

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0239.01 Jason Gelender x4330

HOUSE BILL 16-1172

HOUSE SPONSORSHIP

Saine and Primavera, Nordberg, Ryden

SENATE SPONSORSHIP

Holbert and Neville T., Carroll, Jahn

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REESTABLISHMENT OF A STANDING EFFICIENCY AND**
102 **ACCOUNTABILITY COMMITTEE BY THE STATE TRANSPORTATION**
103 **COMMISSION, AND, IN CONNECTION THEREWITH, EXPANDING**
104 **THE MEMBERSHIP AND RESPONSIBILITIES OF THE COMMITTEE,**
105 **SUBJECTING THE COMMITTEE TO SUNSET REVIEW, REQUIRING**
106 **A COMMITTEE MEMBER TO DISCLOSE A PERSONAL OR PRIVATE**
107 **INTEREST THAT COULD BE AFFECTED BY A PROPOSED**
108 **COMMITTEE RECOMMENDATION AND ABSTAIN FROM ANY**
109 **COMMITTEE VOTE TO ADOPT OR REJECT THE**
110 **RECOMMENDATION, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.

HOUSE
Amended 2nd Reading
April 15, 2016

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/bills summaries>.)

Legislative Audit Committee. Current law, as enacted in 2009, requires the state transportation commission (commission) to create a standing efficiency and accountability committee (committee) and requires the committee to seek ways to maximize the efficiency of the department of transportation (CDOT) and periodically report to the commission and the executive director of CDOT regarding means by which they may execute their respective duties more efficiently. The commission established the committee as required, but in 2011 CDOT also established an internal office of process improvement (office) to improve the efficiency of its processes. The committee was disbanded in 2013 because, according to CDOT, the office's efforts to improve CDOT's efficiency were "significant and successful" and committee members did not believe that any further committee recommendations were necessary.

The bill requires the commission to reestablish the committee and expands the membership of the committee to include 4 state legislators and representatives of counties, municipalities, and nonpartisan good governance organizations. The commission may also appoint additional representatives of other industries or groups, or individuals or representatives of informally constituted groups of individuals, as it deems appropriate. The responsibilities of the committee are clarified and expanded to ensure that the committee addresses commission and CDOT accountability, specifically with respect to compliance with federal and state legal requirements and actions taken in response to the August 2015 performance audit titled "Collection and Usage of the FASTER Motor Vehicle Fees", as well as efficiency.

The committee is terminated, effective July 1, 2019, unless its existence is extended through the sunset process. A committee member must disclose a personal or private interest that could reasonably be expected to be affected if the commission or the department implements a proposed committee recommendation and abstain from any committee vote to adopt or reject the recommendation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 declares that:

4 (a) Current law, enacted in 2009, requires the transportation

1 commission (commission) to create a standing efficiency and
2 accountability committee (committee) consisting of both department of
3 transportation employees and representatives of various nongovernmental
4 transportation stakeholders;

5 (b) The commission established the committee as required by law,
6 but the committee was disbanded in 2013 because, according to the
7 department of transportation, the efforts of a separate office of process
8 improvement established by the department to improve the department's
9 efficiency were "significant and successful" and committee members did
10 not believe that any further committee recommendations were necessary;

11 (c) The disbanding of the committee was not authorized by state
12 law;

13 (d) A recent performance audit of the collection and usage of
14 motor vehicle fees collected as authorized by the "Funding Advancements
15 for Surface Transportation and Economic Recovery Act of 2009"
16 indicates that, notwithstanding some progress and successes,
17 opportunities remain to improve the efficiency and accountability of the
18 commission and the department of transportation; and

19 (e) In order to improve the efficiency and accountability of the
20 commission and the department of transportation, it is necessary and
21 appropriate to:

22 (I) Require the commission to reestablish the committee;

23 (II) Expand the membership of the committee to include
24 legislative members and representatives of local governments and
25 nonpartisan good governance organizations; and

26 (III) Clarify and expand the responsibilities of the committee to
27 ensure that it addresses not only efficiency, but also accountability.

1 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
2 (ff) (VI) as follows:

3 **2-3-1203. Sunset review of advisory committees.** (3) The
4 following dates are the dates on which the statutory authorization for the
5 designated advisory committee is scheduled for repeal:

6 (ff) July 1, 2019:

7 (VI) THE STANDING EFFICIENCY AND ACCOUNTABILITY
8 COMMITTEE CREATED IN SECTION 43-1-106, C.R.S.

9 **SECTION 3.** In Colorado Revised Statutes, 43-1-106, **amend**
10 (17) (a) introductory portion, (17) (a) (I) introductory portion, (17) (a) (II)
11 (E), (17) (a) (II) (F), and (17) (b); and **add** (17) (a) (I.5), (17) (a) (II) (G),
12 (17) (a) (II) (H), (17) (a) (II) (I), (17) (a) (III), (17) (c), and (17) (d) as
13 follows:

14 **43-1-106. Transportation commission - powers and duties -**
15 **repeal.** (17) (a) The commission shall ~~create a~~ REESTABLISH THE
16 standing efficiency and accountability committee THAT WAS INITIALLY
17 ESTABLISHED IN 2009 AND DISBANDED IN 2013. The committee shall seek
18 ways to maximize the efficiency AND ACCOUNTABILITY of the department
19 to allow increased investment in the transportation system over the short,
20 medium, and long term. The committee shall include:

21 (I) From THE EXECUTIVE BRANCH OF state government:

22 (I.5) FROM THE LEGISLATIVE BRANCH OF STATE GOVERNMENT:

23 (A) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE
24 APPOINTED FROM THE MAJORITY PARTY BY THE SPEAKER OF THE HOUSE OF
25 REPRESENTATIVES AND ONE APPOINTED FROM THE MINORITY PARTY BY
26 THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES; AND

27 (B) TWO MEMBERS OF THE SENATE, ONE APPOINTED FROM THE

1 MAJORITY PARTY BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED
2 FROM THE MINORITY PARTY BY THE SENATE MINORITY LEADER;

3 (II) From outside state government, representatives of:

4 (E) Public transportation providers; ~~and~~

5 (F) ~~Any other industries or groups that the commission determines~~
6 ~~should be represented on the committee.~~ COUNTIES;

7 (G) MUNICIPALITIES;

8 (H) NONPARTISAN GOOD GOVERNANCE ORGANIZATIONS; AND

9 (I) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION
10 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE; AND

11 (III) ANY INDIVIDUALS OR REPRESENTATIVES OF INFORMALLY
12 CONSTITUTED GROUPS OF INDIVIDUALS THAT THE COMMISSION
13 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

14 (b) The efficiency and accountability committee shall SEEK TO
15 ENSURE THAT THE COMMISSION AND THE DEPARTMENT EXECUTE THEIR
16 DUTIES EFFICIENTLY AND IN COMPLIANCE WITH ALL APPLICABLE FEDERAL
17 AND STATE LEGAL REQUIREMENTS. THE COMMITTEE SHALL periodically
18 report to the commission and the executive director ~~regarding~~ IN ORDER
19 TO RECOMMEND means by which the commission and the department may
20 execute their duties more efficiently, POINT OUT ANY FAILURES OF THE
21 COMMISSION OR THE DEPARTMENT TO COMPLY WITH APPLICABLE FEDERAL
22 AND STATE LEGAL REQUIREMENTS, AND RECOMMEND IMPROVEMENTS TO
23 COMMISSION OR DEPARTMENT PROCEDURES THAT REDUCE THE
24 LIKELIHOOD OF INADVERTENT LEGAL COMPLIANCE FAILURES. THE
25 COMMITTEE SHALL ALSO SPECIFICALLY EXAMINE ACTIONS TAKEN BY THE
26 COMMISSION AND THE DEPARTMENT IN RESPONSE TO THE AUGUST 2015
27 PERFORMANCE AUDIT REPORT PREPARED BY THE STATE AUDITOR TITLED

1 "COLLECTION AND USAGE OF THE FASTER MOTOR VEHICLE FEES" AND
2 REPORT ITS FINDINGS REGARDING THE APPROPRIATENESS, EFFECTIVENESS,
3 AND EFFICIENCY OF THOSE ACTIONS. The executive director or the
4 executive director's designee shall report at least once per calendar year
5 to either the committees of the house of representatives and the senate
6 that have jurisdiction over transportation or the transportation legislation
7 review committee created in section 43-2-145 (1) regarding the activities
8 and recommendations of the efficiency and accountability committee and
9 any actions taken by the commission or the department to implement
10 recommendations of the committee. NOTWITHSTANDING SECTION
11 24-1-136 (11) (a), C.R.S., THE REPORTING REQUIREMENT CONTINUES
12 INDEFINITELY.

13 (c) A MEMBER OF THE EFFICIENCY AND ACCOUNTABILITY
14 COMMITTEE WHO HAS A PERSONAL OR PRIVATE INTEREST THAT COULD
15 REASONABLY BE EXPECTED TO BE AFFECTED IF THE COMMISSION OR THE
16 DEPARTMENT IMPLEMENTS A PROPOSED COMMITTEE RECOMMENDATION
17 SHALL DISCLOSE THE INTEREST TO THE COMMITTEE AND SHALL ABSTAIN
18 FROM ANY COMMITTEE VOTE TO ADOPT OR REJECT THE
19 RECOMMENDATION.

20 (d) THIS SUBSECTION (17) IS REPEALED, EFFECTIVE JULY 1, 2019.
21 BEFORE ITS REPEAL, THIS SUBSECTION (17) IS SCHEDULED FOR REVIEW IN
22 ACCORDANCE WITH SECTION 2-3-1203 (3), C.R.S.

23 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,
24 \$3,248 is appropriated to the legislative department for use by the general
25 assembly. This appropriation is from the general fund. To implement this
26 act, the general assembly may use this appropriation for per diem and
27 travel expenses.

1 **SECTION 5. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.