

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 12-0153.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Looper and Priola, Barker, Brown, Ramirez, Tyler

SENATE SPONSORSHIP

Williams S., Hudak

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF REQUIREMENTS THAT SPECIFIED TYPES**
102 **OF INFORMATION BE SUBMITTED TO LEGISLATIVE COMMITTEES,**
103 **AND, IN CONNECTION THEREWITH, REPEALING CERTAIN**
104 **TRANSPORTATION AND ENERGY-RELATED INFORMATION**
105 **SUBMISSION REQUIREMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Transportation Legislation Review Committee. The bill repeals requirements that the following transportation and energy-related reports or other information be provided to various committees of the general assembly:

- An annual capital construction request submitted by the transportation commission to the capital development committee for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund for those purposes;
- 3-year plans and annual activity reports submitted by the Colorado clean energy development authority to the house and senate committees with jurisdiction over energy-related matters;
- An annual report submitted by the executive director of the department of revenue to the transportation legislation review committee (TLRC) on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and additional related matters;
- An annual report from the department of public health and environment to the TLRC on the cost and effectiveness of the high emitter program currently provided by the department of public health and environment, in cooperation with the program contractor;
- A prioritized list submitted by the executive director of the department of transportation to the TLRC with recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and their proposed uses;
- An annual report submitted by the office of transportation safety to the TLRC on the nature and purpose of the programs funded by, and distribution and expenditure of law enforcement assistance fund moneys appropriated to, the department of public health and environment for drunken driving prevention and law enforcement improvement by counties; and
- Notice of the boundaries of a public highway authority to be created or of a value capture area to be created within the boundaries of a public highway authority submitted by the board of the authority to the TLRC.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1304, **repeal** (1)

1 (a.5) as follows:

2 **2-3-1304. Powers and duties of capital development**
3 **committee.** (1) The capital development committee shall have the
4 following powers and duties:

5 (a.5) ~~To study the capital construction request from the~~
6 ~~transportation commission for state highway reconstruction, repair, and~~
7 ~~maintenance projects to be funded from money transferred to the capital~~
8 ~~construction fund pursuant to section 24-75-302 (2), C.R.S., specifically~~
9 ~~for such purpose. On or before October 1 of each year, the transportation~~
10 ~~commission shall submit its capital construction request, based on the~~
11 ~~statewide transportation improvement programs, with a prioritized list of~~
12 ~~recommended state highway reconstruction, repair, and maintenance~~
13 ~~projects with the priority of projects on the list determined on the basis of~~
14 ~~greatest need without regard to location in the state; except that, for the~~
15 ~~1998-99 fiscal year, the prioritized list of projects to be funded by the~~
16 ~~revenues appropriated for such year by House Bill 98-1202, as enacted at~~
17 ~~the second regular session of the sixty-first general assembly, shall consist~~
18 ~~only of state highway reconstruction, repair, maintenance, and capacity~~
19 ~~expansion projects. The capital development committee shall determine~~
20 ~~the number of projects on the list that may be funded from money~~
21 ~~available in the capital construction fund for state highway reconstruction,~~
22 ~~repair, or maintenance projects. Only projects on the list may be funded~~
23 ~~from money available in the capital construction fund for state highway~~
24 ~~reconstruction, repair, or maintenance projects, and the projects must be~~
25 ~~funded in the priority determined by the transportation commission;~~
26 ~~except that, if a project on the list cannot be funded because an alternative~~
27 ~~source of funding for the project has become available, a court order has~~

1 enjoined the project, or an act of God has made the project construction
2 unfeasible, the transportation commission shall submit the next phase of
3 that project or the next project on that regional priority list to the capital
4 development committee for approval as an addition to the list in lieu of
5 the project that cannot be funded. No substitute project submitted by the
6 transportation commission from the regional priority list shall be
7 approved by the capital development committee if funding said project
8 would result in the delay of any other project on the list. Upon approval
9 of an amended list, the department of transportation shall provide a copy
10 of the amended list to the members of the joint budget committee, the
11 transportation and energy committee in the house of representatives, and
12 the transportation committee in the senate. Projects on the list submitted
13 by the transportation commission by October 1 or on an amended list
14 submitted as provided in this paragraph (a.5) may be funded from money
15 transferred to the capital construction fund and available in the current
16 fiscal year or money to be transferred to the capital construction fund for
17 the fiscal year beginning the following July 1.

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 2-3-1307 as
19 follows:

20 **2-3-1307. Highway and bridge projects - exempt.** This part 13
21 shall not apply to projects or properties which are funded or disposed of
22 pursuant to the provisions of sections 43-1-106, 43-1-219, or 43-1-220,
23 C.R.S. but shall apply to projects funded from the capital construction
24 fund in accordance with section 2-3-1304 (1) (a.5).

25 **SECTION 3.** In Colorado Revised Statutes, 24-75-302, **amend**
26 (1) (a) as follows:

27 **24-75-302. Capital construction fund - capital assessment fees**

1 **- calculation.** (1) (a) There is hereby created the capital construction
2 fund to which shall be allocated such revenues as the general assembly
3 may from time to time determine. Moneys in the capital construction
4 fund may be appropriated for capital construction, as defined in section
5 24-75-301 (1), including the remodeling or renovation of existing
6 buildings or other physical facilities designated as controlled maintenance
7 projects in the general appropriation act; except that any moneys
8 transferred to the capital construction fund for state highway
9 reconstruction, repair, and maintenance projects may only be appropriated
10 for such projects. The appropriation for such projects shall be set forth
11 in a single line item as a total sum. All unappropriated balances in said
12 fund at the close of any fiscal year shall remain therein and not revert to
13 the general fund. All moneys unexpended or not encumbered from the
14 capital construction fund appropriation to each department for any fiscal
15 year shall revert to the capital construction fund at the end of the period
16 for which such moneys are appropriated. Except as provided in ~~sections~~
17 ~~2-3-1304 (1) (a.5) and 24-30-1303.7 (1), C.R.S.~~ SECTION 24-30-1303.7,
18 no portion of the unexpended balance of a department's capital
19 construction fund appropriation may be used by such department for any
20 additional projects which are beyond the scope or design of the original
21 project without further approval by the general assembly of such
22 additional project. Anticipation warrants may be issued against the
23 revenues of the fund as provided by law. Except as provided in
24 subsection (7) of this section, all interest earned from the investment of
25 moneys in said fund shall remain in said fund and become a part thereof.

26 **SECTION 4.** In Colorado Revised Statutes, 40-9.7-106, **amend**
27 (1) (d) (I) introductory portion; and **repeal** (1) (d) (IV) as follows:

1 **40-9.7-106. Authority - duties and powers.** (1) The authority
2 shall:

3 (d) ~~(I) Except as otherwise provided in subparagraph (IV) of this~~
4 ~~paragraph (d),~~ Before financing, refinancing, or otherwise supporting any
5 project, develop, adopt, and publish a three-year plan for its activities that
6 includes:

7 ~~(IV) The authority shall adopt and submit its initial three-year plan~~
8 ~~to the agriculture, natural resources, and energy committee of the senate~~
9 ~~and the transportation and energy committee of the house of~~
10 ~~representatives, or any successor committees, no later than February 1,~~
11 ~~2008, and shall adopt and submit to said committees its subsequent~~
12 ~~three-year plans no later than February 1 of every third year thereafter.~~

13 **SECTION 5.** In Colorado Revised Statutes, **amend** 40-9.7-123
14 as follows:

15 **40-9.7-123. Report to legislature.** Notwithstanding section
16 24-1-136 (11), C.R.S., the authority shall submit a report of its activities
17 to the governor ~~and to the agriculture, natural resources, and energy~~
18 ~~committee of the senate and the transportation and energy committee of~~
19 ~~the house of representatives, or any successor committees, no later than~~
20 February 1 of each year. Each report shall set forth a complete operating
21 and financial statement covering the authority's operations for the
22 previous fiscal year.

23 **SECTION 6.** In Colorado Revised Statutes, 42-4-305, **repeal** (11)
24 as follows:

25 **42-4-305. Powers and duties of executive director - automobile**
26 **inspection and readjustment program - basic emissions program -**
27 **enhanced emissions program - clean screen program.** (11) The

1 ~~executive director shall report to the transportation legislation review~~
2 ~~committee annually on the effectiveness of the quality assurance and~~
3 ~~enforcement measures contained in this section, the overall motorist~~
4 ~~compliance rates with inspections for registration denial, and the status~~
5 ~~of state implementation plan compliance pertaining to quality assurance.~~
6 ~~This annual report shall be submitted to the commission in May of each~~
7 ~~year for incorporation into appropriate annual and biennial reporting~~
8 ~~requirements. Reports shall cover the previous calendar year.~~

9 **SECTION 7.** In Colorado Revised Statutes, 42-4-307, **repeal** (13)
10 as follows:

11 **42-4-307. Powers and duties of the department of public**
12 **health and environment - division of administration - automobile**
13 **inspection and readjustment program - basic emissions program -**
14 **enhanced emissions program - clean screen program.** (13) ~~Beginning~~
15 ~~July 1, 2007, and on or before October 15 of each year thereafter through~~
16 ~~October 15, 2009, and no later than October 15, 2011, and each October~~
17 ~~15 thereafter, the department of public health and environment, in~~
18 ~~cooperation with the contractor, shall brief the transportation legislation~~
19 ~~review committee on the cost and effectiveness of the high emitter~~
20 ~~program. The briefing shall compare the effectiveness of the high emitter~~
21 ~~program to other emissions reduction options, including, but not limited~~
22 ~~to, the elimination of the AIR program, the elimination of the requirement~~
23 ~~for regular motor vehicle emissions inspections, and the appropriate~~
24 ~~reduction of the emissions inspection fee.~~

25 **SECTION 8.** In Colorado Revised Statutes, 43-1-106, **amend** (8)
26 (h) as follows:

27 **43-1-106. Transportation commission - powers and duties.**

1 (8) In addition to all other powers and duties imposed upon it by law, the
2 commission has the following powers and duties:

3 (h) To promulgate and adopt all department budgets, subject to
4 section 43-1-113, and state transportation programs, including
5 construction priorities and the approval of extensions or abandonments
6 of the state highway system. ~~and including a capital construction request,
7 based on the statewide transportation improvement programs, for state
8 highway reconstruction, repair, and maintenance projects to be funded
9 from the capital construction fund as provided in section 2-3-1304 (1)
10 (a.5), C.R.S.~~ The provisions of this paragraph (h) shall not apply to the
11 budget of the aeronautics division; except that the commission has the
12 authority to adopt the portion of the division's budget pertaining to its
13 administrative costs and to make an allocation therefor.

14 **SECTION 9.** In Colorado Revised Statutes, 43-1-113, **repeal**
15 (2.5) as follows:

16 **43-1-113. Funds - budgets - fiscal year - reports and**
17 **publications - repeal.** (2.5) ~~Annually on or before October 1, the
18 commission shall submit a capital construction request for state highway
19 reconstruction, repair, or maintenance projects to the capital development
20 committee to be funded from money transferred to the capital
21 construction fund pursuant to section 24-75-302 (2), C.R.S. Such request
22 shall be made in accordance with section 2-3-1304 (1) (a.5), C.R.S.~~

23 **SECTION 10.** In Colorado Revised Statutes, 43-1-1303, **amend**
24 (2); and **repeal** (3) as follows:

25 **43-1-1303. Duties of the executive director - property eligible**
26 **for acquisition.** (2) The commission shall review any property
27 determined to be eligible for acquisition and approve OR DISAPPROVE the

1 acquisition. before the executive director submits the prioritized list of
2 rail lines or rights-of-way to be acquired to the TLRC pursuant to
3 subsection (3) of this section.

4 (3) The executive director shall submit a prioritized list with
5 recommendations to the TLRC concerning the railroad rights-of-way or
6 rail lines proposed to be acquired by the state and their proposed uses.

7 **SECTION 11.** In Colorado Revised Statutes, 43-1-1305, **amend**
8 (3) as follows:

9 **43-1-1305. Acquisition for state rail bank - acquisition of the**
10 **Towner line - repeal.** (3) The commission shall review any property
11 determined to be eligible for acquisition and approve OR DISAPPROVE the
12 acquisition. before the executive director submits the prioritized list of
13 rail line or right-of-way to be acquired to the TLRC pursuant to section
14 43-1-1303 (3).

15 **SECTION 12.** In Colorado Revised Statutes, **repeal** 43-1-1307
16 as follows:

17 **43-1-1307. Powers and duties of the TLRC concerning state**
18 **acquisition of abandoned railroad rights-of-way.** (1) ~~The~~
19 ~~transportation legislation review committee shall study the~~
20 ~~recommendations of the executive director made pursuant to section~~
21 ~~43-1-1303 (3) for acquisition of, and use or uses for, abandoned or~~
22 ~~proposed to be abandoned railroad rights-of-way. On or before October~~
23 ~~1 of each year, the executive director shall submit a prioritized list that~~
24 ~~shall include recommendations for the acquisition and proposed use of~~
25 ~~abandoned or proposed to be abandoned railroad rights-of-way. The~~
26 ~~members of the transportation legislation review committee shall~~
27 ~~determine which abandoned railroad rights-of-way may be acquired by~~

1 ~~the department and funded out of the state rail bank fund, created in~~
2 ~~section 43-1-1309, based upon the greatest need and its proposed use or~~
3 ~~uses.~~

4 (2) ~~The transportation legislation review committee may hold such~~
5 ~~hearings as it determines necessary to consider reports, studies, and other~~
6 ~~pertinent information from any source, including affected individuals,~~
7 ~~political subdivisions, railroad companies, or other entities, with respect~~
8 ~~to the acquisition of abandoned railroad rights-of-way.~~

9 (3) ~~The transportation legislation review committee may~~
10 ~~determine the priority of acquisition of, and use or uses for, abandoned~~
11 ~~railroad rights-of-way by the department.~~

12 **SECTION 13.** In Colorado Revised Statutes, **repeal** 43-1-1308
13 as follows:

14 **43-1-1308. Recommendations and findings of the TLRC.** ~~The~~
15 ~~members of the transportation legislation review committee shall make~~
16 ~~a written report setting forth its recommendations, findings, and~~
17 ~~comments as to each recommendation for the acquisition of abandoned~~
18 ~~railroad rights-of-way and their uses and submit the report to the general~~
19 ~~assembly.~~

20 **SECTION 14.** In Colorado Revised Statutes, 43-4-404, **amend**
21 (1) as follows:

22 **43-4-404. Formula for allocation of moneys.** (1) The office of
23 transportation safety shall allocate not less than thirty percent and not
24 more than fifty percent of the moneys allocated to the office pursuant to
25 section 43-4-402 (2) to counties that have established a qualified drunken
26 driving prevention and law enforcement program. The intent of the
27 general assembly is that these moneys be expended in a manner that will

1 improve enforcement of drunken driving laws. To this end, rules for the
2 distribution of these moneys shall be developed by the office of
3 transportation safety. ~~The office shall report annually to the~~
4 ~~transportation legislation review committee on the distribution and~~
5 ~~expenditure of these funds and the nature and purpose of the programs.~~
6 All moneys appropriated hereunder shall be used for drunken driving
7 prevention and law enforcement improvement by counties and not for
8 statewide programs.

9 **SECTION 15.** In Colorado Revised Statutes, 43-4-514, **repeal** (1)
10 (c) and (4) as follows:

11 **43-4-514. Notice - coordination of information - reports.**

12 (1) (c) ~~At the time the notice required in paragraph (a) or (b) of this~~
13 ~~subsection (1) is sent to the division, a copy shall be filed with the~~
14 ~~transportation legislation review committee.~~

15 (4) ~~The authority shall report annually in the month of August to~~
16 ~~the transportation legislation review committee on its activities during the~~
17 ~~preceding twelve months and on its proposed activities during the~~
18 ~~succeeding twelve months. The board and staff of the authority shall~~
19 ~~cooperate with the transportation legislation review committee in carrying~~
20 ~~out its duties pursuant to section 43-2-145 (1.5).~~

21 **SECTION 16. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.