

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0977.01 Gregg Fraser x4325

SENATE BILL 15-236

SENATE SPONSORSHIP

Grantham, Lambert, Steadman

HOUSE SPONSORSHIP

Rankin, Hamner, Young

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REORGANIZATION OF FUNDS EXPENDED BY THE
102 STATE HISTORICAL SOCIETY.

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>.)

Joint Budget Committee. Under current law, a portion of the revenues generated by limited gaming in the state each year are deposited in the state historical fund. Of the moneys in the fund, 20% are distributed back to the cities of Black Hawk, Central City, and Cripple Creek for the preservation and restoration of the cities.

The remaining 80% of the revenues in the state historical fund are

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.

used by the state historical society (history Colorado) for the historic preservation and restoration of historical sites and municipalities throughout the state as follows:

- ! 50.1% of the revenues (majority share) are used to provide historic preservation grants; and
- ! 49.9% of the revenues (minority share) are used to further the history Colorado's mission as a state educational institution to collect, preserve, and interpret history, including capital construction and controlled maintenance costs relating to its properties.

The bill creates 2 distinct subaccounts in the state historical fund to separately track the deposit and expenditure of the majority share and the minority share of revenues. The majority share is deposited in a new preservation grant program account. Moneys in this account that are used to provide grants are continuously appropriated to history Colorado, and moneys used to administer the grant program are subject to annual appropriation. The minority share is deposited in a new museum and preservation operations account. Moneys in this account are subject to annual appropriation.

Currently, some nongaming revenues received by history Colorado, such as donations, store sale revenues, and admission fees, are deposited in the state historical fund. The bill requires these revenues to be deposited in a separate cash fund called the enterprise services cash fund, which is subject to annual appropriation. The fund is exempted from the existing statutory limit on uncommitted reserves.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47.1-1201,
3 **amend** (1) introductory portion, (3), (5) (b), (5) (c) (I), (5) (c) (II), and (5)
4 (d) (IV); and **add** (5) (c) (II.5) as follows:

5 **12-47.1-1201. State historical fund - administration -**
6 **legislative declaration - state museum cash fund - capitol dome**
7 **restoration fund - repeal.** (1) The state treasurer shall make annual
8 distributions, from the state historical fund created by subsection (5) (b)
9 (II) of section 9 of article XVIII of the state constitution, in accordance
10 with the provisions of subsection (5) (b) (III) of said section 9. As
11 specified in said subsection (5) (b) (III), twenty percent of the moneys in

1 the state historical fund shall be used for the preservation and restoration
2 of the cities of Central, Black Hawk, and Cripple Creek. The remaining
3 eighty percent of the fund shall be administered by the state historical
4 society IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.
5 Expenditures from the fund shall be subject to the provisions of section
6 12-47.1-1202. The society shall make grants from the eighty percent
7 portion of said fund administered by the society for the following historic
8 preservation purposes:

9 (3) ~~The society may expend a portion of the state historical fund~~
10 ~~administered by the society to cover such reasonable costs as may be~~
11 ~~incurred in the selection, monitoring, and administration of grants for~~
12 ~~historic preservation purposes.~~ SUBJECT TO ANNUAL APPROPRIATION, the
13 society may employ such personnel in accordance with section 13 of
14 article XII of the state constitution as may be necessary to fulfill its duties
15 in accordance with this section.

16 (5) (b) Subject to annual appropriation, the society may make
17 expenditures FROM THE MUSEUM AND PRESERVATION OPERATIONS
18 ACCOUNT for THE reasonable costs incurred by the society in connection
19 with fulfilling the society's mission as a state educational institution to
20 collect, preserve, and interpret the history of Colorado and the west and
21 carrying out other activities and programs authorized by statute or rule.
22 Such reasonable costs may include capital construction and controlled
23 maintenance expenditures relating to properties owned, managed, or used
24 by the society.

25 (c) (I) All moneys received by the society FROM LIMITED GAMING
26 REVENUES PURSUANT TO SECTION 12-47.1-701 (1) (d) (II) shall be
27 transmitted to the state treasurer, who shall credit the same to the state

1 historical fund. ~~or other funds authorized by law. Such moneys include,~~
2 ~~but are not limited to, grants, admission fees, user charges, concessionaire~~
3 ~~fees, rentals, commissions, store sales, service fees, program fees,~~
4 ~~membership fees, publications income, exhibit fees, special event fees,~~
5 ~~donations, and gifts.~~ EIGHTY PERCENT OF THE STATE HISTORICAL FUND
6 ADMINISTERED BY THE SOCIETY IS DIVIDED INTO THE FOLLOWING TWO
7 ACCOUNTS:

8 (A) THE PRESERVATION GRANT PROGRAM ACCOUNT, WHICH IS
9 HEREBY CREATED IN THE STATE HISTORICAL FUND, THAT CONSISTS OF
10 FIFTY AND ONE-TENTH OF ONE PERCENT OF THE MONEYS RECEIVED FROM
11 THE SOCIETY IN A FISCAL YEAR. MONEYS IN THE ACCOUNT ARE SUBJECT
12 TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE SOCIETY
13 TO COVER THE REASONABLE COSTS AS MAY BE INCURRED IN THE
14 SELECTION, MONITORING, AND ADMINISTRATION OF GRANTS FOR HISTORIC
15 PRESERVATION PURPOSES. ANY MONEYS NOT APPROPRIATED FOR SUCH
16 COSTS ARE CONTINUOUSLY APPROPRIATED TO THE SOCIETY FOR THE
17 PURPOSE OF MAKING GRANTS PURSUANT TO SUBSECTION (1) OF THIS
18 SECTION.

19 (B) THE MUSEUM AND PRESERVATION OPERATIONS ACCOUNT,
20 WHICH IS HEREBY CREATED IN THE STATE HISTORICAL FUND, THAT
21 CONSISTS OF FORTY-NINE AND NINE-TENTHS OF ONE PERCENT OF THE
22 MONEYS RECEIVED FROM THE SOCIETY IN A FISCAL YEAR. MONEYS IN THE
23 ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY FOR THE PURPOSES SET FORTH IN PARAGRAPH (b) OF THIS
25 SUBSECTION (5).

26 (II) Except as otherwise specified in subparagraph (III) of this
27 paragraph (c), all interest and income derived from the deposit and

1 investment of moneys in the state historical fund, ~~or other funds~~
2 ~~authorized by law~~ INCLUDING THE ACCOUNTS CREATED IN
3 SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH (c), shall remain in ~~such~~ THE fund. ~~or funds~~ AT THE END OF
5 ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE
6 FUND REMAIN THEREIN and shall not be transferred or revert to the general
7 fund or any other fund; ~~at the end of any fiscal year~~; except that, for the
8 fiscal year commencing July 1, 2008, and for each fiscal year thereafter
9 through the fiscal year commencing July 1, 2045, the society may direct
10 the state treasurer to transfer any unexpended and unencumbered moneys
11 in the ~~state historical fund from the portion not reserved for the statewide~~
12 ~~grant program for preservation pursuant to sub-subparagraph (B) of~~
13 ~~subparagraph (H) of paragraph (d) of this subsection (5)~~ MUSEUM AND
14 PRESERVATION OPERATIONS ACCOUNT at the end of the fiscal year to the
15 state museum cash fund created pursuant to section 24-80-214, C.R.S.
16 The state treasurer shall be the custodian of such funds pursuant to
17 section 24-80-209, C.R.S.

18 (II.5) ON JULY 1, 2015, THE CONTROLLER SHALL CREDIT PORTIONS
19 OF THE FUND BALANCE IN THE STATE HISTORICAL FUND TO THE
20 PRESERVATION GRANT PROGRAM ACCOUNT AND THE MUSEUM AND
21 PRESERVATION OPERATIONS ACCOUNT AS IF THE ACCOUNTS HAD EXISTED
22 WHEN THE MONEYS WERE INITIALLY RECEIVED. FOR THE 2015-16 FISCAL
23 YEAR, ANY APPROPRIATION FROM THE MINORITY SHARE OF THE
24 HISTORICAL SOCIETY'S EIGHTY PERCENT SHARE OF THE STATE HISTORICAL
25 FUND IS CONSIDERED AN APPROPRIATION FROM THE MUSEUM AND
26 PRESERVATION OPERATIONS ACCOUNT AND ANY APPROPRIATION FROM THE
27 MAJORITY SHARE OF THE HISTORICAL SOCIETY'S EIGHTY PERCENT SHARE

1 OF THE STATE HISTORICAL FUND IS CONSIDERED AN APPROPRIATION FROM
2 THE PRESERVATION GRANT PROGRAM ACCOUNT. THIS SUBPARAGRAPH
3 (II.5) IS REPEALED, EFFECTIVE JUNE 30, 2016.

4 (d) (IV) For the fiscal year beginning on July 1, 2011, and for
5 each fiscal year thereafter through the fiscal year beginning on July 1,
6 2045, so long as there are payments due on an agreement entered into
7 pursuant to the provisions of section 3 of Senate Bill 08-206, as enacted
8 at the second regular session of the sixty-sixth general assembly, the
9 general assembly shall appropriate to the state historical society from the
10 MUSEUM AND PRESERVATION OPERATIONS ACCOUNT OF THE state
11 historical fund an amount equal to the annual aggregate rentals or other
12 payments due from state funds; except that the amount shall not exceed
13 four million nine hundred ninety-eight thousand dollars in any given
14 fiscal year.

15 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **add** (5)
16 (ee) as follows:

17 **24-75-402. Cash funds - limit on uncommitted reserves -**
18 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
19 provision of this section to the contrary, the following cash funds are
20 excluded from the limitations specified in this section:

21 (ee) THE ENTERPRISE SERVICES CASH FUND CREATED IN SECTION
22 24-80-209.

23 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-80-209 as
24 follows:

25 **24-80-209. Title to property - disbursement of revenues -**
26 **enterprise services cash fund.** (1) The title to all property acquired by
27 the society by gift, purchase, or otherwise shall absolutely vest in and

1 belong to the state of Colorado when accepted or received by the society.
2 and

3 (2) All ~~moneys or securities~~ NONCUSTODIAL REVENUES received
4 by ~~it, sale~~ THE SOCIETY OTHER THAN LIMITED GAMING REVENUES
5 DEPOSITED IN THE STATE HISTORICAL FUND PURSUANT TO SECTION
6 12-47.1-1201, C.R.S., whether from ~~gifts, sales of duplicate or undesired~~
7 ~~books, specimens, documents, exhibits, or other properties, sale of~~
8 ~~microfilms or other copies, publication or sale of books, magazines,~~
9 ~~postcards, pamphlets, maps, or other materials;~~ COMMISSIONS, SALE OF
10 GOODS AND SERVICES, admissions, ~~dues~~, MEMBERSHIP AND USER
11 CHARGES, SERVICE FEES, operation or rental of concessions or facilities,
12 ~~rendering of services~~, or from any other STATE source shall be DEPOSITED
13 IN THE ENTERPRISE SERVICES CASH FUND, WHICH FUND IS HEREBY
14 CREATED IN THE STATE TREASURY. MONEYS IN THE FUND ARE SUBJECT TO
15 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
16 INDIRECT COSTS OF CARRYING OUT THE ACTIVITIES OF THE SOCIETY. THE
17 STATE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE
18 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND TO THE FUND. ANY
19 MONEYS NOT APPROPRIATED REMAIN IN THE FUND AND SHALL NOT BE
20 TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT
21 THE END OF ANY FISCAL YEAR. MONEYS IN THE ENTERPRISE SERVICES
22 CASH FUND AND ANY OTHER HISTORICAL SOCIETY CUSTODIAL ACCOUNTS
23 SHALL BE held by the state treasurer as custodian separate and apart from
24 other funds and may be withdrawn from his custody for the purposes and
25 under the control of the society, only upon the issuance of vouchers
26 signed by the president or vice-president and treasurer or secretary of the
27 society and upon warrants drawn against such funds by the controller.

1 **SECTION 4. Effective date.** This act takes effect July 1, 2015.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.