

CHAPTER 243

PROFESSIONS AND OCCUPATIONS

SENATE BILL 97-027

BY SENATORS Tebedo and Chlouber;
also REPRESENTATIVES Schwarz, Miller, Anderson, and Sullivant.

AN ACT

CONCERNING DISTRIBUTION OF A PORTION OF THE STATE SHARE OF GAMING REVENUES TO A LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND FOR MITIGATION OF THE IMPACTS OF LIMITED GAMING ON DESIGNATED LOCAL GOVERNMENTAL ENTITIES.

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

SECTION 1. Article 47.1 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 16
LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND**

12-47.1-1601. Local government limited gaming impact fund. (1) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND, REFERRED TO IN THIS PART 16 AS THE "FUND", FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO DESIGNATED LOCAL GOVERNMENTS FOR DOCUMENTED GAMING IMPACTS. FOR THE PURPOSES OF THIS PART 16, "DOCUMENTED GAMING IMPACTS" MEANS THE DOCUMENTED EXPENSES, COSTS, AND OTHER IMPACTS INCURRED DIRECTLY AS A RESULT OF LIMITED GAMING PERMITTED IN THE COUNTIES OF GILPIN AND TELLER AND ON INDIAN LANDS.

(b) FOLLOWING THE FINAL DISTRIBUTION OF MONEYS FROM THE CONTIGUOUS COUNTY LIMITED GAMING IMPACT FUND MADE PURSUANT TO SECTION 12-47.1-1401, BUT IN NO EVENT LATER THAN JUNE 30, 1998, ANY UNENCUMBERED MONEYS REMAINING IN THE CONTIGUOUS COUNTY LIMITED GAMING IMPACT FUND SHALL BE TRANSFERRED TO THE FUND CREATED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

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

(c) FOLLOWING THE FINAL DISTRIBUTION OF MONEYS FROM THE MUNICIPAL GAMING IMPACT FUND MADE PURSUANT TO SECTION 12-47.1-1501, BUT IN NO EVENT LATER THAN AUGUST 31, 2002, ANY MONEYS REMAINING IN THE MUNICIPAL GAMING IMPACT FUND SHALL BE TRANSFERRED TO THE FUND CREATED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) OUT OF THE FIFTY PERCENT SHARE TO BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, A PERCENTAGE THEREOF, WHICH SHALL BE DETERMINED BY THE COMMISSION IN CONSULTATION WITH THE LOCAL GOVERNMENT LIMITED GAMING IMPACT ADVISORY COMMITTEE CREATED IN SECTION 12-47.1-1602, SHALL BE TRANSFERRED ANNUALLY TO THE FUND.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (3), IN NO EVENT SHALL LESS THAN AN AGGREGATE TOTAL OF ELEVEN PERCENT OF THE FIFTY PERCENT SHARE OF THE LIMITED GAMING FUND TO BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION BE TRANSFERRED ANNUALLY TO THE FUND. COMMENCING JULY 1, 2002, IN NO EVENT SHALL LESS THAN AN AGGREGATE TOTAL OF THIRTEEN PERCENT OF THE FIFTY PERCENT SHARE OF THE LIMITED GAMING FUND TO BE TRANSFERRED ANNUALLY TO THE GENERAL FUND PURSUANT TO SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION BE TRANSFERRED TO THE FUND. THE LOCAL GOVERNMENT LIMITED GAMING IMPACT ADVISORY COMMITTEE SHALL REQUEST THAT THE COMMISSION AND THE GENERAL ASSEMBLY APPROVE FUNDING FOR ALL DOCUMENTED GAMING IMPACTS UPON LOCAL GOVERNMENTS ELIGIBLE FOR FUNDING PURSUANT TO SUBSECTION (4) OF THIS SECTION FROM THE GENERAL FUND SHARE OF GAMING REVENUES IF THE COMMITTEE DETERMINES THAT THE DOCUMENTED GAMING IMPACTS UPON ELIGIBLE LOCAL GOVERNMENTS EXCEED:

(a) THE AMOUNT OF STATE GAMING FUNDS PROVIDED BY THE STATE CONSTITUTION TO AFFECTED COUNTIES;

(b) THE AMOUNT OF LOCALLY DERIVED REVENUES FROM GAMING; AND

(c) THE AMOUNT OF REVENUE DISTRIBUTED PURSUANT TO THIS SECTION.

(4)(a) AFTER CONSIDERING THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT LIMITED GAMING IMPACT ADVISORY COMMITTEE CREATED IN SECTION 12-47.1-1602, THE MONEYS FROM THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND SHALL BE DISTRIBUTED AT THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS TO ELIGIBLE LOCAL GOVERNMENTAL ENTITIES UPON THEIR APPLICATION FOR GRANTS TO FINANCE PLANNING, CONSTRUCTION, AND MAINTENANCE OF PUBLIC FACILITIES AND THE PROVISION OF PUBLIC SERVICES RELATED TO THE DOCUMENTED GAMING IMPACTS.

(b) FOR THE PURPOSES OF THIS PART 16, THE TERM "ELIGIBLE LOCAL GOVERNMENTAL ENTITY" MEANS THE FOLLOWING LOCAL GOVERNMENTAL ENTITIES:

(I) THE COUNTIES OF BOULDER, CLEAR CREEK, GRAND, JEFFERSON, EL PASO, FREMONT, PARK, DOUGLAS, GILPIN, TELLER, LA PLATA, MONTEZUMA, AND

ARCHULETA;

(II) ANY MUNICIPALITY LOCATED WITHIN THE BOUNDARIES OF ANY COUNTY SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), EXCEPT THE CITY OF CENTRAL, THE CITY OF BLACK HAWK, AND THE CITY OF CRIPPLE CREEK; AND

(III) ANY SPECIAL DISTRICT PROVIDING EMERGENCY SERVICES WITHIN THE BOUNDARIES OF ANY COUNTY SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), NEITHER THE CITY OF WOODLAND PARK NOR THE CITY OF VICTOR SHALL BE ELIGIBLE LOCAL GOVERNMENTAL ENTITIES PRIOR TO JULY 1, 2002.

12-47.1-1602. Local government limited gaming impact advisory committee - creation - duties. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF LOCAL AFFAIRS A LOCAL GOVERNMENT LIMITED GAMING IMPACT ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING THIRTEEN MEMBERS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS;

(b) TWO MEMBERS, ONE OF WHOM SHALL BE APPOINTED BY AND SERVE AT THE PLEASURE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AND ONE WHO SHALL BE APPOINTED BY AND SERVE AT THE PLEASURE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE;

(c) THREE MEMBERS REPRESENTING THE COUNTIES ELIGIBLE TO RECEIVE MONEYS FROM THE FUND PURSUANT TO SECTION 12-47.1-1601 (4) WHO SHALL SERVE AT THE PLEASURE OF THE BOARDS AND WHO SHALL BE APPOINTED AS FOLLOWS:

(I) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRS OF THE BOARDS OF COUNTY COMMISSIONERS FROM THE COUNTIES IMPACTED BY GAMING IN THE CITY OF CRIPPLE CREEK WHO SHALL SERVE A TERM OF FOUR YEARS, EXCEPT THE INITIAL APPOINTEE WHO SHALL SERVE A TERM OF TWO YEARS;

(II) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRS OF THE BOARDS OF COUNTY COMMISSIONERS FROM THE COUNTIES IMPACTED BY GAMING IN THE CITY OF CENTRAL AND THE CITY OF BLACK HAWK WHO SHALL SERVE A TERM OF FOUR YEARS; AND

(III) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRS OF THE BOARDS OF COUNTY COMMISSIONERS FROM THE COUNTIES IMPACTED BY TRIBAL GAMING WHO SHALL SERVE A TERM OF FOUR YEARS.

(d) TWO MEMBERS REPRESENTING THE MUNICIPALITIES ELIGIBLE TO RECEIVE MONEYS FROM THE FUND PURSUANT TO SECTION 12-47.1-1601 (4) TO BE APPOINTED BY THE MAYORS OF THE MUNICIPALITIES AND WHO SHALL SERVE AT THE PLEASURE OF THE MAYORS FOR TERMS OF FOUR YEARS; EXCEPT THAT ONE OF THE INITIAL APPOINTEES SHALL SERVE A TERM OF TWO YEARS. NOT MORE THAN ONE MEMBER SHALL BE SELECTED PURSUANT TO THIS PARAGRAPH (d) FROM EACH OF THE GROUPS OF COUNTIES DESCRIBED IN SUBPARAGRAPHS (I) TO (III) OF PARAGRAPH (c) OF THIS

SUBSECTION (1).

(e) ONE MEMBER REPRESENTING THE SPECIAL DISTRICTS PROVIDING EMERGENCY SERVICES THAT ARE ELIGIBLE TO RECEIVE MONEYS FROM THE FUND PURSUANT TO SECTION 12-47.1-1601 (4) TO BE APPOINTED BY AND WHO SHALL SERVE AT THE PLEASURE OF THE DIRECTOR OF THE EMERGENCY MEDICAL SERVICES AND PREVENTION DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH;

(f) ONE MEMBER OF THE COLORADO HOUSE OF REPRESENTATIVES TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND WHO SHALL SERVE AT THE PLEASURE OF THE SPEAKER;

(g) ONE MEMBER OF THE COLORADO SENATE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE AND WHO SHALL SERVE AT THE PLEASURE OF THE PRESIDENT; AND

(h) TWO MEMBERS REPRESENTING THE GOVERNOR, TO BE APPOINTED BY THE GOVERNOR AND WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL CONVENE THE FIRST MEETING OF THE COMMITTEE. THE COMMITTEE SHALL SELECT A CHAIR OF THE COMMITTEE, FROM AMONG THE COMMITTEE MEMBERS, WHO SHALL CONVENE THE COMMITTEE FROM TIME TO TIME AS THE COMMITTEE DEEMS NECESSARY.

(3) THE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES:

(a) TO ESTABLISH A STANDARDIZED METHODOLOGY AND CRITERIA FOR DOCUMENTING, MEASURING, ASSESSING, AND REPORTING THE DOCUMENTED GAMING IMPACTS UPON ELIGIBLE LOCAL GOVERNMENTAL ENTITIES;

(b) TO REVIEW THE DOCUMENTED GAMING IMPACTS UPON ELIGIBLE LOCAL GOVERNMENTAL ENTITIES ON A CONTINUING BASIS;

(c) TO REVIEW GRANT APPLICATIONS FROM ELIGIBLE LOCAL GOVERNMENTAL ENTITIES, INDIVIDUALLY OR IN COOPERATION WITH OTHER ELIGIBLE LOCAL GOVERNMENTAL ENTITIES, BASED UPON THE NEEDS OF THE ENTITIES AND THE DOCUMENTED GAMING IMPACTS ON THE ENTITIES;

(d) TO MAKE FUNDING RECOMMENDATIONS ON A CONTINUING BASIS TO BE CONSIDERED BY THE EXECUTIVE DIRECTOR IN MAKING FUNDING DECISIONS FOR GRANT APPLICATIONS SUBMITTED BY ELIGIBLE LOCAL GOVERNMENTAL ENTITIES PURSUANT TO SECTION 12-47.1-1601 (4) (a);

(e) TO MAKE REQUESTS AS REQUIRED BY SECTION 12-47.1-1601 (3) THAT THE COLORADO LIMITED GAMING CONTROL COMMISSION AND THE GENERAL ASSEMBLY APPROVE FUNDING FOR ALL DOCUMENTED GAMING IMPACTS UPON LOCAL GOVERNMENTS ELIGIBLE FOR FUNDING PURSUANT TO SECTION 12-47.1-1601 (3).

SECTION 2. 12-47.1-1501 (2), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-47.1-1501. Municipal limited gaming impact fund. (2) Out of the fifty percent share of limited gaming proceeds to be transferred to the general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution PRIOR TO JULY 1, 2002, two percent shall be transferred annually to the fund by the state treasurer.

SECTION 3. Part 15 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:

12-47.1-1502. Repeal of part. THIS PART 15 IS REPEALED, EFFECTIVE JULY 1, 2001.

SECTION 4. 12-47.1-701 (1) (c) (I) and (4) (b), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended to read:

12-47.1-701. Limited gaming fund - repeal. (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 and appropriate an amount as a separate line item to be transferred to the state highway fund.

(4) (b) (I) Of the fifty percent transferred to the general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution PRIOR TO JULY 1, 2002, two percent shall be transferred to the municipal limited gaming impact fund created in section 12-47.1-1501 and the amount transferred to the general fund pursuant to this subsection (4) shall be further reduced to forty-eight and eight-tenths percent.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2002.

SECTION 5. 12-47.1-1401 (2), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-1401. Contiguous county limited gaming impact fund. (2) Out of the fifty percent share to be transferred to the general fund pursuant to subsection (5) (b) (II) of section 9 of article XVIII of the Colorado constitution PRIOR TO JULY 1, 1997,

a percent thereof, which shall be determined by the commission in consultation with the gaming impact advisory committee created in subsection (7) of this section, shall be transferred annually to the fund.

SECTION 6. 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:

12-47.1-1403. Repeal of part. THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 7. Effective date. This act shall take effect July 1, 1997.

SECTION 8. 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 3, 1997