

## CHAPTER 208

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 94-060**

BY SENATORS Tebedo, Bishop, Feeley, Johnson, R. Powers, and Traylor;  
also REPRESENTATIVES Chlouber, Martin, Morrison, and Shoemaker.

**AN ACT****CONCERNING APPROPRIATIONS TO THE DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION IMPROVEMENTS ATTRIBUTABLE TO LIMITED GAMING, 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 (1) (c) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

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

(c) At the end of each state fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund, except for an amount equal to all expenses of the administration of this article for the preceding two-month period, according to the following guidelines:

(I) Fifty percent shall be transferred to the state general fund or such other fund as the general assembly shall provide, INCLUDING THE STATE HIGHWAY FUND. FOR THE 1995-96 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE GAMING IMPACT ADVISORY COMMITTEE CREATED IN SECTION 12-47.1-1401 (7) SHALL RECOMMEND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AN AMOUNT TO BE TRANSFERRED TO THE STATE HIGHWAY FUND TO BE USED SOLELY FOR PROPOSED OR ANTICIPATED TRANSPORTATION NEEDS THAT ARE ATTRIBUTABLE TO LIMITED GAMING AND TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR ANY EMERGENCY REPAIRS AND MODIFICATIONS PERFORMED DURING THE PREVIOUS FISCAL YEAR THAT ARE ATTRIBUTABLE TO LIMITED GAMING. THE GENERAL ASSEMBLY SHALL DETERMINE

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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 APPROPRIATE AN AMOUNT AS A SEPARATE LINE ITEM TO BE TRANSFERRED TO THE STATE HIGHWAY FUND.

(II) Twenty-eight percent shall be transferred to the state historical fund to be administered by the state historical society.

(III) Twelve percent shall be distributed to the governing bodies of Gilpin county and Teller county in proportion to the gaming revenues generated in each county.

(IV) The remaining ten percent shall be distributed to the governing bodies of the cities of Central, Black Hawk, and Cripple Creek in proportion to the gaming revenues generated in each respective city.

(V) The initial appropriation shall be repaid to the state treasurer before the state treasurer makes any distributions under this paragraph (c).

(4) 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 ~~subparagraph (II) of paragraph (b) of subsection (5) of section 9 (5) (b) (II) of article XVIII of the state constitution; except that forty-nine and eight-tenths percent shall be transferred to the general fund of this state and~~ two-tenths of one percent shall be transferred to the Colorado tourism promotion fund created in section 24-32-1306, C.R.S., AN AMOUNT TO BE DETERMINED AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION SHALL BE TRANSFERRED TO THE STATE HIGHWAY FUND, AND THE REMAINDER SHALL BE TRANSFERRED TO THE GENERAL FUND OF THIS STATE, FOR A TOTAL OF FIFTY PERCENT.

**SECTION 2.** 43-1-220 (1), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**43-1-220. Sources of funds - assumption of obligations.** (1) All receipts from the following sources shall be paid into and credited to the state highway fund as soon as received from:

(c) (I) THE LIMITED GAMING FUND. THE RECEIPTS FROM THE LIMITED GAMING FUND SHALL BE SEGREGATED FROM OTHER RECEIPTS PAID INTO THE STATE HIGHWAY FUND.

(II) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12-47.1-701 (1) (c) (I), C.R.S., THE RECEIPTS FROM THE LIMITED GAMING FUND ARE TO BE USED ON PUBLIC ROADS AND HIGHWAYS LEADING TO AND WITHIN A FIFTY-MILE RADIUS OF ANY LIMITED GAMING COMMUNITY FOR:

(A) ANY PROPOSED OR ANTICIPATED TRANSPORTATION NEEDS ATTRIBUTABLE TO LIMITED GAMING; AND

(B) ANY REIMBURSEMENT FOR EMERGENCY REPAIRS AND MODIFICATIONS ATTRIBUTED TO LIMITED GAMING THAT THE DEPARTMENT HAS PERFORMED DURING THE PREVIOUS FISCAL YEAR.

(III) FOR PURPOSES OF THIS PARAGRAPH (c), "LIMITED GAMING COMMUNITY"

MEANS ANY TOWN, CITY, OR UNINCORPORATED PORTION OF A COUNTY OR ANY INDIAN LANDS WHERE LIMITED GAMING IS AUTHORIZED, AND "PROPOSED OR ANTICIPATED TRANSPORTATION NEEDS" INCLUDES BUT IS NOT LIMITED TO THE ACQUISITION OF RIGHTS-OF-WAY AND EASEMENTS FOR THE CONSTRUCTION, IMPROVEMENT, REPAIR, AND MAINTENANCE OF PUBLIC ROADS AND HIGHWAYS.

**SECTION 3. Transfer of moneys.** The state treasurer is hereby directed to transfer to the state highway fund the sum of nine hundred ninety-seven thousand dollars (\$997,000) from the limited gaming fund pursuant to section 12-47.1-701 (1) (c) (I), Colorado Revised Statutes.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state highway fund not otherwise appropriated, to the department of transportation, for the fiscal year beginning July 1, 1994, the sum of nine hundred ninety-seven thousand dollars (\$997,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Applicability.** This act shall apply to revenues collected in fiscal years commencing on or after July 1, 1994, for distribution at the end of such fiscal years.

**SECTION 6. 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: May 22, 1994