

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0345.01 Jason Gelender x4330

SENATE BILL 20-017

SENATE SPONSORSHIP

Winter, Donovan, Foote, Hisey, Moreno, Pettersen, Priola, Fenberg, Garcia, Ginal, Hansen, Rodriguez, Tate

HOUSE SPONSORSHIP

Gray, Duran, Exum, Froelich, Hooton, Valdez A., Valdez D., Becker, Bird, Bockenfeld, Esgar, Kipp, McLachlan, Melton, Michaelson Jenet, Singer, Snyder, Titone, Woodrow

Senate Committees
Transportation & Energy

House Committees
Transportation & Local Government

HOUSE
3rd Reading Unamended
March 4, 2020

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE HIGH-PERFORMANCE**
102 **TRANSPORTATION ENTERPRISE INCLUDE INFORMATION ABOUT**
103 **ITS PUBLIC-PRIVATE PARTNERSHIPS IN ITS ANNUAL REPORT TO**
104 **THE LEGISLATIVE COMMITTEES OF THE HOUSE OF**
105 **REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION**
106 **OVER TRANSPORTATION.**

HOUSE
2nd Reading Unamended
March 3, 2020

SENATE
3rd Reading Unamended
January 30, 2020

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/>.)

Transportation Legislation Review Committee. Current law

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

SENATE
Amended 2nd Reading
January 29, 2020

authorizes the high-performance transportation enterprise (HPTE) to enter into public-private partnerships, which are contractual agreements between HPTE and one or more private or public entities, to deliver or contribute to the delivery of surface transportation projects and requires HPTE to provide an annual report on its activities to the legislative committees that have jurisdiction over transportation (currently the house of representatives transportation and local government committee and the senate transportation and energy committee). Beginning with the annual report due in 2021, the bill requires HPTE to include in the annual report, for each of its executed or proposed public-private partnerships, summaries of:

- ! The processes that HPTE has used leading up to or anticipates using to lead up to its entry into the public-private partnership, including the processes for obtaining and responding to public questions, concerns, and other comments or input and the processes for selecting each partner to the public-private partnership; and
- ! The actual major financial, performance, and length-of-term provisions of its executed public-private partnerships and, to the extent feasible, the anticipated major financial, performance, and length-of-term provisions of its proposed public-private partnerships.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-4-806, **amend**
3 (10) as follows:

4 **43-4-806. High-performance transportation enterprise -**
5 **creation - board - funds - powers and duties - limitations - reporting**
6 **requirements - legislative declaration - definition.**

7 (10) (a) Notwithstanding section 24-1-136 (11)(a)(I), no later than
8 February 15, 2010, and no later than February 15 of each year thereafter,
9 the transportation enterprise shall present a report to the committees of
10 the house of representatives and the senate that have jurisdiction over
11 transportation. The report ~~shall~~ **MUST** include a summary of the
12 transportation enterprise's activities for the previous year, a summary of
13 the status of any current surface transportation infrastructure projects, a

1 statement of the enterprise's revenues and expenses, and any
2 recommendations for statutory changes that the enterprise deems
3 necessary or desirable. The committees shall review the report and may
4 recommend legislation. The report shall be public and shall be available
5 on the website of the department on or before January 15 of the year in
6 which the report is presented.

7 (b) BEGINNING WITH THE REPORT DUE NO LATER THAN FEBRUARY
8 15, 2021, THE REPORT SHALL ALSO INCLUDE FOR EACH OF THE
9 TRANSPORTATION ENTERPRISE'S EXECUTED OR PROPOSED PUBLIC-PRIVATE
10 PARTNERSHIPS:

11 (I) A SUMMARY OF THE PROCESSES THAT THE TRANSPORTATION
12 ENTERPRISE HAS USED LEADING UP TO OR ANTICIPATES USING TO LEAD UP
13 TO ITS ENTRY INTO THE PUBLIC-PRIVATE PARTNERSHIP, INCLUDING THE
14 PROCESSES FOR OBTAINING AND RESPONDING TO PUBLIC QUESTIONS,
15 CONCERNS, AND OTHER COMMENTS OR INPUT, THE PROCESSES FOR
16 KEEPING THE STATE LEGISLATORS AND LOCAL ELECTED OFFICIALS WHO
17 REPRESENT ANY AREA IN WHICH A SURFACE TRANSPORTATION
18 INFRASTRUCTURE PROJECT OF THE PUBLIC-PRIVATE PARTNERSHIP WILL BE
19 LOCATED INFORMED AND UPDATED ABOUT THE PROJECT AND THE
20 PUBLIC-PRIVATE PARTNERSHIP, AND THE PROCESSES FOR SELECTING EACH
21 PARTNER TO THE PUBLIC-PRIVATE PARTNERSHIP; AND

22 (II) A SUMMARY OF THE ACTUAL, OR TO THE EXTENT AVAILABLE
23 THE ANTICIPATED, MAJOR FINANCIAL, PERFORMANCE, AND
24 LENGTH-OF-TERM PROVISIONS OF THE PUBLIC-PRIVATE PARTNERSHIP.

25 **SECTION 2. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.