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SENATE BILL 02-142

**BY SENATOR(S) Lamborn;
also REPRESENTATIVE(S) Schultheis, Cloer, Crane, Fritz, Garcia, Groff,
Harvey, Larson, Mace, Miller, Rhodes, Romanoff, and Williams S.**

CONCERNING THE ELIMINATION OF OBSOLETE PROVISIONS OF LAW.

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

SECTION 1. 24-75-201.1 (1) (c.5) (I), (1) (c.5) (II) (A), (1) (c.5) (II) (B), (1) (c.5) (II) (B.5), and (1) (c.5) (II) (B.7), Colorado Revised Statutes, are amended to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (1) (c.5) (I) For fiscal years 1991-92 and 1992-93, general fund revenues in excess of state general fund appropriations, after retention of the reserve as required by paragraph (d) of this subsection (1), shall be retained in the general fund and shall be available for appropriation for the fiscal year in which the excess is realized or for any future fiscal year, subject to the limitation on the level of state general fund appropriations set forth in subparagraph (II) of paragraph (a) of this subsection (1).

(II) (A) On July 1, 1993, or as soon thereafter as moneys become

available, there may be transferred to the controlled maintenance trust fund fifty percent of the fiscal year 1992-93 gross general fund revenues in excess of three billion three hundred four million four hundred thousand dollars not to exceed fifty million dollars. For purposes of this sub-subparagraph (A), "general fund revenue" shall exclude the beginning general fund reserve base amount of one hundred forty-five million one hundred thousand dollars. The capital development committee shall consider the extent to which excess general fund revenues are the result of expenditures of other general fund dollars and make a recommendation to the joint budget committee regarding excess dollars to be allocated to the controlled maintenance trust fund. The general assembly, by bill, shall determine the amount to be transferred and direct the state treasurer and the controller to make such transfer to the controlled maintenance trust fund.

(B) Except as otherwise provided in sub-subparagraph (B.7) of this subparagraph (H), for the 1995-96 fiscal year and for each fiscal year, thereafter, following the adoption by the general assembly of the general appropriation bill, there may be transferred to the controlled maintenance trust fund fifty percent of the general fund revenues for the prior fiscal year in excess of general fund appropriations, statutory rebates, and statutory transfers, not to exceed fifty million dollars, and after retention of the reserve required by paragraph (d) of this subsection (1). The capital development committee shall consider the extent to which excess general fund revenues are the result of expenditures of other general fund dollars and make a recommendation to the joint budget committee regarding excess dollars to be allocated to the controlled maintenance trust fund. The general assembly shall, by joint resolution, presented to and signed by the governor, determine the amount to be transferred and direct the state treasurer and the controller to make such transfer to the controlled maintenance trust fund.

(B.5) In addition to any transfer that may be made to the controlled maintenance trust fund for the 1995-96 fiscal year pursuant to sub-subparagraph (B) of this subparagraph (H), the state treasurer and the controller shall transfer one hundred seventy-six million dollars from the general fund to the controlled maintenance trust fund on June 30, 1996.

(B.7) For the 1995-96 fiscal year only, twenty million dollars shall be transferred from the general fund to the capital construction fund, and such moneys are hereby appropriated from the capital construction fund to the controlled maintenance trust fund.

SECTION 2. Repeal. 24-75-201.1 (1) (c) (I), (1) (c) (II), (1) (c) (III), and (1) (c) (IV), 24-75-201.5 (1) (b) and (3), 24-75-211, 24-75-213, 24-75-214, 37-60-121 (5), 39-29-108.5, and 40-17-104 (2) and (3), Colorado Revised Statutes, are repealed.

SECTION 3. 40-22-101, Colorado Revised Statutes, is amended to read:

40-22-101. Consolidation of roads - restrictions. It is lawful for any railroad company or corporation, organized or existing under the laws of this state, and whose line or road is made or is in the process of construction to the boundary line of the state or to any point either in or out of the state, under authority of its laws, to merge and consolidate its capital stock, franchises, and property into and with the capital stock, franchises, and property of any other railroad company or corporation organized and existing under the laws of any adjoining state ~~or territory~~ whenever the two or more railroads of the companies or corporations so to be consolidated form a continuous line of railroad with each other or by means of any intervening railroad; and roads running to the bank of a river which is not bridged shall be held to be continuous. Nothing in this article shall be taken to authorize the consolidation of any company or corporation of this state with that of any other state, ~~or a territory~~, unless the laws of such other state ~~or territory~~ authorize such consolidation; but parallel or competing lines of railroad shall not be consolidated.

SECTION 4. 40-27-108 (2), Colorado Revised Statutes, is amended to read:

40-27-108. Notification of owner and claim agent. (2) Should the secretary be unable to determine from the description furnished by the stock inspector the owner or probable owner of such animal so killed or injured, he shall cause an advertisement to be placed in a newspaper published in the county where said killing or wounding occurred, describing the animal so killed or injured, giving the marks or brands appearing on said animal, if any, and notifying the owner to appear within six months of the date of such killing or injuring and make claim for said animal. Said advertisement shall appear for two consecutive weeks. ~~and the cost of same shall not exceed two dollars for any one animal.~~ The cost of such advertisement shall be paid out of the brand inspection fund of the state board of stock inspection commissioners and shall be deducted from the amount of

damages that may be awarded against the railway company or corporation. Should no claim be made for any animal so advertised, the cost of such advertising shall be paid by the railroad company responsible for such killing or injuring and shall be deposited in the brand inspection fund of said board.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state

constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO