

CHAPTER 245

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 96-1240

BY REPRESENTATIVES Chlouber, Schwarz, Acquafresca, Owen, and Sullivant;
also SENATORS Tebedo and Bishop.

AN ACT

CONCERNING THE DISTRIBUTION OF A PORTION OF THE STATE'S SHARE OF REVENUES DERIVED FROM LIMITED GAMING ACTIVITY TO COUNTIES IMPACTED BY SUCH ACTIVITY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) The percentage of limited gaming revenues allocated to the governing bodies of Gilpin county and Teller county under subsection (5) (b) (II) of section 9 of article XVIII of the state constitution has proved inadequate to compensate those counties for the impact of limited gaming as authorized by said section 9;

(b) The general assembly has previously seen fit to return to local governments, in response to unanticipated needs occasioned by limited gaming, a portion of the state's share of limited gaming revenues under the distribution scheme set forth in said section 9 by enacting the "Contiguous County Limited Gaming Impact Fund", part 14 of article 47.1 of title 12, Colorado Revised Statutes; and

(c) Such a redistribution by the state of a portion of its share of limited gaming revenues, although not specifically authorized by the constitution, was necessary, appropriate, and within the state's discretion in view of the fact that the constitution places no conditions on how such revenues, once distributed according to the constitutional scheme, are ultimately spent.

SECTION 2. Part 14 of article 47.1 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-47.1-1402. Gaming impact task force - creation - duties. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF LOCAL AFFAIRS A GAMING IMPACT TASK FORCE FOR THE STUDY OF LOCAL GOVERNMENT IMPACTS RELATED TO UNANTICIPATED NEEDS OCCASIONED BY LIMITED GAMING. IN CONDUCTING ITS STUDIES, THE TASK FORCE IS ENCOURAGED TO RELY AS MUCH AS POSSIBLE ON INFORMATION ALREADY COLLECTED BY THE COMMISSION. THE TASK FORCE SHALL BE RESPONSIBLE FOR DEVELOPING LEGISLATIVE RECOMMENDATIONS FOR CHANGES TO STATE POLICIES TO OFFSET THE IMPACTS OF LIMITED GAMING ON LOCAL GOVERNMENTS.

(2) NONLEGISLATIVE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS AND MAY INCLUDE:

(a) MEMBERS OF THE BOARDS OF COUNTY COMMISSIONERS IN COUNTIES IN WHICH LIMITED GAMING TAKES PLACE;

(b) MEMBERS OF THE BOARDS OF COUNTY COMMISSIONERS IN COUNTIES CONTIGUOUS TO THOSE IN WHICH LIMITED GAMING TAKES PLACE;

(c) MEMBERS OF THE BOARDS OF COUNTY COMMISSIONERS IN COUNTIES IMPACTED BY FEDERAL INDIAN LIMITED GAMING ACTIVITY; AND

(d) SUCH OTHER MEMBERS AS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS MAY DETERMINE.

(3) IN ADDITION TO THE NONLEGISLATIVE MEMBERS OF THE TASK FORCE, THE PRESIDENT OF THE SENATE MAY APPOINT ONE MEMBER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY APPOINT ONE MEMBER OF THE HOUSE, TO SERVE AS LEGISLATIVE MEMBERS OF THE TASK FORCE.

(4) THE TASK FORCE HAS THE POWER AND DUTY TO:

(a) EVALUATE THE OVERALL EFFECTIVENESS AND IMPACT OF EXISTING FORMULAS AND METHODS OF DISTRIBUTION OF REVENUES DERIVED FROM LIMITED GAMING ACTIVITY, INCLUDING THE EFFECT OF SUCH FORMULAS AND METHODS ON THE FISCAL STRUCTURE AND POLICIES OF THE GOVERNMENTAL ENTITIES RECEIVING DISTRIBUTIONS;

(b) DEVELOP ONE OR MORE LEGISLATIVE PROPOSALS TO ADDRESS ANY RECOMMENDED CHANGES TO SUCH FORMULAS AND METHODS AND OTHERWISE TO ADDRESS THE BURDEN OF ACCOMMODATING LIMITED GAMING; AND

(c) REPORT TO THE COMMISSION, THE GOVERNOR, AND THE GENERAL ASSEMBLY, ON OR BEFORE DECEMBER 30, 1996, IN ACCORDANCE WITH SECTION 24-1-136, C.R.S.

(5) LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL BE ENTITLED TO PER DIEM COMPENSATION AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES FROM THE LEGISLATIVE BUDGET AS OTHERWISE PROVIDED FOR MEMBERS OF INTERIM COMMITTEES AS AUTHORIZED BY LAW.

SECTION 3. Appropriation - adjustment in 1996 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the general assembly, for the fiscal year beginning July 1, 1996, the sum of one thousand three hundred forty dollars (\$1,340), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1996, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1)(c) and (1)(e) is reduced by one thousand three hundred forty dollars (\$1,340).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one thousand three hundred forty dollars (\$1,340).

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: June 1, 1996