

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Transportation & Energy

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
3rd Reading Unamended
March 29, 2017

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.

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11

SECTION 5. In Colorado Revised Statutes, **repeal** 43-4-713 as

12

follows:

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43-4-713. Annual reports. ~~(1) No later than January 15, 2001,~~

14

~~and no later than January 15 of each year thereafter, the executive director~~

15

~~shall submit a report to the members of the joint budget committee of the~~

16

~~general assembly, the members of the legislative audit committee of the~~

17

~~general assembly, the chair of the transportation and energy committee of~~

18

~~the house of representatives, and the chair of the transportation committee~~

19

~~of the senate that includes, at a minimum, the following information:~~

20

~~(a) The total amount of revenue anticipation notes issued by the~~

21

~~executive director in accordance with this part 7;~~

22

~~(b) The qualified federal aid transportation projects for which the~~

23

~~proceeds from such revenue anticipation notes have been expended, the~~

24

~~amount of note proceeds expended on each project, the status of each~~

25

~~project, and the estimated date of completion for such projects not yet~~

26

~~completed;~~

27

~~(c) The total amount of federal transportation funds paid to the~~

1 ~~department since such revenue anticipation notes have been issued; and~~
2 ~~(d) The total amount of proceeds from the issuance of revenue~~
3 ~~anticipation notes, state matching funds, and federal transportation funds~~
4 ~~allocated by the commission in each state fiscal year for the payment of~~
5 ~~such revenue anticipation notes and the costs associated with the issuance~~
6 ~~and administration of such notes.~~

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

9 **43-4-805. Statewide bridge enterprise - creation - board -**
10 **funds - powers and duties - legislative declaration.** (6) No later than
11 February 15, 2010, and no later than February 15 of each year thereafter,
12 the bridge enterprise shall present a report to the committees of the house
13 of representatives and the senate that have jurisdiction over
14 transportation. The report shall include a summary of the bridge
15 enterprise's activities for the previous year, a summary of the status of any
16 current designated bridge projects, a statement of the enterprise's
17 revenues and expenses, an estimate of the number of jobs created or
18 preserved as a result of the enterprise's activities, and any
19 recommendations for statutory changes that the enterprise deems
20 necessary or desirable. The committees shall review the report and may
21 recommend legislation. The report shall be public and shall be available
22 on the website of the department on or before January 15 of the year in
23 which the report is presented.

24 **SECTION 7.** In Colorado Revised Statutes, 43-4-806, **amend**
25 (10) as follows:

26 **43-4-806. High-performance transportation enterprise -**
27 **creation - board - funds - powers and duties - limitations - reporting**

1 **requirements - legislative declaration.** (10) NOTWITHSTANDING
2 SECTION 24-1-136 (11)(a)(I), no later than February 15, 2010, and no later
3 than February 15 of each year thereafter, the transportation enterprise
4 shall present a report to the committees of the house of representatives
5 and the senate that have jurisdiction over transportation. The report shall
6 include a summary of the transportation enterprise's activities for the
7 previous year, a summary of the status of any current surface
8 transportation infrastructure projects, a statement of the enterprise's
9 revenues and expenses, and any recommendations for statutory changes
10 that the enterprise deems necessary or desirable. The committees shall
11 review the report and may recommend legislation. The report shall be
12 public and shall be available on the website of the department on or
13 before January 15 of the year in which the report is presented.

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

16 **43-4-813. Transportation deficit report - annual reporting**
17 **requirement.** ~~No later than June 30, 2009, and no later than March 1 of~~
18 ~~any fiscal year in which road or bridge safety surcharges are imposed~~
19 ~~pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), the department~~
20 ~~shall prepare and present to the transportation and energy committee of~~
21 ~~the house of representatives and the transportation committee of the~~
22 ~~senate, or any successor committees, a transportation deficit report that~~
23 ~~separately addresses the goals of repairing deficient highways and~~
24 ~~bridges, as evidenced by a C or D rating, sustaining existing~~
25 ~~transportation system performance levels, and achieving the corridor~~
26 ~~visions described by regional transportation plans and public preferences.~~
27 ~~For each goal, the report shall include a listing of the annual costs for~~

1 each of the next ten fiscal years of achieving the goal; the annual increase
2 and rate of increase of the costs; the factors contributing to the costs,
3 including, but not limited to, the rate and geographic distribution of
4 population growth, vehicle size and weight, land use policies, and work
5 patterns; methods of reducing the impact of the cost factors, including,
6 but not limited to, land use policy changes, increased use of transit,
7 telecommuting, and peak transportation system demand reduction
8 practices and economic incentives; and a comparison of the costs of
9 mitigating the cost factors and the costs of achieving the goal by
10 repairing, upgrading, or expanding the transportation system. The report
11 shall explain why any cost estimate for a goal differs by more than five
12 percent from any department estimate of such costs published before
13 March 2, 2009, and shall separately account for cost overruns other than
14 overruns attributable to increases in the Colorado construction cost index.
15 The department shall publish the report on its website in a format that can
16 be downloaded.

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

19 **43-10-109. Aviation fund created.** (4) No later than November
20 1, 2003, and no later than November 1 of each year thereafter, the
21 department of transportation shall submit a report to the members of the
22 joint budget committee that includes, at a minimum, the following
23 information:

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

26 (I) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p.
27 302, § 4, effective August 5, 2009.)

1 ~~(H) To the airport operating fund of the governmental entity~~
2 ~~operating the FAA-designated public-use airport pursuant to section~~
3 ~~43-10-110 (2) (a); and~~

4 ~~(HH) For the awarding of state aviation system grants pursuant to~~
5 ~~section 43-10-108.5;~~

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

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

11 **SECTION 10. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.