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First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0003.01 Ed DeCecco

HOUSE BILL 11-1503

HOUSE SPONSORSHIP

Brown, Jones

SENATE SPONSORSHIP

Smith, Thomas

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO TOURISM OFFICE.**

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 Colorado tourism office (office) was created in 2000 for the purpose of promoting and developing tourism and travel within the state.

Section 1 of the bill requires the board of directors of the office (board) to promote tourism and travel in the state on one or more social networking web sites and through television advertising. The television advertisements will be paid for by gifts, grants, and donations that are received by the board and deposited into the Colorado travel and tourism

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additional source fund. The board must provide notice of funding related to the television advertisements as required by current law.

Sections 2 and 5 of the bill require $5,000,000 of state sales and use tax revenue to be deposited in the Colorado travel and tourism promotion fund, which is used to pay for the activities of the office. This deposit will reduce the amount of moneys deposited in the general fund by an identical amount.

Section 3 of the bill eliminates the office's exemption from the state "Procurement Code".

Currently, the state auditor is required to conduct a biennial audit of the activities of the board and the office. The state auditor must deliver a copy of the audit to the general assembly. **Section 4** of the bill requires the audit to be completed annually and requires the audit to be delivered to specific legislative committees.

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

2 **SECTION 1.** Article 49.7 of title 24, Colorado Revised Statutes,

3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **24-49.7-105.5. Promotional activities - social networking web**

5 **site - television - gifts, grants, and donations - report to legislative**

6 **council staff - definition.** (1) BEGINNING JANUARY 1, 2011, THE BOARD

7 SHALL PROMOTE TOURISM AND TRAVEL IN THE STATE ON ONE OR MORE

8 SOCIAL NETWORKING WEB SITES.

9 (2) (a) BEGINNING JANUARY 1, 2011, IF THERE ARE SUFFICIENT

10 MONEYS IN THE ADDITIONAL SOURCE FUND FROM GIFTS, GRANTS, AND

11 DONATIONS, THE BOARD SHALL PURCHASE MONTHLY ADVERTISING TIME

12 SLOTS TO PROMOTE TOURISM AND TRAVEL IN THE STATE ON A QUALIFIED

13 TELEVISION CHANNEL.

14 (b) FOR PURPOSES OF THIS SUBSECTION (2), "QUALIFIED

15 TELEVISION CHANNEL" MEANS A CHANNEL THAT:

16 (I) DEDICATES AT LEAST SEVENTY PERCENT OF ITS PROGRAMMING

17 CONTENT TO SHOWS RELATED TO TOURISM OR TRAVEL; AND

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(II) IS AVAILABLE IN AT LEAST THIRTY MILLION HOMES IN THE UNITED STATES.

(3) THE BOARD SHALL PROVIDE A NOTICE OF FUNDING TO LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION 24-75-1304.

SECTION 2. 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), ~~and~~ 38-13-116.7 (3), AND 39-26-123, C.R.S.; and

SECTION 3. Repeal. 24-49.7-107, Colorado Revised Statutes, is repealed as follows:

24-49.7-107. Exemption from procurement code. ~~Notwithstanding any other law to the contrary, the office and the expenditure of moneys from the fund and the additional source fund shall not be subject to the provisions of the "Procurement Code", articles 101 to 112 of this title.~~

SECTION 4. 24-49.7-108, Colorado Revised Statutes, is amended to read:

24-49.7-108. Audit requirements. On or before ~~August 1, 2002~~ JANUARY 1, 2012, and not less than every ~~two years~~ YEAR thereafter, the state auditor shall review or cause to be reviewed the manner in which moneys from the fund and the additional source fund are expended, any contracts entered into pursuant to this article, and the activities of the

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board and the office to ensure compliance with the provisions of this article. Upon completing such audit, the state auditor shall provide a report to the governor and the ~~general assembly~~ BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, reviewing the findings of the audit and making recommendations for statutory changes, if any.

SECTION 5. The introductory portion to 39-26-123 (3) (a) and 39-26-123 (3) (a) (II) (E), Colorado Revised Statutes, are amended, and the said 39-26-123 (3) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions. (3) (a) For any state fiscal year commencing on or after ~~July 1, 2006~~ JULY 1, 2012, eighty-five percent of all net revenue collected under the provisions of this article shall be credited to the old age pension fund created in section 1 of article XXIV of the state constitution. The remaining fifteen percent shall be allocated among the general fund, the older Coloradans cash fund created in section 26-11-205.5 (5), C.R.S., ~~and~~ the supplemental old age pension health and medical care fund created in section 25.5-2-101 (3), C.R.S., AND THE COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION 24-49.7-106 (1), C.R.S., and credited to the funds by the state treasurer as follows:

(II) (E) For any state fiscal year commencing on or after ~~July 1, 2009~~ JULY 1, 2012, fifteen percent of all net revenue, less ~~ten~~ FIFTEEN million eight hundred fifty thousand dollars, to the general fund.

(V) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY

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1 1, 2012, FIVE MILLION DOLLARS TO THE COLORADO TRAVEL AND TOURISM
2 PROMOTION FUND.
3 **SECTION 6. Act subject to petition - effective date.** This act
4 shall take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part shall not take effect
10 unless approved by the people at the general election to be held in
11 November 2012 and shall take effect on the date of the official
12 declaration of the vote thereon by the governor.