

## CHAPTER 331

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**TRANSPORTATION**

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**HOUSE BILL 16-1172**

BY REPRESENTATIVE(S) Saine and Primavera, Nordberg, Ryden, Becker K., Brown, Carver, Conti, Court, Duran, Fields, Humphrey, Kraft-Tharp, Lawrence, Lebsack, Lontine, Mitsch Bush, Neville P., Pabon, Pettersen, Priola, Ransom, Rosenthal, Roupe, Salazar, Van Winkle, Windholz, Wist, Hullinghorst;  
also SENATOR(S) Holbert and Neville T., Carroll, Jahn, Jones, Martinez Humenik, Merrifield, Todd, Woods.

**AN ACT**

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

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

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

(a) Current law, enacted in 2009, requires the transportation commission (commission) to create a standing efficiency and accountability committee (committee) consisting of both department of transportation employees and representatives of various nongovernmental transportation stakeholders;

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

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

(d) A recent performance audit of the collection and usage of motor vehicle fees collected as authorized by the "Funding Advancements for Surface Transportation

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

and Economic Recovery Act of 2009" indicates that, notwithstanding some progress and successes, opportunities remain to improve the efficiency and accountability of the commission and the department of transportation; and

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

(I) Require the commission to reestablish the committee;

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

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

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

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

(ff) July 1, 2019:

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

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

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

(I) From THE EXECUTIVE BRANCH OF state government:

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

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

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

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

(II) From outside state government, representatives of:

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

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

(G) MUNICIPALITIES;

(H) NONPARTISAN GOOD GOVERNANCE ORGANIZATIONS; AND

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

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

(b) The efficiency and accountability committee shall SEEK TO ENSURE THAT THE COMMISSION AND THE DEPARTMENT EXECUTE THEIR DUTIES EFFICIENTLY AND IN COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE LEGAL REQUIREMENTS. THE COMMITTEE SHALL periodically report to the commission and the executive director ~~regarding~~ IN ORDER TO RECOMMEND means by which the commission and the department may execute their duties more efficiently, POINT OUT ANY FAILURES OF THE COMMISSION OR THE DEPARTMENT TO COMPLY WITH APPLICABLE FEDERAL AND STATE LEGAL REQUIREMENTS, AND RECOMMEND IMPROVEMENTS TO COMMISSION OR DEPARTMENT PROCEDURES THAT REDUCE THE LIKELIHOOD OF INADVERTENT LEGAL COMPLIANCE FAILURES. THE COMMITTEE SHALL ALSO SPECIFICALLY EXAMINE ACTIONS TAKEN BY THE COMMISSION AND THE DEPARTMENT IN RESPONSE TO THE AUGUST 2015 PERFORMANCE AUDIT REPORT PREPARED BY THE STATE AUDITOR TITLED "COLLECTION AND USAGE OF THE FASTER MOTOR VEHICLE FEES" AND REPORT ITS FINDINGS REGARDING THE APPROPRIATENESS, EFFECTIVENESS, AND EFFICIENCY OF THOSE ACTIONS. The executive director or the executive director's designee shall report at least once per calendar year to either the committees of the house of representatives and the senate that have jurisdiction over transportation or the transportation legislation review committee created in section 43-2-145 (1) regarding the activities and recommendations of the efficiency and accountability committee and any actions taken by the commission or the department to implement recommendations of the committee. NOTWITHSTANDING SECTION 24-1-136 (11) (a), C.R.S., THE REPORTING REQUIREMENT CONTINUES INDEFINITELY.

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

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

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

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

Approved: June 10, 2016