First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 01-0158.01 Pam Cybyske **HOUSE BILL**

HOUSE SPONSORSHIP

Stengel, and Plant

SENATE SPONSORSHIP

Dyer

A BILL FOR AN ACT

CONCERNING CHANGES IN THE FISCAL POLICIES OF THE DIVISION OF WILDLIFE TO ALLOW OPERATION AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Study of the Division of Wildlife. Designates the division of wildlife and the wildlife commission as an enterprise for purposes of section 20 of article X of the state constitution (TABOR), so long as the commission retains the authority to issue revenue bonds and the division receives less than 10% of its total annual revenues in grants.

Clarifies that the division is authorized to continue to expend its revenues consistent with current law. Also clarifies that the division and the commission shall have all the powers and duties authorized by current law.

Specifies that, for purposes of the limits of TABOR, the term "grant" does not include moneys from the great outdoors Colorado trust fund.

Authorizes the commission to issue revenue bonds in an amount not to exceed $10,000,000 in the aggregate for expenses of the division.

Requires approval from both houses of the general assembly and the governor before the commission may issue revenue bonds.

Sets the requirements for the issuance of revenue bonds.

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

SECTION 1. 33-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-1-103. Wildlife commission - wildlife division - enterprise status. (9.5) (a) THE DIVISION AND THE COMMISSION, CREATED IN SECTION 24-1-124 (3) (h) (I), C.R.S., SHALL CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS THE COMMISSION RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND THE DIVISION RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION, THE DIVISION AND THE COMMISSION SHALL NOT BE SUBJECT TO ANY OF THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) THE ENTERPRISE CREATED PURSUANT TO THIS SECTION SHALL HAVE ALL THE POWERS AND DUTIES AUTHORIZED BY ARTICLES 1 TO 6 OF THIS TITLE.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR

RESTRICT THE AUTHORITY OF THE DIVISION TO EXPEND ITS REVENUES CONSISTENT WITH THE PROVISIONS OF ARTICLES 1 TO 6 OF THIS TITLE.

SECTION 2. Article 1 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-1-124. Revenue bonds - authority - issuance - requirements - covenants. (1) (a) THE COMMISSION MAY, BY RESOLUTION THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, AUTHORIZE AND ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED TEN MILLION DOLLARS IN THE AGGREGATE FOR EXPENSES OF THE DIVISION. SUCH BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE GENERAL ASSEMBLY ACTING EITHER BY BILL OR JOINT RESOLUTION AND AFTER APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION. SUCH BONDS SHALL BE PAYABLE ONLY FROM MONEYS ALLOCATED TO THE DIVISION FOR EXPENSES OF THE DIVISION PURSUANT TO SECTION 33-1-112.

(b) ALL BONDS ISSUED BY THE COMMISSION SHALL PROVIDE THAT:

(I) NO HOLDER OF ANY SUCH BOND MAY COMPEL THE STATE OR ANY SUBDIVISION THEREOF TO EXERCISE ITS APPROPRIATION OR TAXING POWER; AND

(II) THE BOND DOES NOT CONSTITUTE A DEBT OF THE STATE AND IS PAYABLE ONLY FROM THE NET REVENUES ALLOCATED TO THE DIVISION FOR EXPENSES AS DESIGNATED IN SUCH BOND.

(2) (a) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION SHALL STATE:

(I) THE DATE OF ISSUANCE OF THE BONDS;

(II) A MATURITY DATE OR DATES DURING A PERIOD NOT TO EXCEED THIRTY YEARS FROM THE DATE OF ISSUANCE OF THE BONDS;

(III) THE INTEREST RATE OR RATES ON, AND THE DENOMINATION OR DENOMINATIONS OF, THE BONDS; AND

(IV) THE MEDIUM OF PAYMENT OF THE BONDS AND THE PLACE WHERE THE BONDS WILL BE PAID.

(b) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION MAY:

(I) STATE THAT THE BONDS ARE TO BE ISSUED IN ONE OR MORE SERIES;

(II) STATE A RANK OR PRIORITY OF THE BONDS; AND

(III) PROVIDE FOR REDEMPTION OF THE BONDS PRIOR TO MATURITY, WITH OR WITHOUT PREMIUM.

(3) ANY BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION MAY BE SOLD AT PUBLIC OR PRIVATE SALE. IF BONDS ARE TO BE SOLD AT A PUBLIC SALE, THE COMMISSION SHALL ADVERTISE THE SALE IN SUCH MANNER AS THE COMMISSION DEEMS APPROPRIATE. ALL BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION SHALL BE SOLD AT A PRICE NOT LESS THAN THE PAR VALUE THEREOF, TOGETHER WITH ALL ACCRUED INTEREST TO THE DATE OF DELIVERY.

(4) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, ALL BONDS ISSUED PURSUANT TO THIS SECTION ARE NEGOTIABLE.

(5) (a) A RESOLUTION PERTAINING TO ISSUANCE OF BONDS UNDER THIS SECTION MAY CONTAIN COVENANTS AS TO:

(I) THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF THE BONDS MAY BE APPLIED AND TO THE USE AND DISPOSITION THEREOF;

(II) SUCH MATTERS AS ARE CUSTOMARY IN THE ISSUANCE OF REVENUE BONDS INCLUDING, WITHOUT LIMITATION, THE ISSUANCE AND

LIEN POSITION OF OTHER OR ADDITIONAL BONDS; AND

(III) BOOKS OF ACCOUNT AND THE INSPECTION AND AUDIT THEREOF.

(b) ANY RESOLUTION MADE PURSUANT TO THE TERMS OF THIS SECTION SHALL BE DEEMED A CONTRACT WITH THE HOLDERS OF THE BONDS, AND THE DUTIES OF THE COMMISSION UNDER SUCH RESOLUTION SHALL BE ENFORCEABLE BY ANY APPROPRIATE ACTION IN A COURT OF COMPETENT JURISDICTION.

(6) BONDS ISSUED UNDER THIS SECTION AND BEARING THE SIGNATURES OF THE COMMISSION IN OFFICE ON THE DATE OF THE SIGNING SHALL BE DEEMED VALID AND BINDING OBLIGATIONS REGARDLESS OF WHETHER, PRIOR TO DELIVERY AND PAYMENT, ANY OR ALL OF THE PERSONS WHOSE SIGNATURES APPEAR THEREON HAVE CEASED TO BE MEMBERS OF THE COMMISSION.

(7) (a) EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION AUTHORIZING THE BONDS, ALL BONDS OF THE SAME ISSUE UNDER THIS SECTION SHALL HAVE A PRIOR AND PARAMOUNT LIEN ON THE NET REVENUES PLEDGED THEREFOR. THE COMMISSION MAY PROVIDE FOR PREFERENTIAL SECURITY FOR ANY BONDS, BOTH PRINCIPAL AND INTEREST, TO BE ISSUED UNDER THIS SECTION TO THE EXTENT DEEMED FEASIBLE AND DESIRABLE BY SUCH COMMISSION OVER ANY BONDS THAT MAY BE ISSUED THEREAFTER.

(b) BONDS OF THE SAME ISSUE OR SERIES ISSUED UNDER THIS SECTION SHALL BE EQUALLY AND RATABLY SECURED, WITHOUT PRIORITY BY REASON OF NUMBER, DATE, SALE, EXECUTION, OR DELIVERY, BY A LIEN ON THE NET REVENUE PLEDGED IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION AUTHORIZING THE BONDS.

SECTION 3. 24-77-102 (7) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-77-102. Definitions. As used in this article, unless the context otherwise requires:

(7) (b) "Grant" does not include:

(IV) ANY MONEYS RECEIVED BY THE DIVISION OF WILDLIFE, CREATED IN SECTION 24-1-124 (3) (h) (I), FROM THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED IN SECTION 2 OF ARTICLE XXVII OF THE STATE CONSTITUTION.

SECTION 4. Effective date. This act shall take effect July 1, 2001.

SECTION 5. 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.