

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
Second Regular Session

Ninety-fourth Legislative Day

Friday, April 12, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

Call to Order By the President Pro-tem at 9:00 a.m.

Roll Call Present--Total, 23.
Absent/Excused--Anderson, Andrews, Entz, Hagedorn, Hernandez, Hillman, Lamborn, Linkhart, Matsunaka, Owen, Taylor, Teck--Total, 12.
Present later--Anderson, Hernandez, Linkhart, Matsunaka.

Quorum The President Pro-tem announced a quorum present.

Reading of Journal On motion of Senator Windels, reading of the Journal of Thursday, April 11 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1357** be amended as follows and, as so amended be referred to Business, Labor, and Finance with favorable recommendation.

Amend reengrossed bill, page 2, line 12, strike "applications AND DOES NOT INCLUDE" and substitute "applications, APPLICATIONS FOR A CHANGE OF USE FOR AN EXISTING STRUCTURE, APPLICATIONS FOR BOUNDARY ADJUSTMENTS, APPLICATIONS FOR PLATTING OF AN ADDITIONAL SINGLE LOT, APPLICATIONS FOR LOT SITE PLANS, OR";

line 14, after "CHILLED" insert "AND OTHER".

Page 3, line 3, after "(a),", insert "and 24-65.5-103 (2) (a) (I) and (2) (b),";

line 4, strike "is" and substitute "are";

line 13, after "GOVERNMENT.", add "LOCAL GOVERNMENTS SHALL, PURSUANT TO SECTION 24-6-402 (7), PROVIDE NOTICE OF SUBSEQUENT HEARINGS TO MINERAL ESTATE OWNERS WHO REGISTER FOR SUCH NOTIFICATION.";

line 17, after "ADDRESS", insert "OF RECORD";

after line 18, insert the following:

"(I) The identity AND ADDRESS OF RECORD of the owner of the mineral estate; or

(b) If such records do not identify any mineral estate owners, INCLUDING THEIR ADDRESSES OF RECORD, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations under this article. The applicant shall not be liable for any errors or omissions in such records."

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1412.

Without comment, as amended, HB02-1259, 1029, 1114, 1241, 1281, and 1307.

INTRODUCTION OF BILLS--FIRST READING

The following bill was read by title and referred to the committee indicated:

SB02-212 by Senator(s) Matsunaka; --Concerning a program to provide assistance funded through the state education fund to certain poorly performing public school students through school districts.
Education

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR02-031 by Senator(s) May; also Representative(s) Fritz, Sinclair--Concerning the designation of April 15, 2002, as "Colorado Military and Space Industry Day".

Laid over one day under Senate Rule 30(b).

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1163 by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until later in the day, April 12.

SB02-176 by Senator(s) Matsunaka, Perlmutter, Reeves; --Concerning limitations on the authority of the Colorado commission on higher education.

Laid over until later in the day, April 12.

HB02-1322 by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Andrews, Matsunaka--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	E	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

SB02-173 by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.

Laid over until later in the day, April 12.

HB02-1220 by Representative(s) Larson; also Senator(s) Hanna--Concerning the insurance coverage of hearing aids for minors, and making an appropriation in connection therewith.

Laid over until later in the day, April 12.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR’S APPOINTMENTS

On motion of Senator Pascoe, the following Governor’s appointments were confirmed by a roll call vote:

HIGH TECHNOLOGY SCHOLARSHIP PROGRAM
ADVISORY COMMITTEE

for terms expiring July 1, 2003:

The Honorable Keith King of Colorado Springs, Colorado, appointed;

John Rael, Jr. of Arvada, Colorado, appointed;

Donald W. Vanlandingham of Longmont, Colorado, appointed.

for terms expiring July 1, 2003:

Amy A. Redfern of Louisville, Colorado, appointed;

John W. Rigen of Monument, Colorado, appointed.

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Nichol, the following Governor’s appointment was confirmed by a roll call vote:

ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2005:

Leona K. James of Montrose, Colorado, to serve as a representative of local cities and town government, reappointed.

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions; **SJR02-024**.

CONSIDERATION OF RESOLUTIONS

SJR02-024

by Senator(s) Pascoe, Anderson, Cairns, Evans, Fitz-Gerald, Matsunaka, Owen, Reeves, Tupa, Windels; also Representative(s) Spence, Bacon, Berry, Daniel, Decker, Groff, Hefley, King, Lawrence, Lee, Saliman, Stengel, White, Williams S., Williams T., Witwer, Young--Concerning approval of the performance contract between the Colorado School of Mines and the Colorado Commission on Higher Education.

On motion of Senator Pascoe, the resolution was **adopted** by the following roll call vote:

SJR02-024

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsor added: Hernandez.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-113

by Senator(s) Epps; also Representative(s) King--Concerning cooperation by institutions of higher education with federal anti-terrorism measures.

Senator Epps moved that the Senate not concur in House amendments to **SB02-113**, as printed in House Journal, March 8, page 765, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

Senator Epps moved that the Senate Conferrees on the First Conference Committee on **SB02-113** be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

(For further action, see Appointments to Conference Committees.)

Senate in Recess--Senate Reconvened.

SB02-114

by Senator(s) Hanna; also Representative(s) Crane--Concerning the regulation of ski area guest child care facilities.

Senator Hanna moved that the Senate concur in House amendments to **SB02-114**, as printed in House Journal, March 8, page 877. The motion was **passed** by the following roll call vote:

YES	27	NO	0	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

SB02-114

YES	26	NO	1	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB02-032

by Senator(s) Teck; also Representative(s) Berry--Concerning the extension of the period that a portion of municipal taxes may be allocated to a special fund to pay indebtedness related to a downtown development authority.

Laid over until Monday, April 15, retaining its place on the calendar.

SB02-141

by Senator(s) Perlmutter, Andrews, Dyer, Fitz-Gerald, Lamborn, Matsunaka, May, Nichol, Takis, Teck; also Representative(s) Williams T., Daniel, Dean, Hoppe, Jahn, Kester, Rippy, Spence, Spradley, Veiga, Vigil, White--Concerning the determination of royalty payments from oil and gas leases, and, in connection therewith, establishing a special ad-hoc task force to address issues relating to such royalty interests.

Laid over until Monday, April 15, retaining its place on the calendar.

SB02-020

by Senator(s) Gordon; also Representative(s) Mitchell--Concerning a prohibition against the examination of confidential communications made by a minor child to a parent and, in connection therewith, creating exceptions to the prohibition.

Senator Gordon moved that the Senate concur in House amendments to **SB02-020**, as printed in House Journal, March 22, page 966. The motion was **passed** by the following roll call vote:

YES	27	NO	0	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	2	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	N	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB02-136

by Senator(s) Andrews; also Representative(s) Lee--Concerning the teaching of a unit on patriotism in each public school in the state.

Laid over until Monday, April 15, retaining its place on the calendar.

SB02-099

by Senator(s) Nichol, Entz, Isgar, Takis, Teck, Cairns; also Representative(s) Spradley-- Concerning the updating of statutory provisions regarding the state military forces.

Senator Nichol moved that the Senate not concur in House amendments to **SB02-099**, as printed in House Journal, March 27, page 1037, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

(For further action, see Appointments to Conference Committees.)

SB02-128

by Senator(s) Epps; also Representative(s) Hefley--Concerning the ability of youth in out-of-home placement to obtain authority from the department of revenue to drive.

Senator Epps moved that the Senate concur in House amendments to **SB02-128**, as printed in House Journal, March 27, page 1036 and on April 2, pages 1083-1085. The motion was **passed** by the following roll call vote:

YES	27	NO	0	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	27	NO	0	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB02-151

by Senator(s) Takis; also Representative(s) Romanoff--Concerning affordable housing projects financed through the division of housing.

Senator Takis moved that the Senate concur in House amendments to **SB02-151**, as printed in House Journal, April 1, page 1068. The motion was **passed** by the following roll call vote:

YES	27	NO	0	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

SB02-151

YES	21	NO	6	EXCUSED	8	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	E	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	E	Musgrave	N	Taylor	E
Cairns	N	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	N	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

Co-sponsors added: Hernandez, Perlmutter.

SB02-132

by Senator(s) Nichol; also Representative(s) Larson--Concerning the reformation of the regulation of persons who tow abandoned motor vehicles, and, in connection therewith, recodifying the laws regulating towing abandoned vehicles.

Laid over to follow **SB02-182**.

SB02-161

by Senator(s) Perlmutter; also Representative(s) Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

Laid over until Monday, April 15, retaining its place on the calendar.

SB02-182

by Senator(s) Thiebaut, Hillman; also Representative(s) Paschall, Grossman--Concerning changes to borders between legislative districts due to a division of a residential parcel, and making an appropriation in connection therewith.

Senator Thiebaut moved that the Senate concur in House amendments to **SB02-182**, as printed in House Journal, April 5, page 1167. The motion was **passed** by the following roll call vote:

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	E	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	E	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB02-132

by Senator(s) Nichol; also Representative(s) Larson--Concerning the reformation of the regulation of persons who tow abandoned motor vehicles, and, in connection therewith, recodifying the laws regulating towing abandoned vehicles.

Senator Nichol moved that the Senate concur in House amendments to **SB02-132**, as printed in House Journal, April 1, page 1069. The motion was **passed** by the following roll call vote:

SB02-132

YES	26	NO	0	EXCUSED	9	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	E	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	1	EXCUSED	9	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	E
Cairns	Y	Hanna	Y	Nichol	Y	Teck	E
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	E	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

COMMITTEE OF REFERENCE REPORTS

Government, Veterans and Military Relations and Transportation

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2003:

Harold W. Patton, Jr. of Greenwood Village, Colorado, to fill the vacancy occasioned by the resignation of Jeffrey C. Price of Westminster, Colorado, to serve as a representative of local government which operate airports from the eastern slope, appointed.

Government Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **HB02-1338** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 10 through 12 and substitute the following:

"basic emissions program. ~~or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer~~".

Page 4, line 1, strike "FUND." and substitute "FUND OR TO VEHICLES THAT HAVE BEEN EMISSIONS TESTED AT SUCH STATIONS AND ARE IN COMPLIANCE WITH SECTION 42-4-310.";

before line 2, insert the following:

"SECTION 3. Effective date. This act shall take effect September 1, 2002."

Renumber succeeding section accordingly.

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Government Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **HB02-1310** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12

GROWTH DIVIDEND FUNDS

24-75-1201. Growth dividend capital construction and rainy day fund - creation - transfers to fund - use of moneys in fund.

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND. THE FUND SHALL CONSIST OF:

(a) MONEYS TRANSFERRED FROM THE GENERAL FUND TO THE FUND PURSUANT TO SECTION 24-77-103 (2) (b) (II.5); AND

(b) ALL INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND.

(2) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2003, IF THE REVENUE ESTIMATE MADE IN DECEMBER OF THE FISCAL YEAR PURSUANT TO SECTION 24-75-201.3 (2) INDICATES THAT THERE WILL BE A REVENUE SHORTFALL FOR THE FISCAL YEAR BASED ON APPROPRIATIONS THEN IN EFFECT, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND FOR THE PURPOSE OF SUPPLEMENTING GENERAL FUND REVENUES FOR THE FISCAL YEAR. APPROPRIATIONS FROM THE FUND SHALL NOT EXCEED THE AMOUNT NEEDED TO FUND UP TO THE TOTAL AMOUNT OF GENERAL FUND APPROPRIATIONS IN EFFECT FOR THE FISCAL YEAR.

24-75-1202. Growth dividend transportation fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GROWTH DIVIDEND TRANSPORTATION FUND. THE FUND SHALL CONSIST OF:

(a) MONEYS TRANSFERRED FROM THE GENERAL FUND TO THE FUND PURSUANT TO SECTION 24-77-103 (2) (b) (II.5); AND

(b) ALL INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE GROWTH DIVIDEND TRANSPORTATION FUND SOLELY FOR THE PURPOSE OF FUNDING TRANSPORTATION PROJECTS, INCLUDING STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPACITY EXPANSION PROJECTS AND TRANSIT PROJECTS, IN THE STATE THAT ARE NOT INCLUDED ON THE PRIORITIZED LIST OF PROJECTS SUBMITTED TO THE CAPITAL DEVELOPMENT COMMITTEE BY THE TRANSPORTATION COMMISSION WITH THE COMMISSION'S ANNUAL CAPITAL CONSTRUCTION REQUEST PURSUANT TO SECTION 2-3-1304, C.R.S.

(b) (I) FOR THE 2003-04 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE GROWTH DIVIDEND TRANSPORTATION FUND TO THE DEPARTMENT OF TRANSPORTATION FOR ALLOCATION TO THE FOLLOWING SPECIAL PROJECTS AS FOLLOWS:

(A) TWO MILLION DOLLARS FOR AN ENVIRONMENTAL IMPACT STUDY ON THE NORTH INTERSTATE HIGHWAY 25 CORRIDOR;

(B) TWO MILLION DOLLARS FOR AN ENVIRONMENTAL IMPACT STUDY ON THE UNITED STATES HIGHWAY 50 CORRIDOR BETWEEN PUEBLO AND THE KANSAS STATE LINE;

(C) A TOTAL OF TWO MILLION DOLLARS FOR IMPROVEMENTS TO

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BOTH UNITED STATES HIGHWAY 160 AT WOLF CREEK PASS AND UNITED STATES HIGHWAY 550 BETWEEN DURANGO AND THE NEW MEXICO STATE LINE; AND

(D) TWO MILLION DOLLARS FOR IMPROVEMENTS TO INTERSTATE HIGHWAY 70 BETWEEN TOWER ROAD AND THE KANSAS STATE LINE.

(II) IF THE AMOUNT OF MONEYS IN THE GROWTH DIVIDEND TRANSPORTATION FUND IS INSUFFICIENT TO ALLOW THE FULL AMOUNT OF THE APPROPRIATIONS FOR SPECIAL PROJECTS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO BE MADE FOR THE 2003-04 FISCAL YEAR, ALL MONEYS IN THE FUND SHALL BE PROPORTIONALLY APPROPRIATED FOR THE SPECIAL PROJECTS FOR THE 2003-04 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR UNTIL THE FULL AMOUNT HAS BEEN APPROPRIATED.

SECTION 2. 24-77-103 (2), Colorado Revised Statutes, is amended to read:

24-77-103. Limitation on state fiscal year spending - transfers of general fund revenues to growth dividend funds and highway users tax fund - legislative declaration. (2) (a) (I) For purposes of paragraph (b) of subsection (1) of this section, AND IN ACCORDANCE WITH SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION, the percentage of allowable increase in state fiscal year spending shall equal the sum of inflation as modified by the percentage change in state population in the prior calendar year.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS.

(B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN CALCULATING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR SPENDING TO INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE EXTENT NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.

(III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE DECENNIAL FEDERAL CENSUS.

(B) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN WHICH SUCH ADJUSTMENTS ARE TO BE MADE.

(C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE

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MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING POPULATION.

(D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20(7)(a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF POPULATION GROWTH.

(E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION (20)(7)(a) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) (I) Except as otherwise provided in ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage change in state population for any given calendar year shall be the percentage change between the estimate of state population due to be issued by the United States bureau of census in December of such calendar year with a reference date of July 1 of the same calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same calendar year with a reference date of July 1 of the immediately preceding calendar year.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (b), for any calendar year for which an estimate of state population is not issued due to the federal census of the United States bureau of census, the percentage change in state population for such calendar year shall be the percentage change between the state population as reported in the federal census conducted by the United States bureau of census due in December of such calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same year with a reference date of July 1 of the immediately preceding calendar year.

(II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO

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SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR. ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR. ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.

(C) FOR THE NEXT FISCAL YEAR FOLLOWING ANY FISCAL YEAR FOR WHICH AN ADJUSTMENT TO THE LIMITATION ON STATE FISCAL YEAR SPENDING IS MADE PURSUANT TO THIS SUBPARAGRAPH (II.5), THE STATE TREASURER AND CONTROLLER SHALL FIRST APPROPRIATE THE AMOUNT OF GENERAL FUND REVENUES REQUIRED TO BE APPROPRIATED FOR THE "TRANSPORTATION EQUITY AUTHORIZATION FOR IMPLEMENTING TEA-15" PURSUANT TO SECTION 43-1-120, C.R.S. AFTER SUBTRACTING THE AMOUNT OF THE APPROPRIATION FROM THE TOTAL AMOUNT OF THE INCREASE IN STATE FISCAL YEAR SPENDING ATTRIBUTABLE TO THE ADJUSTMENT, THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER AN AMOUNT OF GENERAL FUND REVENUES EQUAL TO ONE-HALF OF THE REMAINING INCREASE IN STATE FISCAL YEAR SPENDING ATTRIBUTABLE TO SUCH AN ADJUSTMENT TO THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND CREATED IN SECTION 24-75-1201; SHALL TRANSFER AN AMOUNT OF GENERAL FUND REVENUES EQUAL TO ONE-QUARTER OF THE REMAINING INCREASE IN STATE FISCAL YEAR SPENDING ATTRIBUTABLE TO SUCH AN ADJUSTMENT TO THE GROWTH DIVIDEND TRANSPORTATION FUND CREATED IN SECTION 24-75-1202; AND SHALL TRANSFER AN AMOUNT OF GENERAL FUND REVENUES EQUAL TO ONE-QUARTER OF THE REMAINING INCREASE IN STATE FISCAL YEAR SPENDING ATTRIBUTABLE TO SUCH AN ADJUSTMENT TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.

(D) FOR THE FIRST FISCAL YEAR FOR WHICH THE AMOUNT OF THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE AMOUNT THAT WOULD HAVE BEEN THE AMOUNT OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE FISCAL YEAR ABSENT ADJUSTMENTS MADE TO THE LIMITATION PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (II.5) BY AT LEAST THE SUM OF THE AMOUNT REQUIRED TO BE APPROPRIATED FOR THE "TRANSPORTATION EQUITY AUTHORIZATION FOR IMPLEMENTING TEA-15" FOR THE FISCAL YEAR PLUS ONE HUNDRED MILLION DOLLARS, AND FOR EACH SUCCEEDING FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER GENERAL FUND REVENUES TO THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND CREATED IN SECTION 24-75-1201, THE GROWTH DIVIDEND TRANSPORTATION FUND CREATED IN SECTION 24-75-1202, AND THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., IN AMOUNTS SUFFICIENT TO ENSURE THAT THE TOTAL AMOUNT OF GENERAL FUND REVENUES TRANSFERRED TO SUCH FUNDS PURSUANT TO THIS SUB-SUBPARAGRAPH (D) AND SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (II.5) FOR EACH FISCAL YEAR IS NO LESS THAN ONE HUNDRED MILLION DOLLARS. FIFTY PERCENT OF THE GENERAL FUND REVENUES TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (D)

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SHALL BE TRANSFERRED TO THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND, TWENTY-FIVE PERCENT OF THE GENERAL FUND REVENUES SHALL BE TRANSFERRED TO THE GROWTH DIVIDEND TRANSPORTATION FUND, AND TWENTY-FIVE PERCENT OF THE GENERAL FUND REVENUES SHALL BE TRANSFERRED TO THE HIGHWAY USERS TAX FUND.

(III) The department of local affairs shall notify the president of the senate, the speaker of the house of representatives, the governor, and the ~~chairman~~ CHAIR of the joint budget committee of the general assembly of the percentage change in state population calculated pursuant to this paragraph (b) no later than January 15 following the calendar year for which such percentage is calculated. Such percentage shall not be subject to later modification based upon any subsequent revision of census counts or population estimates issued by the United States bureau of the census.

SECTION 3. 24-77-103.7, Colorado Revised Statutes, is amended to read:

24-77-103.7. Refunds of excess state revenues. If, through one or more mechanisms utilized pursuant to law to refund state revenues in excess of the limitation on state fiscal year spending for any given fiscal year, the amount of state revenues actually refunded during any given fiscal year exceeds the amount of state revenues in excess of the limitation on state fiscal year spending ~~for the immediately preceding fiscal year~~ required to be refunded, an amount equal to the difference between the amount of state revenues actually refunded and the amount of state revenues ~~from the immediately preceding fiscal year~~ required to be refunded shall be a refund of state revenues in excess of the limitation on state fiscal year spending for the fiscal year in which said state revenues were refunded. HOWEVER, IF THE AMOUNT EQUAL TO THE DIFFERENCE EXCEEDS THE AMOUNT OF REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING REQUIRED TO BE REFUNDED IN THE NEXT FISCAL YEAR, ANY UNUSED AMOUNT OF THE DIFFERENCE SHALL REDUCE TO THE GREATEST EXTENT POSSIBLE THE LIABILITY OF THE STATE TO REFUND REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING IN EACH SUCCEEDING FISCAL YEAR UNTIL THE STATE'S LIABILITY TO REFUND REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING HAS BEEN REDUCED BY THE FULL AMOUNT OF THE DIFFERENCE.

SECTION 4. The introductory portion to 32-9-119 (2) (a), Colorado Revised Statutes, is amended, and the said 32-9-119 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

32-9-119. Additional powers of district. (2) (a) To provide revenue to finance the operations of the district, to defray the cost of construction of capital improvements and acquisition of capital equipment, and to pay the interest and principal on securities of the district, the board, for and on behalf of the district after approval by election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the power to levy uniformly throughout the district a sales tax at the rate of six-tenths of one percent, OR SUCH OTHER RATE AS APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH SECTION 32-9-119.4, upon every transaction or other incident with respect to which a sales tax is now levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that:

(d) THE BOARD, FOR AND ON BEHALF OF THE DISTRICT, SHALL HAVE THE POWER, WITH THE APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT THE ELECTION HELD PURSUANT TO SECTION 32-9-119.4, TO INCREASE THE RATE OF SALES TAX SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

SECTION 5. Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-119.4. One-time election for sales tax rate increase. (1) THE DISTRICT IS AUTHORIZED TO SUBMIT TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT THE 2002 GENERAL ELECTION THE QUESTION OF

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WHETHER THE DISTRICT SHALL BE AUTHORIZED TO INCREASE THE RATE OF SALES TAX SPECIFIED IN SECTION 32-9-119 (2) (a) BY NOT MORE THAN AN ADDITIONAL FOUR-TENTHS OF ONE PERCENT FOR THE PURPOSE OF FUNDING THE PROGRAM DESIGNED TO IMPROVE AND EXPAND ALL FORMS OF BUS AND RAPID TRANSIT IN THE DENVER METROPOLITAN AREA KNOWN AS THE "FASTRACKS PROJECT" PROPOSED BY THE DISTRICT.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PERMIT THE DISTRICT TO SUBMIT A QUESTION TO THE ELIGIBLE ELECTORS OF THE DISTRICT FOR APPROVAL TO INCREASE THE TOTAL DISTRICT SALES TAX RATE TO A RATE THAT EXCEEDS ONE PERCENT.

(3) IF, AT THE ELECTION CALLED PURSUANT TO SUBSECTION (1) OF THIS SECTION, A MAJORITY OF ELIGIBLE ELECTORS OF THE DISTRICT VOTING ON THE QUESTION VOTE AFFIRMATIVELY ON THE QUESTION OF INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE BOARD SHALL LEVY THE SALES TAX AT THE RATE APPROVED BY THE ELIGIBLE ELECTORS COMMENCING ON JANUARY 1, 2003. IF A MAJORITY OF THE ELIGIBLE ELECTORS OF THE DISTRICT VOTING ON THE QUESTION DO NOT VOTE AFFIRMATIVELY ON THE QUESTION, THE RATE OF SALES TAX LEVIED BY THE DISTRICT SHALL NOT CHANGE.

(4) IF THE BOARD INCREASES THE RATE OF SALES TAX LEVIED BY THE DISTRICT PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DISTRICT SHALL BE REQUIRED TO TRANSMIT TO THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND, CREATED PURSUANT TO SECTION 39-26-127, C.R.S., AN AMOUNT NECESSARY TO PAY FOR THE COSTS THAT THE DEPARTMENT OF REVENUE WILL INCUR IN MAILING NOTICES OF THE RATE INCREASE TO VENDORS IN THE DISTRICT THAT COLLECT AND REMIT THE SALES TAX LEVIED BY THE DISTRICT.

(5) THE QUESTION SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL NOT OBLIGATE ANY FUNDS OF THE DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.

SECTION 6. 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

39-22-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director. (1) If, for any state fiscal year commencing on or after July 1, 1998, the amount of state revenues exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and voters statewide either have not authorized the state to retain and spend all of the excess revenues for that fiscal year or have authorized the state to retain and spend only a portion of the excess revenues for that fiscal year, the executive director shall, if the amount of the identical individual refund calculated pursuant to paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for the taxable year commencing on or after January 1 of the calendar year in which that fiscal year ended, but prior to January 1 of the subsequent calendar year, calculate a temporary state sales tax refund in accordance with the provisions of this section to refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(4) No later than October 1 of any given calendar year commencing on or after January 1, 1999, during which the controller certifies, in accordance with the provisions of section 24-77-106.5, C.R.S., that state revenues exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year ending in that calendar year, the executive director shall, if the amount of the identical individual refund calculated pursuant to subsection (2) of this section exceeds fifteen dollars, calculate the income classifications and the amount of the refund allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

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(5) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year commencing on or after January 1, 1999, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the fiscal year ending during said calendar year, no later than October 1 of said calendar year, the executive director shall, in addition to the calculations required by subsection (4) of this section:

(b) If the amount of any identical refund calculated pursuant to subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if one or more of such ballot questions are approved by voters statewide and that is not refunded by another method established by law. ~~multiplied by one hundred five percent;~~

(c) If the amount of the identical refund calculated pursuant to subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if all of such ballot questions are not approved by voters statewide and that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

SECTION 7. 39-26-123, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-26-123. Receipts - disposition. (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS SECTION TO THE CONTRARY, ANY AMOUNT REQUIRED TO BE ALLOCATED TO THE OLDER COLORADANS CASH FUND IN ORDER TO IMPLEMENT HOUSE BILL 02-1209, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY SHALL BE SO ALLOCATED PRIOR TO CREDITING RECEIPTS TO ANY OTHER FUND DESCRIBED IN SAID SUBSECTION (2).

SECTION 8. Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-26-127. Regional transportation district expense fund - repeal. (1) IF A MAJORITY OF THE ELIGIBLE ELECTORS OF THE REGIONAL TRANSPORTATION DISTRICT APPROVE AN INCREASE IN THE RATE OF SALES TAX LEVIED BY THE DISTRICT PURSUANT TO SECTION 32-9-119.4 (3), C.R.S., THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND SHALL BE CREATED IN THE STATE TREASURY. WITHIN TWO DAYS OF THE CERTIFICATION OF THE VOTERS' APPROVAL OF SUCH TAX INCREASE, THE DISTRICT SHALL TRANSMIT TO THE STATE TREASURER AN AMOUNT EQUAL TO THE AMOUNT NECESSARY TO PAY FOR THE COSTS THAT THE DEPARTMENT OF REVENUE WILL INCUR IN MAILING NOTICES OF THE RATE INCREASE TO VENDORS IN THE DISTRICT THAT COLLECT AND REMIT THE SALES TAX LEVIED BY THE DISTRICT. THE STATE TREASURER SHALL CREDIT SUCH AMOUNT TO THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE FUND TO THE DEPARTMENT AN AMOUNT NECESSARY TO COVER THE DEPARTMENT'S COSTS OF MAILING NOTICES OF THE RATE INCREASE TO VENDORS IN THE DISTRICT THAT COLLECT AND REMIT THE SALES TAX LEVIED BY THE DISTRICT. ALL INTEREST DERIVED FROM THE DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS REMAINING IN THE FUND AFTER THE DEPARTMENT CERTIFIES TO THE STATE TREASURER THAT THE DEPARTMENT HAS PAID ITS COSTS PURSUANT TO SECTION 32-9-119.4 (4), C.R.S., SHALL BE PROMPTLY REFUNDED TO THE DISTRICT.

(2) THIS SECTION IS REPEALED, EFFECTIVE ONE YEAR AFTER THE DAY OF THE ELECTION IN WHICH THE VOTERS APPROVE AN INCREASE IN THE RATE OF SALES TAX LEVIED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT.

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SECTION 9. 43-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

43-1-102. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "MODE OF TRANSPORTATION" MEANS A PARTICULAR FORM OF TRAVEL, INCLUDING, BUT NOT LIMITED TO, MOTOR VEHICLE, RAIL, MASS TRANSIT, AIRCRAFT, BICYCLE, OR PEDESTRIAN TRAVEL.

(4.7) "MULTI-MODAL TRANSPORTATION" MEANS:

(a) ALL MODES OF TRANSPORTATION INDIVIDUALLY; OR

(b) A COMPREHENSIVE OR INTEGRATED APPROACH TO TRANSPORTATION THAT INCORPORATES SEVERAL MODES OF TRANSPORTATION.

SECTION 10. 43-1-106 (8) (e) and (8) (h), Colorado Revised Statutes, are amended to read:

43-1-106. Transportation commission - powers and duties.

(8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(e) To advise and make recommendations to the governor and the general assembly relative to the transportation policy of the state and, to achieve these ends, formulate and recommend for approval a statewide MULTI-MODAL transportation policy to the governor and the general assembly within ~~one year after June 4, 1999~~ ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (e), AS AMENDED. In formulating the policy, the commission shall take into consideration, but shall not be limited to, the following factors:

(I) THE FACT THAT THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT REDUCING THE VOLUME OF TRAFFIC ON PUBLIC ROADS AND HIGHWAYS THROUGH THE UTILIZATION OF ALTERNATIVE MODES OF TRANSPORTATION IS DIRECTLY RELATED TO THE MAINTENANCE OF SUCH PUBLIC ROADS AND HIGHWAYS, THE REDUCTION OF THE FREQUENCY OF RECONSTRUCTION OR THE NEED TO RECONSTRUCT PUBLIC ROADS AND HIGHWAYS, AND THE REDUCTION OR ELIMINATION OF THE NEED TO CONSTRUCT NEW PUBLIC ROADS AND HIGHWAYS;

~~(II) The coordinated development and improvement of all modes of a STATEWIDE MULTI-MODAL transportation as developed pursuant to section 43-1-1103; and~~ SYSTEM THAT PROMOTES AN OBJECTIVE EVALUATION OF THE FULL RANGE OF REASONABLE MULTI-MODAL TRANSPORTATION ALTERNATIVES;

(III) THE ABILITY TO USE ANY STATE OR FEDERAL FUNDS OR LOCAL MATCH OF STATE OR FEDERAL FUNDS THAT ARE AVAILABLE FOR MULTI-MODAL TRANSPORTATION UNDER THE JURISDICTION OF THE COMMISSION, INCLUDING RECOMMENDATIONS TO:

(A) ELIMINATE ANY CURRENT LEGAL RESTRICTIONS THAT MAY EXIST ON SOURCES OF REVENUE, INCLUDING ANY LEGAL RESTRICTIONS ON USE OF THE MONEYS IN THE HIGHWAY USERS TAX FUND AND MONEYS DIVERTED TO THE FUND PURSUANT TO SECTION 39-26-123, C.R.S., TO ALLOW THE USE OF SUCH MONEYS FOR THE PURPOSE OF FUNDING ALL MODES OF TRANSPORTATION IN ORDER TO IMPLEMENT THE STATEWIDE MULTI-MODAL TRANSPORTATION SYSTEM; AND

(B) IDENTIFY OTHER SOURCES OF REVENUE THAT MAY BE UTILIZED FOR THE PURPOSE OF FUNDING ALL MODES OF TRANSPORTATION IN ORDER TO IMPLEMENT THE STATEWIDE MULTI-MODAL TRANSPORTATION SYSTEM;

(IV) REGIONAL TRANSPORTATION PLANS DEVELOPED PURSUANT TO SECTION 43-1-1103, EVALUATING WITH SPECIFICITY AT LEAST THE FOLLOWING:

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(A) THE EXTENT TO WHICH THE STATEWIDE MULTI-MODAL TRANSPORTATION POLICY AND PLAN REFLECTS AND INTEGRATES THE TWENTY-YEAR TRANSPORTATION PLANS OF EACH TRANSPORTATION PLANNING REGION OR THE DEPARTMENT'S PLAN FOR A REGION; AND

(B) WHETHER THE COORDINATION OF THE PLANNING PROCESSES OF THE TRANSPORTATION PLANNING REGIONS AND THE DEPARTMENT SET FORTH IN SECTION 43-1-1103 AND THE PROVISIONS OF THIS PARAGRAPH (e) CAN BE ENHANCED TO IMPROVE THE DEVELOPMENT AND IMPLEMENTATION OF THE STATEWIDE MULTI-MODAL TRANSPORTATION SYSTEM; AND

~~(H)~~ (V) The coordination of recommendations made under this paragraph (e) relating to airport and intrastate commercial air service with all other recommendations to the governor and the general assembly for the development and improvement of the statewide MULTI-MODAL transportation system.

(h) To promulgate and adopt all department budgets, subject to section 43-1-113, and state transportation programs, including construction priorities and the approval of extensions or abandonments of the state highway system and including a capital construction request, based on the statewide transportation improvement programs, for state highway reconstruction, repair, and maintenance projects to be funded from the capital construction fund as provided in section 2-3-1304 (1) (a.5), C.R.S. The provisions of this paragraph (h) shall not apply to the budget of the aeronautics division. THE COMMISSION SHALL ACCEPT RECOMMENDATIONS FROM THE DEPARTMENT CONCERNING TRANSPORTATION PROJECTS FOR REGIONAL TRANSPORTATION PLANNING COMMISSIONS IN AREAS THAT ARE RURAL OR URBAN WITH A POPULATION OF TWO HUNDRED THOUSAND PERSONS OR LESS, PURSUANT TO SECTION 43-1-120.

SECTION 11. Part 1 of article 1 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

43-1-120. Transportation equity authorization - legislative declaration - funding allocation. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "TRANSPORTATION EQUITY AUTHORIZATION FOR IMPLEMENTING TEA-15" OR AS "TEA-15".

(2) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE TRANSPORTATION NEEDS OF RURAL AND SMALL URBAN COMMUNITIES WITH POPULATIONS OF TWO HUNDRED THOUSAND PEOPLE OR LESS ARE IN JEOPARDY OF HAVING FUNDING FOR LOCAL TRANSPORTATION NEEDS SUBSTANTIALLY REDUCED OR ELIMINATED BECAUSE OF CURRENT AND FUTURE CHANGES IN THE DEPARTMENT'S PRIORITY FOR USING STATE AND FEDERAL TRANSPORTATION PROGRAM MONEYS AND BECAUSE AN INADEQUATE PORTION OF THE STATE'S HIGHWAY USERS TAX FUND IS CURRENTLY EXPENDED TO MEET THE TRANSPORTATION NEEDS OF SUCH COMMUNITIES.

(b) THERE HAS BEEN RAPID POPULATION GROWTH IN THE STATE IN RECENT YEARS, THE AMOUNT OF GENERAL FUND REVENUES AND THE AMOUNT OF STATE FISCAL YEAR SPENDING PERMITTED FOR EACH FISCAL YEAR BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION WILL INCREASE SUBSTANTIALLY IN FUTURE FISCAL YEARS PURSUANT TO SECTION 24-77-103 (2) (b) (II.5), C.R.S., TO ACCOUNT FOR SUCH RAPID POPULATION GROWTH, AND IT IS IN THE BEST INTEREST OF THE CITIZENS OF THE STATE TO ALLOCATE A PORTION OF THE INCREASED STATE GENERAL FUND REVENUES ATTRIBUTABLE TO SUCH POPULATION GROWTH THROUGH TEA-15 FOR ROADWAY, TRANSIT, AND MULTI-MODAL TRANSPORTATION IMPROVEMENTS THAT WILL HELP TO MITIGATE THE IMPACT OF SUCH POPULATION GROWTH ON THE STATE'S TRANSPORTATION SYSTEM.

(c) MONEYS ALLOCATED THROUGH TEA-15 SHALL HAVE FUNDING FLEXIBILITY FEATURES TO PRIORITIZE AND IMPLEMENT ROADWAY, TRANSIT, OR MULTI-MODAL TRANSPORTATION IMPROVEMENTS SELECTED BY THE REGIONAL TRANSPORTATION PLANNING COMMISSIONS OR

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METROPOLITAN PLANNING ORGANIZATIONS THROUGH THE DEPARTMENT'S ESTABLISHED COOPERATIVE STATE AND LOCAL TRANSPORTATION PLANNING PROCESS. AS SUCH, A COMPREHENSIVE REGIONAL PUBLIC INVOLVEMENT PROCESS SHALL BE REQUIRED.

(d) THE ALLOCATION OF GENERAL FUND REVENUES THROUGH TEA-15 WILL HELP TO ENSURE AN EQUITABLE SHARE OF TRANSPORTATION RESOURCES TO ADDRESS LOCAL TRANSPORTATION NEEDS AND THE CONTINUATION OF STATEWIDE PROGRAMS IN RURAL AND SMALL URBAN AREAS WITH TWO HUNDRED THOUSAND PEOPLE OR LESS.

(3) (a) COMMENCING WITH THE 2003-04 FISCAL YEAR THROUGH THE 2008-09 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL FUND AN AMOUNT OF NOT LESS THAN TEN MILLION DOLLARS EACH YEAR TO BE DISTRIBUTED AMONG:

(I) REGIONAL PLANNING COMMISSIONS, AS DEFINED IN SECTION 43-1-1102 (5), RESPONSIBLE FOR TRANSPORTATION PLANNING REGIONS, AS DEFINED IN SECTION 43-1-1102 (8), THAT SERVE RURAL AND SMALL URBAN AREAS WITH POPULATIONS OF TWO HUNDRED THOUSAND OR LESS, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF COMMERCE AND THE UNITED STATES BUREAU OF THE CENSUS; AND

(II) METROPOLITAN PLANNING ORGANIZATIONS, AS DEFINED IN SECTION 43-1-1102 (4), RESPONSIBLE FOR TRANSPORTATION PLANNING REGIONS, AS DEFINED IN SECTION 43-1-1102 (8), THAT INCLUDE BOTH THE METROPOLITAN AREA OF A METROPOLITAN PLANNING ORGANIZATION AND ADDITIONAL RURAL OR SMALL URBAN AREAS WITH POPULATIONS OF TWO HUNDRED THOUSAND OR LESS. SUCH MONEYS SHALL BE USED ONLY FOR TRANSPORTATION PROJECTS IN SUCH ADDITIONAL RURAL OR SMALL URBAN AREAS.

(b) COMMENCING WITH THE 2004-05 FISCAL YEAR, THE DOLLAR AMOUNT SPECIFIED FOR APPROPRIATION SHALL BE ANNUALLY ADJUSTED FOR INFLATION PURSUANT TO THE DEPARTMENT'S ANNUAL PROJECTED RATE OF INFLATION.

(c) THE MONEYS APPROPRIATED EACH YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE DISTRIBUTED AS FOLLOWS:

(I) ONE PERCENT OF THE TOTAL AMOUNT APPROPRIATED SHALL BE APPROPRIATED TO THE DEPARTMENT FOR ADMINISTERING TEA-15.

(II) FIFTY PERCENT OF THE MONEYS REMAINING AFTER MAKING THE APPROPRIATION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE DISTRIBUTED BASED ON THE POPULATION OF EACH TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND THE POPULATION OF RURAL OR SMALL URBAN AREAS OUTSIDE THE METROPOLITAN AREA OF EACH METROPOLITAN PLANNING ORGANIZATION RESPONSIBLE FOR A TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3), BOTH AS DETERMINED BY THE UNITED STATES DEPARTMENT OF COMMERCE AND THE UNITED STATES BUREAU OF THE CENSUS.

(III) FIFTY PERCENT OF THE MONEYS REMAINING AFTER MAKING THE APPROPRIATION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE DISTRIBUTED TO THE REGIONAL TRANSPORTATION PLANNING COMMISSIONS BASED ON THE DAILY STATE HIGHWAY VEHICLE MILES TRAVELED IN EACH TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND IN THE RURAL OR SMALL URBAN AREAS OUTSIDE THE METROPOLITAN AREA OF EACH METROPOLITAN PLANNING ORGANIZATION RESPONSIBLE FOR A TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AS DETERMINED BY THE DEPARTMENT.

(4) EACH REGIONAL TRANSPORTATION PLANNING COMMISSION OR

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METROPOLITAN PLANNING ORGANIZATION AND THE DEPARTMENT SHALL PRIORITIZE AND SELECT PROJECTS FOR INCLUSION INTO THE STATE TRANSPORTATION IMPROVEMENT PLAN. SUCH RECOMMENDATIONS SHALL BE FORWARDED TO THE COMMISSION. EACH TRANSPORTATION PLANNING REGION OR RESPECTIVE METROPOLITAN PLANNING ORGANIZATION SHALL PROVIDE AN ANNUAL REPORT AND ACCOUNTING TO THE COMMISSION NO LATER THAN OCTOBER 31 OF EACH YEAR IN WHICH A DISTRIBUTION IS MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE STATE TRANSPORTATION LEGISLATION REVIEW COMMITTEE SHALL REVIEW THE PROVISIONS OF THIS SECTION ON OR BEFORE OCTOBER 31, 2007, TO EVALUATE ITS EFFECTIVENESS, CONSIDER THE FEASIBILITY OF CONTINUING ITS PROVISIONS AFTER ITS EXPIRATION, AND PROPOSE ANY LEGISLATION TO EFFECT ANY SUCH CONTINUANCE.

SECTION 12. 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-4-205. Allocation of fund. (6.6) GENERAL FUND REVENUES TRANSFERRED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-77-103 (2) (b) (II.5), C.R.S., SHALL BE ALLOCATED AS FOLLOWS:

(a) SIXTY PERCENT OF SUCH REVENUES SHALL BE PAID TO THE STATE HIGHWAY FUND AS PROVIDED IN SECTION 43-4-206.

(b) TWENTY-TWO PERCENT OF SUCH REVENUES SHALL BE PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED AND EXPENDED AS PROVIDED IN SECTION 43-4-207.

(c) EIGHTEEN PERCENT OF SUCH REVENUES SHALL BE PAID TO CITIES AND INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED AND EXPENDED AS PROVIDED IN SECTION 43-4-208 (2) AND (6) (a).

SECTION 13. The introductory portion to 43-4-206 (2) (b) and 43-4-206 (2) (b) (I), Colorado Revised Statutes, are amended, and the said 43-4-206 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

43-4-206. State allocation. (2) (a.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-77-103 (2) (b) (II.5), C.R.S., AND CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.6) (a) SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM IN THE FOLLOWING MANNER:

(I) NO MORE THAN SIXTY-THREE PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR HIGHWAY PURPOSES OR HIGHWAY-RELATED CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, HIGH OCCUPANCY VEHICLE LANES, PARK-AND-RIDE FACILITIES, AND TRANSPORTATION MANAGEMENT SYSTEMS.

(II) AT LEAST THIRTY-SEVEN PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

(b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the revenues expended by the department pursuant to paragraph (a) of this subsection (2). BEGINNING IN 2003, THE REPORT SHALL ALSO CONCERN THE REVENUES EXPENDED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a.5) OF THIS SUBSECTION (2). The report shall be presented at the joint meeting required under section 43-1-113 (9) (a) and shall describe for each fiscal year, if applicable:

(I) The projects on which the revenues credited to the state highway fund pursuant to ~~paragraph (a)~~ PARAGRAPHS (a) AND (a.5) of this

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subsection (2) are to be expended, including the estimated cost of each project, the aggregate amount of revenue actually spent on each project, and the amount of revenue allocated for each project in such fiscal year. The department of transportation shall submit a prioritized list of such projects as part of the report.

SECTION 14. Article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARTS to read:

PART 8

STATEWIDE TOLLING ENTERPRISE

43-4-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ORDER TO FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN ADDITIONAL HIGHWAY CAPACITY AND ACCOMMODATE THE NEEDS OF THE TRAVELING PUBLIC THROUGH AND WITHIN THE STATE OF COLORADO THROUGH SAFE, EFFICIENT, CONVENIENT, AND MODERN VEHICULAR TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO PROVIDE FOR THE FINANCING, CONSTRUCTION, OPERATION, REGULATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL HIGHWAYS THAT ARE INTEROPERABLE, THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT WILL REDUCE TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND FATALITIES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS AND EXERCISE OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT THESE PURPOSES.

43-4-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

(2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED BY SECTION 43-1-106.

(3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF TOLL HIGHWAYS.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

(5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.

(6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.

(7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

(9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

(10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL LANE CAPACITY OR TRANSIT CAPACITY, INCLUDING BUT NOT LIMITED TO RAIL LINES AND OTHER TRANSIT FACILITIES AND VEHICLES TO BE USED TO INCREASE TRANSIT CAPACITY WITHIN A HIGHWAY CORRIDOR, ADDED TO AN EXISTING HIGHWAY OR HIGHWAY CORRIDOR THAT IS FINANCED,

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CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

(11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY TOLL HIGHWAYS CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer. (1) THE COMMISSION MAY CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A TYPE 1 TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts. (1) A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE SPECIAL FUND. THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED BY SECTION 43-1-219 TO THE SPECIAL FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. THE STATE TREASURER, AFTER CONSULTING WITH THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-808, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112,

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AND 24-36-113, C.R.S.

(2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.

(3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION, PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF TOLL HIGHWAYS. THE ENTERPRISE MAY ALSO EXPEND MONEYS IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL FUND.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE TRANSPORTATION COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF THE TOLL HIGHWAY OR TO PAY BONDS OF THE ENTERPRISE THAT WERE ISSUED TO FINANCE THE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND MONEYS TRANSFERRED TO THE SPECIAL FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-804, THE COMMISSION SHALL ADJUST TOLL RATES SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY.

43-4-805. Powers and duties of the commission when acting as the board of the enterprise - annual report. (1) THE COMMISSION, IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING POWERS AND DUTIES:

- (a) TO ADVISE THE DIRECTOR;
- (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND CONDUCT OF ITS BUSINESS;
- (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING ANY ONE OR MORE TOLL HIGHWAYS;
- (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY; EXCEPT THAT NO TOLL SHALL BE CHARGED FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY AFTER ALL OF THE CONSTRUCTION OF THE TOLL HIGHWAY HAS BEEN COMPLETED AND ANY DEBT INCURRED TO FINANCE THE TOLL HIGHWAY HAS BEEN PAID IN FULL;
- (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF OTHER PROPERTY OF THE ENTERPRISE;
- (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;
- (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

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(h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON ANY TOLL HIGHWAY, SUBJECT TO THE SUPERVISION AND APPROVAL OF THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

(II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL HIGHWAY;

(III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY OPERATES ALL OR ANY PORTION OF A TOLL HIGHWAY ON BEHALF OF THE ENTERPRISE; AND

(IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES, OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL HIGHWAY;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION, RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF TOLL HIGHWAYS WITHIN THE STATE; EXCEPT THAT THE COMMISSION SHALL NOT HAVE THE POWER TO TOLL PREVIOUSLY EXISTING HIGHWAY LANES;

(l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND MAINTAIN A SYSTEM OF TOLL HIGHWAYS THROUGH AND WITHIN THE STATE;

(m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE COLLECTION OF TOLLS ALONG ANY TOLL HIGHWAY;

(n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE ENTERPRISE;

(o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING TOLL HIGHWAYS, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

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(r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE ENTERPRISE TO THE DEPARTMENT; AND

(s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(2) THE ENTERPRISE SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY.

(3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

43-4-806. Bonds. (1) THE ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE SPECIAL FUND.

(2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

(3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO

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TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

(7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

43-4-807. Investments. THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR OPERATION OF TOLL HIGHWAYS.

43-4-808. Bonds eligible for investment. ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

43-4-809. Exemption from taxation - securities laws. THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME

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TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF TITLE 11, C.R.S.

43-4-810. Traffic laws - toll collection. (1) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO SUCH AGREEMENT.

(2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.

(3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR SUCH TOLL EVASION.

(b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR A MUNICIPAL SUMMONS AND COMPLAINT.

(c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE.

(d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.

(e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT

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OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR REGULATION OF THE ENTERPRISE OCCURRED.

(5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT AGREEMENT.

(6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.

(b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

(c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

43-4-811. Applicability of other laws. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.

(3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION

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43-1-1203 OR 43-1-1204.

(4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(5) ANY TOLL HIGHWAYS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO SECTION 43-1-1103.

PART 9

USE OF EXCESS STATE REVENUES TO FUND TRANSPORTATION PROJECTS

43-4-901. Submission of ballot question regarding retention of excess state revenues for the purpose of funding transportation projects.

(1) THE SECRETARY OF STATE SHALL SUBMIT A BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE STATE OF COLORADO AT THE STATEWIDE ELECTION TO BE HELD IN NOVEMBER 2002 FOR THEIR APPROVAL OR REJECTION. EACH ELECTOR VOTING AT SAID NOVEMBER ELECTION SHALL CAST A VOTE AS PROVIDED BY LAW EITHER "YES" OR "NO" ON THE PROPOSITION: "SHALL THE STATE OF COLORADO BE PERMITTED TO ANNUALLY RETAIN A MAXIMUM OF TWO HUNDRED MILLION DOLLARS OF STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING THAT ARE NOT REQUIRED TO BE REFUNDED THROUGH SPECIFIED STATUTORY REFUND MECHANISMS THAT WERE IN EFFECT AS OF JULY 1, 2002, FOR THE 2002-03 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR FOR THE PURPOSE OF FUNDING TRANSPORTATION PROJECTS IN THE STATE, NOTWITHSTANDING ANY RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING WITHOUT LIMITATION THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND THE STATUTORY LIMITATION ON STATE GENERAL FUND APPROPRIATIONS, AND SHALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SUCH REVENUES CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?"

(2) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF THE QUESTION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE CANVASSED AND THE RESULT DETERMINED IN THE MANNER PROVIDED BY LAW FOR THE CANVASSING OF VOTES FOR REPRESENTATIVES IN CONGRESS.

43-4-902. Transportation surplus fund - creation - continuous appropriation to department of transportation.

(1) IF THE REGISTERED ELECTORS OF THE STATE APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 43-4-901, THE LESSER OF ALL STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE 2002-03 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR OR TWO HUNDRED MILLION DOLLARS OF SUCH REVENUES, EXCEPT FOR EXCESS STATE REVENUES REQUIRED TO BE REFUNDED THROUGH ANY STATUTORY REFUND MECHANISM OTHER THAN THE REFUND MECHANISM SET FORTH IN PART 20 OF ARTICLE 22 OF TITLE 39, C.R.S., THAT WAS IN EFFECT AS OF JULY 1, 2002, SHALL BE CREDITED TO THE TRANSPORTATION SURPLUS FUND, WHICH IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND AND, AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) ALL MONEYS IN THE TRANSPORTATION SURPLUS FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR EXPENDITURE UNDER THE SUPERVISION AND DIRECTION OF THE TRANSPORTATION COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 43-1-113.

43-4-903. Repeal of article. THIS PART 9 IS REPEALED, EFFECTIVE JULY 1, 2003, IF THE REGISTERED ELECTORS OF THE STATE DO NOT

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APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 43-4-901.

SECTION 15. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the regional transportation district expense fund created in section 39-26-127, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2002, the sum of thirty-six thousand seventy-eight dollars (\$36,078), or so much thereof as may be necessary, for the implementation of this act.

SECTION 16. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of five thousand eight hundred forty-three dollars (\$5,843), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. This amount shall be from cash funds exempt received from the department of transportation.

SECTION 17. Effective date. (1) This act shall take effect upon passage; except that:

(a) Sections 1, 2, 12,13, and 16 of this act shall take effect July 1, 2002;

(b) Section 7 of this act shall take effect July 1, 2002, and shall take effect on said date only if House Bill 02-1209 is enacted at the second regular session of the sixty-third general assembly and becomes law;

(c) Sections 8 and 15 of this act shall take effect July 1, 2002, and shall take effect on said date only if the voters approve an increase in the sales tax levied by the regional transportation district to fund the FasTracks project at the 2002 general election.

SECTION 18. Applicability. Section 3 of this act shall apply to amounts refunded in fiscal years commencing on or after July 1, 2001.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 102, strike "AND, IN";

strike lines 103 through 110 and substitute the following:

"AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB02-173, SJR02-022, 030.

Correctly reengrossed: SB02-019, 027, 053, 063.

Correctly revised: HB02-1220, 1322; HJR02-1042, 1043, 1044.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-193** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 12, after the first "THE", insert "SYMPTOM OR";

line 18, strike "or";

after line 18 insert the following:

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SB02-193

"(III) A PRESCRIPTION ORDER SHALL ONLY BE WRITTEN FOR A SINGLE DRUG OR DEVICE, UNLESS THE PRESCRIPTION ORDER FORM IS SPECIFICALLY DESIGNED TO ACCOMMODATE MULTIPLE PRESCRIPTION ORDERS; or".

Page 3, line 5, after the first "THE", insert "SYMPTOM OR";

line 6, strike "UNLESS OTHERWISE" and substitute "IF, AFTER BEING ADVISED BY THE PRACTITIONER, IT IS";

line 8, after "THE", insert "SYMPTOM OR";

strike lines 12 through 26.

Renumber succeeding sections accordingly.

Page 4, line 9, after the first "THE", insert "SYMPTOM OR";

line 14, strike "or";

after line 14, insert the following:

"(III) A PRESCRIPTION ORDER SHALL ONLY BE WRITTEN FOR A SINGLE DRUG OR DEVICE, UNLESS THE PRESCRIPTION ORDER FORM IS SPECIFICALLY DESIGNED TO ACCOMMODATE MULTIPLE PRESCRIPTIONS; or".

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-171** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 11, after "REQUEST", insert "FOR A PAYROLL DEDUCTION FOR PAYMENT TO AN EMPLOYEE ORGANIZATION";

strike lines 13 and 14 and substitute the following:

"EMPLOYEES, THE STATE OFFICIAL AUTHORIZED TO DISBURSE FUNDS IN PAYMENT OF THE SALARIES OR WAGES OF SUCH STATE EMPLOYEES SHALL AUTHORIZE THE".

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB02-1330** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Public Policy and Planning

After consideration on the merits, the committee recommends that **SJR02-015** be postponed indefinitely.

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-195** be referred to the Committee of the Whole with favorable recommendation.

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-194** be referred favorably to the Committee on Appropriations.

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-183** be referred to the Committee of the Whole with favorable recommendation.

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APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Epps, Chairman, Tupa and Nichol as Senate Conferees on the First Conference Committee on **SB02-113**.

The President appointed Senators Nichol, Chairman, Takis and Entz as Senate Conferees on the First Conference Committee on **SB02-099**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, April 12, was laid over until Monday, April 15, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **HB02-1163, SB02-176, SB02-173, HB02-1220.**

General Orders--Second Reading of Bills: **SB02-196, HB02-1300, HB02-1313, HB02-1324, SB02-042, SB02-089, SB02-157, SB02-184, HB02-1341, SB02-062, SB02-080, SB02-081, SB02-177, HB02-1339, HB02-1329.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-027, SR02-011.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, April 15, 2002.

Approved:

Ed Perlmutter
President Pro-tem of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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