub-subparagraph (B) shall be pro-rated based on the
4 amounts otherwise required to be transferred to said funds pursuant to
5 sub-subparagraph (A) of this subparagraph (IV).

6 (V) (A) Except as provided in subparagraph (VI) of this paragraph
7 (a) and sub-subparagraphs (B), (C), and (E) of this subparagraph (V), for
8 the 2006-07, 2007-08, and 2008-09 fiscal years, of the portion of limited
9 gaming fund moneys that would otherwise be transferred to the general
10 fund pursuant to section 9 (5) (b) (II) of article XVIII of the state
11 constitution, after the transfer to the local government limited gaming
12 impact fund required by section 12-47.1-1601, six hundred thousand
13 dollars shall be transferred to the film incentives cash fund created in
14 section 24-46-105.8, C.R.S. Except as provided in sub-subparagraphs (B)
15 and (C) of this subparagraph (V); For the 2010-11 fiscal year and each
16 fiscal year thereafter, of the portion of limited gaming fund moneys that
17 would otherwise be transferred to the general fund pursuant to section 9
18 (5) (b) (II) of article XVIII of the state constitution, after the transfer to
19 the local government limited gaming impact fund required by section
20 12-47.1-1601, six hundred thousand dollars shall be transferred to the
21 Colorado office of film, television, and media operational account cash
22 fund created in section 24-48.5-203, C.R.S. For purposes of the transfers
23 occurring at the end of the 2006-07, 2007-08, 2008-09, and 2010-11
24 fiscal years and each fiscal year thereafter, no later than June 1, 2007,
25 June 1, 2008, June 1, 2009, and June 1, 2011, and no later than June 1 of
26 each calendar year thereafter, the executive director shall adjust the dollar
27 amounts specified in this sub-subparagraph (A) to reflect the percentage

1 change in the consumer price index for the Denver metropolitan area. As
2 used in this sub-subparagraph (A), "percentage change in the consumer
3 price index for the Denver metropolitan area" means the percentage
4 change between the two published annual estimates of the consumer price
5 index for the Denver-Boulder-Greeley combined statistical area for all
6 urban consumers, all goods, as defined and officially reported by the
7 bureau of labor statistics in the United States department of labor for the
8 two calendar years immediately preceding the calendar year in which the
9 adjustment is made.

10 (B) ~~If, based on the March revenue forecast prepared by the~~
11 ~~legislative council, the joint budget committee determines that the amount~~
12 ~~of general fund revenues for the fiscal year in which the forecast is~~
13 ~~prepared will be insufficient to cover the amount of general fund~~
14 ~~appropriations to be made for that fiscal year as included in the joint~~
15 ~~budget committee's appropriations report, the joint budget committee,~~
16 ~~acting by bill, shall determine the amount of limited gaming fund moneys,~~
17 ~~if any, that should be transferred to the film incentives cash fund or the~~
18 ~~Colorado office of film, television, and media operational account cash~~
19 ~~fund pursuant to sub-subparagraph (A) of this subparagraph (V) at the~~
20 ~~end of that fiscal year.~~

21 (C) ~~If the joint budget committee, pursuant to sub-subparagraph~~
22 ~~(B) of this subparagraph (V), does not determine the amount of limited~~
23 ~~gaming fund moneys, if any, to be transferred to the film incentives cash~~
24 ~~fund or the Colorado office of film, television, and media operational~~
25 ~~account cash fund specified in sub-subparagraph (A) of this subparagraph~~
26 ~~(V) and if, based on the June revenue forecast prepared by the legislative~~
27 ~~council, the state treasurer determines that the amount of general fund~~

1 revenues for the fiscal year in which the forecast is prepared will be
2 insufficient to cover the amount of general fund appropriations to be
3 made for that fiscal year as included in the joint budget committee's
4 appropriations report, the state treasurer shall transfer to the general fund
5 from the moneys that would otherwise be transferred to the film
6 incentives cash fund or the Colorado office of film, television, and media
7 operational account cash fund pursuant to sub-subparagraph (A) of this
8 subparagraph (V) at the end of the fiscal year an amount equal to the
9 lesser of the full amount that would otherwise be transferred to the film
10 incentives cash fund or the Colorado office of film, television, and media
11 operational account cash fund or the amount necessary to cover the
12 amount of general fund appropriations to be made for the fiscal year as
13 included in the joint budget committee's appropriations report. Any
14 reduction in the amount transferred to the film incentives cash fund or the
15 Colorado office of film, television, and media operational account cash
16 fund required by this sub-subparagraph (C) and the amounts transferred
17 to the state council on the arts cash fund, the new jobs incentives cash
18 fund, and the Colorado travel and tourism promotion fund required by
19 sub-subparagraph (B) of subparagraph (IV) of this paragraph (a) shall be
20 pro-rated based on the amounts otherwise required to be transferred to
21 said funds pursuant to sub-subparagraph (A) of this subparagraph (V) and
22 sub-subparagraph (A) of subparagraph (IV) of this paragraph (a).

23 (E) For the 2008-09 fiscal year, of the portion of limited gaming
24 fund moneys that would otherwise be transferred to the film incentives
25 cash fund pursuant to subparagraph (VI) of this paragraph (a), three
26 hundred thousand dollars shall be transferred to the Colorado office of
27 economic development, created in section 24-48.5-101 (1), C.R.S., to be

1 used for the operating costs of the Colorado film commission.

2 (VI) For the 2008-09 fiscal year, of the portion of limited gaming
3 fund moneys that would otherwise be transferred to the general fund
4 pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution,
5 after the transfer to the local government limited gaming impact fund
6 required by section 12-47.1-1601, fifteen million five hundred
7 seventy-eight thousand six hundred ninety-nine dollars shall be
8 transferred to the Colorado travel and tourism promotion fund created in
9 section 24-49.7-106, C.R.S., one million two hundred thousand
10 twenty-six dollars shall be transferred to the state council on the arts cash
11 fund created in section 24-48.8-109, C.R.S., one million four hundred
12 thousand fifty-two dollars shall be transferred to the new jobs incentives
13 cash fund created in section 24-46-105.7, C.R.S., one million dollars shall
14 be transferred to the innovative higher education research fund created in
15 section 23-19.7-104, C.R.S., and four hundred eighty thousand eleven
16 dollars shall be transferred to the film incentives cash fund created in
17 section 24-46-105.8, C.R.S. If when making the transfers in June 2009
18 the treasurer determines that the portion of limited gaming fund moneys
19 that would otherwise be transferred to the general fund pursuant to
20 section 9 (5) (b) (II) of article XVIII of the state constitution, after the
21 transfer to the local government limited gaming impact fund required by
22 section 12-47.1-1601, is insufficient to make the transfers set forth in this
23 subparagraph (VI), the transfers shall be proportionally reduced.

24 (4.5) (a) Except as otherwise provided in paragraph (b) of this
25 subsection (4.5), At the end of the 2010-11 state fiscal year and each
26 STATE FISCAL year thereafter, one million dollars of moneys that would
27 otherwise be transferred to the state general fund pursuant to

1 subparagraph (I) of paragraph (c) of subsection (1) of this section and
2 paragraph (c) of subsection (4) of this section shall instead be transferred
3 to the innovative higher education research fund created in section
4 23-19.7-104, C.R.S.

5 (b) ~~If, based on the revenue forecast prepared by the staff of the~~
6 ~~legislative council in June 2011, and June of each state fiscal year~~
7 ~~thereafter, the state treasurer determines that the amount of general fund~~
8 ~~revenues for the fiscal year will be insufficient to allow the maximum~~
9 ~~amount of general fund appropriations permitted by section 24-75-201.1~~
10 ~~(1) (a), C.R.S., to be made for the fiscal year, the state treasurer, at the~~
11 ~~end of the fiscal year, shall transfer to the general fund from the moneys~~
12 ~~that would otherwise be transferred to the innovative higher education~~
13 ~~research fund pursuant to paragraph (a) of this subsection (4.5) an amount~~
14 ~~equal to the lesser of the full amount that would otherwise be transferred~~
15 ~~to the innovative higher education research fund or the amount necessary~~
16 ~~to allow the maximum amount of general fund appropriations to be made~~
17 ~~for the fiscal year.~~

18 (5) (a) ~~Except as otherwise provided in paragraph (c) of this~~
19 ~~subsection (5) and subsections (4) and (4.5) of this section, at the end of~~
20 ~~the 2006-07 state fiscal year, seven million dollars of moneys that would~~
21 ~~otherwise be transferred to the state general fund pursuant to~~
22 ~~subparagraph (I) of paragraph (c) of subsection (1) of this section and~~
23 ~~paragraph (c) of subsection (4) of this section shall instead be transferred~~
24 ~~to the clean energy fund created in section 24-75-1201 (1), C.R.S.~~

25 (b) ~~Except as otherwise provided in subsection (4) SUBSECTIONS~~
26 ~~(4) AND (4.5) of this section, and paragraph (c) of this subsection (5), after~~
27 ~~the transfer to the local government limited gaming impact fund required~~

1 by section 12-47.1-1601, at the end of the ~~2007-08, 2008-09, and 2010-11~~
2 state fiscal ~~years~~, YEAR and at the end of each state fiscal year thereafter,
3 any moneys that would otherwise be transferred to the state general fund
4 pursuant to subparagraph (I) of paragraph (c) of subsection (1) of this
5 section and paragraph (c) of subsection (4) of this section shall instead be
6 transferred to the clean energy fund created in section 24-75-1201 (1),
7 C.R.S.

8 (c) ~~If, based on the revenue forecast prepared by the staff of the~~
9 ~~legislative council in June 2008, June 2009, June 2011, and June of each~~
10 ~~state fiscal year thereafter, the state treasurer determines that the amount~~
11 ~~of general fund revenues for the fiscal year will be insufficient to cover~~
12 ~~the amount of general fund appropriations to be made for the fiscal year~~
13 ~~as included in the joint budget committee's appropriations report, the state~~
14 ~~treasurer shall transfer to the general fund from the moneys that would~~
15 ~~otherwise be transferred to the clean energy fund pursuant to either~~
16 ~~paragraph (a) or paragraph (b) of this subsection (5) at the end of the~~
17 ~~fiscal year an amount equal to the lesser of the full amount that would~~
18 ~~otherwise be transferred to the clean energy fund or the amount necessary~~
19 ~~to cover the amount of general fund appropriations to be made for the~~
20 ~~fiscal year as included in the joint budget committee's appropriations~~
21 ~~report.~~

22 **SECTION 2. Act subject to petition - effective date.** This act
23 shall take effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect
2 unless approved by the people at the general election to be held in
3 November 2010 and shall take effect on the date of the official
4 declaration of the vote thereon by the governor.