

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 17-0283.01 Kristen Forrestal x4217

SENATE BILL 17-231

SENATE SPONSORSHIP

Moreno, Kerr, Martinez Humenik, Tate

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, Nordberg

Senate Committees

Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**
102 **DEPARTMENT OF TRANSPORTATION TO THE GENERAL**
103 **ASSEMBLY.**

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://leg.colorado.gov/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly,

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.

SENATE
Amended 2nd Reading
March 28, 2017

acting by bill, continues the requirement. The bill addresses reporting requirements of the department of transportation.

Sections 1 and 2 and 4 through 9 of the bill repeal a report that was scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Section 3 of the bill adds a repeal date in the organic statute that coincides with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1306, **repeal** (4)
3 as follows:

4 **42-4-1306. Colorado task force on drunk and impaired driving**
5 **- creation - legislative declaration.** (4) ~~The task force shall report its~~
6 ~~findings and recommendations to the judiciary committees of the house~~
7 ~~of representatives and the senate, or any successor committees, on or~~
8 ~~before January 15, 2007, and on or before each January 15 thereafter.~~

9 **SECTION 2.** In Colorado Revised Statutes, 42-4-1612, **repeal** (1)
10 as follows:

11 **42-4-1612. Accidents in state highway work areas.** (1) ~~On or~~
12 ~~before February 15, 2011, and on or before February 15 of each~~
13 ~~succeeding year, the department of transportation and the Colorado state~~
14 ~~patrol shall present a joint report to the transportation and energy~~
15 ~~committee of the house of representatives and the transportation~~
16 ~~committee of the senate, or any successor committees, regarding fatal~~
17 ~~accidents in state highway work areas during the preceding year. The~~
18 ~~report shall include, at a minimum:~~

19 (a) ~~A summary of the total number of fatal accidents and the total~~
20 ~~number of individuals killed;~~

21 (b) ~~A categorization of the total number of individuals killed that~~

1 identifies the individuals as employees of the department of
2 transportation, employees of contractors or subcontractors working on a
3 project for the department, or other individuals;

4 (c) A copy of the accident reporting form for each fatal accident;

5 (d) A description of both ongoing and newly implemented
6 measures taken by the department of transportation to prevent fatal
7 accidents in state highway work areas.

8 **SECTION 3.** In Colorado Revised Statutes, 43-1-123, **amend** (4)
9 as follows:

10 **43-1-123. Project closure and project reporting requirements**

11 **- repeal.** (4) (a) On or after July 1, 2016, and on ~~and~~ OR after July 1 of
12 each year thereafter, the department shall report to the transportation
13 legislation review committee created in section 43-2-145 (1) regarding all
14 policy amendments made to the statewide transportation improvement
15 plan that were adopted during the most recently ended fiscal year and that
16 added or deleted a project from the plan or modified the funding priority
17 of any project included in the plan. The report shall include an
18 explanation of the reasons for each reported policy amendment.

19 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
20 (4) IS REPEALED, EFFECTIVE JULY 2, 2019.

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

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

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

10

==

11 **SECTION 5.** In Colorado Revised Statutes, 43-4-713, **amend** (1)
12 introductory portion as follows:

13 **43-4-713. Annual reports.** (1) NOTWITHSTANDING SECTION
14 24-1-136 (11)(A)(I), no later than January 15, 2001, and no later than
15 January 15 of each year thereafter, the executive director shall submit a
16 report to the members of the joint budget committee of the general
17 assembly, the members of the legislative audit committee of the general
18 assembly, the chair of the transportation and energy committee of the
19 house of representatives, and the chair of the transportation committee of
20 the senate that includes, at a minimum, the following information:

21 **SECTION 6.** In Colorado Revised Statutes, 43-4-805, **repeal** (6)
22 as follows:

23 **43-4-805. Statewide bridge enterprise - creation - board -**
24 **funds - powers and duties - legislative declaration.** (6) ~~No later than~~
25 ~~February 15, 2010, and no later than February 15 of each year thereafter,~~
26 ~~the bridge enterprise shall present a report to the committees of the house~~
27 ~~of representatives and the senate that have jurisdiction over~~

1 transportation. The report shall include a summary of the bridge
2 enterprise's activities for the previous year, a summary of the status of any
3 current designated bridge projects, a statement of the enterprise's
4 revenues and expenses, an estimate of the number of jobs created or
5 preserved as a result of the enterprise's activities, and any
6 recommendations for statutory changes that the enterprise deems
7 necessary or desirable. The committees shall review the report and may
8 recommend legislation. The report shall be public and shall be available
9 on the website of the department on or before January 15 of the year in
10 which the report is presented.

11 **SECTION 7.** In Colorado Revised Statutes, 43-4-806, **repeal** (10)
12 as follows:

13 **43-4-806. High-performance transportation enterprise -**
14 **creation - board - funds - powers and duties - limitations - reporting**
15 **requirements - legislative declaration.** (10) No later than February 15,
16 2010, and no later than February 15 of each year thereafter, the
17 transportation enterprise shall present a report to the committees of the
18 house of representatives and the senate that have jurisdiction over
19 transportation. The report shall include a summary of the transportation
20 enterprise's activities for the previous year, a summary of the status of any
21 current surface transportation infrastructure projects, a statement of the
22 enterprise's revenues and expenses, and any recommendations for
23 statutory changes that the enterprise deems necessary or desirable. The
24 committees shall review the report and may recommend legislation. The
25 report shall be public and shall be available on the website of the
26 department on or before January 15 of the year in which the report is
27 presented.

1 **SECTION 8.** In Colorado Revised Statutes, **repeal** 43-4-813 as
2 follows:

3 **43-4-813. Transportation deficit report - annual reporting**
4 **requirement.** ~~No later than June 30, 2009, and no later than March 1 of~~
5 ~~any fiscal year in which road or bridge safety surcharges are imposed~~
6 ~~pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), the department~~
7 ~~shall prepare and present to the transportation and energy committee of~~
8 ~~the house of representatives and the transportation committee of the~~
9 ~~senate, or any successor committees, a transportation deficit report that~~
10 ~~separately addresses the goals of repairing deficient highways and~~
11 ~~bridges, as evidenced by a C or D rating, sustaining existing~~
12 ~~transportation system performance levels, and achieving the corridor~~
13 ~~visions described by regional transportation plans and public preferences.~~
14 ~~For each goal, the report shall include a listing of the annual costs for~~
15 ~~each of the next ten fiscal years of achieving the goal; the annual increase~~
16 ~~and rate of increase of the costs; the factors contributing to the costs,~~
17 ~~including, but not limited to, the rate and geographic distribution of~~
18 ~~population growth, vehicle size and weight, land use policies, and work~~
19 ~~patterns; methods of reducing the impact of the cost factors, including,~~
20 ~~but not limited to, land use policy changes, increased use of transit,~~
21 ~~telecommuting, and peak transportation system demand reduction~~
22 ~~practices and economic incentives; and a comparison of the costs of~~
23 ~~mitigating the cost factors and the costs of achieving the goal by~~
24 ~~repairing, upgrading, or expanding the transportation system. The report~~
25 ~~shall explain why any cost estimate for a goal differs by more than five~~
26 ~~percent from any department estimate of such costs published before~~
27 ~~March 2, 2009, and shall separately account for cost overruns other than~~

1 ~~overruns attributable to increases in the Colorado construction cost index.~~
2 ~~The department shall publish the report on its website in a format that can~~
3 ~~be downloaded.~~

4 **SECTION 9.** In Colorado Revised Statutes, 43-10-109, **repeal** (4)
5 as follows:

6 **43-10-109. Aviation fund created.** (4) ~~No later than November~~
7 ~~1, 2003, and no later than November 1 of each year thereafter, the~~
8 ~~department of transportation shall submit a report to the members of the~~
9 ~~joint budget committee that includes, at a minimum, the following~~
10 ~~information:~~

11 (a) ~~The amounts, recipients, and purposes of moneys transferred~~
12 ~~from the fund during the prior state fiscal year:~~

13 (I) ~~(Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p.~~
14 ~~302, § 4, effective August 5, 2009.)~~

15 (II) ~~To the airport operating fund of the governmental entity~~
16 ~~operating the FAA-designated public-use airport pursuant to section~~
17 ~~43-10-110 (2) (a); and~~

18 (III) ~~For the awarding of state aviation system grants pursuant to~~
19 ~~section 43-10-108.5;~~

20 (b) ~~The balance remaining in the fund as of June 30 of each state~~
21 ~~fiscal year and an explanation of any such balance; and~~

22 (c) ~~Any additional information pertaining to the transfer of~~
23 ~~moneys from the fund as the joint budget committee may request in the~~
24 ~~exercise of its discretion.~~

25 **SECTION 10. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.