

CHAPTER 141

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**GOVERNMENT - SPECIAL DISTRICTS**

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SENATE BILL 94-175

BY SENATORS Gallagher and Pastore;  
also REPRESENTATIVES Hernandez and Benavidez.

**AN ACT**

**CONCERNING DISTRIBUTIONS OF MONEYS BY THE MOFFAT TUNNEL COMMISSION FOR PROJECTS WITHIN THE MOFFAT TUNNEL IMPROVEMENT DISTRICT.**

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

**SECTION 1.** Article 8 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-8-123. Projects within the district - distributions from Moffat tunnel fund.**

(1) THE BOARD MAY USE MONEYS IN THE MOFFAT TUNNEL FUND FOR PROJECTS IMPLEMENTED BY THE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION OR FOR DISTRIBUTIONS MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION IF THE PROJECTS ARE DETERMINED BY THE BOARD TO PROMOTE THE PUBLIC GOOD.

(2) THE BOARD MAY IMPLEMENT WITHIN THE MOFFAT TUNNEL IMPROVEMENT DISTRICT CAPITAL IMPROVEMENT PROJECTS AND PROJECTS THAT PROMOTE OR CONCERN TRANSPORTATION OR COMMUNICATION BETWEEN THE EASTERN AND WESTERN SLOPES OF THE CONTINENTAL DIVIDE OR CONCERN THE HISTORY OF THE DISTRICT.

(3) IN ADDITION, THE BOARD MAY MAKE DISTRIBUTIONS OF MONEYS ANNUALLY FROM THE MOFFAT TUNNEL FUND TO APPLICANTS FOR PROJECTS CHOSEN BY THE BOARD, IN ITS SOLE DISCRETION, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(a) THE BOARD RECEIVES AN APPLICATION ON A FORM AND WITHIN THE TIME PERIOD PRESCRIBED BY THE BOARD THAT CONTAINS INFORMATION REQUESTED BY THE BOARD, INCLUDING A DESCRIPTION OF THE PROPOSED PROJECT, THE PUBLIC BENEFIT OF THE PROPOSED PROJECT, AND THE AMOUNT OF MONEY REQUESTED FOR THE

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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.*

PROPOSED PROJECT;

(b) THE APPLICANT IS A NONPROFIT ORGANIZATION THAT MEETS THE REQUIREMENTS OF SECTION 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

(c) THE APPLICANT APPEARS BEFORE THE BOARD, PRESENTS ITS PROPOSED PROJECT, AND DEMONSTRATES HOW THE PROJECT WILL BENEFIT THE PUBLIC;

(d) THE PRINCIPAL OFFICE OF THE APPLICANT IS LOCATED WITHIN THE DISTRICT;

(e) THE PROPOSED PROJECT WILL BE LOCATED WITHIN THE DISTRICT;

(f) THE PROPOSED PROJECT IS RELATED EITHER TO THE PURPOSES FOR WHICH THE DISTRICT IS ORGANIZED PURSUANT TO THIS ARTICLE, INCLUDING THE IMPROVEMENT OF TRANSPORTATION AND COMMUNICATION BETWEEN THE EASTERN AND WESTERN SLOPES OF THE CONTINENTAL DIVIDE, OR TO THE BUSINESS OF OR PROJECT IMPLEMENTED BY THE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION AT THE TIME OF THE APPLICATION, INCLUDING PROJECTS THAT:

(I) PRESERVE OR PROMOTE HISTORICAL LANDMARKS OR OBJECTS;

(II) PROMOTE ECONOMIC DEVELOPMENT;

(III) ENCOURAGE EDUCATIONAL INTERESTS; OR

(IV) PREVENT OR MINIMIZE DEGRADATION OF THE ENVIRONMENT;

(g) THE MONEYS RECEIVED FROM THE BOARD WILL BE SPENT WITHIN THE DISTRICT;  
AND

(h) THE GOVERNING BODY OF THE TOWN, CITY, OR COUNTY IN WHICH THE PROJECT IS LOCATED APPROVES THE PROJECT.

(4) THE BOARD SHALL SET A DEADLINE FOR RECEIPT OF THE APPLICATIONS SO THAT THE DISTRIBUTIONS OF MONEYS BY THE BOARD PURSUANT TO SUBSECTION (3) OF THIS SECTION ARE INCLUDED IN THE BUDGET FOR THE FISCAL YEAR IN WHICH THE DISTRIBUTIONS ARE MADE. THE BOARD SHALL MAKE DISTRIBUTIONS PURSUANT TO SUBSECTION (3) OF THIS SECTION FROM INCOME RECEIVED BY THE BOARD IN THE YEAR IN WHICH THE DISTRIBUTIONS ARE MADE. THE BOARD SHALL NOT INVADE ITS CAPITAL STRUCTURE TO MAKE THESE DISTRIBUTIONS. THE TOTAL AMOUNT OF DISTRIBUTIONS MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION IN ANY FISCAL YEAR SHALL NOT EXCEED TEN PERCENT OF THE BUDGETED ANNUAL OPERATING EXPENSES OF THE DISTRICT.

**SECTION 2.** 32-8-101, Colorado Revised Statutes, is amended to read:

**32-8-101. Purpose of tunnel - legislative declaration.** (1) It is hereby declared that to provide for an avenue of communication by means of a transportation tunnel through the continental divide at or near James Peak will reduce the barrier which now separates the western portions of this state from commercial intercourse with the

eastern portion thereof, will facilitate communication all seasons of the year, will promote the health, comfort, safety, convenience, and welfare of the people of the state of Colorado, and will be of especial benefit to the property within the boundaries of the improvement district created in this article.

(2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

(a) THE LAND WITHIN THE MOFFAT TUNNEL IMPROVEMENT DISTRICT, CREATED IN THIS ARTICLE AND REFERRED TO IN THIS ARTICLE AS "DISTRICT", SHOULD BE PUT TO THE LARGEST NUMBER OF POSSIBLE USES THAT ARE RELATED TO THE TUNNEL AND ITS APPROACHES, PURPOSES, AND USES, INCLUDING PUBLIC TRANSPORTATION AND COMMUNICATION;

(b) PROJECTS THAT ARE RELATED TO THE TUNNEL AND ITS APPROACHES, PURPOSES, AND USES AND THAT ARE AUTHORIZED BY THIS ARTICLE WILL MAXIMIZE USAGE OF THE LAND WITHIN THE DISTRICT, PROMOTE ECONOMIC DEVELOPMENT AND TOURISM WITHIN THIS STATE, AND PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THIS STATE.

**SECTION 3.** 32-8-107 (1), Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**32-8-107. Powers of board.** (1) The board has power on behalf of said district:

(k) TO IMPLEMENT PROJECTS AND MAKE DISTRIBUTIONS PURSUANT TO SECTION 32-8-123.

**SECTION 4. 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 19, 1994