NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 02-1341

BY REPRESENTATIVE(S) Swenson, Coleman, Mace, Stafford, and Williams S.;
also SENATOR(S) Nichol, Entz, and May.

CONCERNING RECOMMENDATIONS OF THE HOUSE COMMITTEE ON TRANSPORTATION AND ENERGY RELATING TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES, AND, IN CONNECTION THEREWITH, REPEALING REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY THAT ARE OBSOLETE.

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

SECTION 1. Repeal. 42-2-114 (2) (a) (I) (E), Colorado Revised Statutes, is repealed as follows:

42-2-114. License issued - fees - repeal. (2) (a) (I) Except as provided in subsection (3) of this section:

(E) ~~On or before July 1, 2005, the department shall submit a report to the transportation legislation review committee, created in section 43-2-145, C.R.S., concerning the effect of extending the expiration of driver's licenses on the fee revenue of the department and its authorized~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~agents, and the advisability of continuing the fees imposed in sub-subparagraph (F) of this subparagraph (I) and the identification security fund created in section 42-1-220 that is funded through such fees.~~

SECTION 2. 42-2-118 (3) (d), Colorado Revised Statutes, is amended to read:

42-2-118. Renewal of license in person or by mail - donations to organ and tissue donation awareness fund - repeal. (3) (d) Beginning January 1, 1986, the executive director shall ascertain whether the administrative fee established in paragraph (c) of this subsection (3) adequately compensates the department for administration of this subsection (3). ~~and shall report to the general assembly not later than December 1 of each year concerning any suggested changes in such fee.~~

SECTION 3. Repeal. 42-3-113 (5) (c), Colorado Revised Statutes, is repealed as follows:

42-3-113. Number plates furnished - style - periodic reissuance. (5) (c) ~~During the 2002 regular session of the general assembly, the department shall report to the general assembly regarding the number of license plates in the state that need to be replaced if any, and the number of configurations still available. The general assembly shall appropriate out of the highway users tax fund, for fiscal years 2002-03 and 2003-04, the additional moneys necessary, if any, to complete the license plate replacement under paragraph (b) of this subsection (5).~~

SECTION 4. 42-4-305 (11), Colorado Revised Statutes, is amended to read:

42-4-305. Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (11) The executive director shall report to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE annually on the effectiveness of the quality assurance and enforcement measures contained in this section, the overall motorist compliance rates with inspections for registration denial, and the status of state implementation plan compliance pertaining to quality assurance. This annual report shall be submitted to the commission in May of each year for incorporation into appropriate annual and biennial

reporting requirements. Reports shall cover the previous calendar year.

SECTION 5. 42-4-306 (9) (a) (I), (9) (b), (9) (c), and (21) (b), Colorado Revised Statutes, are amended to read:

42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (9) (a) (I) The commission shall continuously evaluate the entire AIR program to ensure compliance with the state implementation plan and federal law. Such evaluation shall be based on continuing research conducted by the department of public health and environment in accordance with section 25-7-130, C.R.S. Such evaluation shall include assessments of the cost-effectiveness and air pollution control-effectiveness of the program. ~~The commission shall submit such evaluation and any recommendations for changes in the program to the general assembly by July 1 of each year, and the general assembly shall annually review such evaluation and recommendations and the program.~~

(b) Such evaluation shall include a determination of the number of motor vehicles ~~which~~ THAT fail to meet the applicable emissions standards after the adjustments and repairs required by subsection (7) of this section are made. If the commission finds that a significant number of motor vehicles do not meet the applicable emissions standards after such adjustments or repairs are made, the commission shall develop recommendations designed to improve the air pollution control-effectiveness of the program in a cost-effective manner. ~~and shall submit such recommendations to the general assembly as a part of the next evaluation submitted pursuant to paragraph (a) of this subsection (9).~~

(c) The evaluation ~~to be submitted pursuant to this subsection (9)~~ shall also include an assessment of the methods of controlling or reducing exhaust gas emissions from motor vehicles of the model year 1981 or a later model year ~~which~~ THAT are equipped with microprocessor-based emissions control systems and on-board diagnostic systems. Such evaluation shall include, if necessary for such motor vehicles, the development of more accurate alternative procedures to include the adjustments and repairs specified in subparagraph (II) of paragraph (a) of subsection (7) of this section, and such alternative procedures may require the replacement of inoperative or malfunctioning emissions control components. Such

alternative procedures shall be designed to achieve control of emissions from such motor vehicles which is equivalent to or greater than the control performance level provided by performance standards established pursuant to the federal act.

(21) (b) ~~A study of a "cash for clunkers" program shall be completed no later than December 1, 1994. The results of such study shall be reported to the general assembly by January 5, 1995, for possible legislative action in the 1995 regular session of the general assembly.~~

SECTION 6. 42-4-307 (11), Colorado Revised Statutes, is amended to read:

42-4-307. Powers and duties of the department of public health and environment - division of administration - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (11) The department of public health and environment shall conduct studies on the development, effectiveness, and cost of evolving technologies in mobile source emission inspection for consideration by March ~~1994, and biennially thereafter. Such studies shall be reported to the health, environment, welfare, and institutions committees of the senate and house of representatives and to the transportation committee of the senate and to the transportation and energy committee of the house of representatives.~~ OF EACH EVEN-NUMBERED YEAR. In the event that alternative technologies become available, cost and air quality effectiveness shall be considered prior to adoption by the commission as inspection technology.

SECTION 7. 42-4-316 (2), Colorado Revised Statutes, is amended to read:

42-4-316. AIR program - demonstration of compliance with ambient air quality standards and transportation conformity. (2) The legislative audit committee shall cause to be conducted performance audits of the program, including the clean screen program. The first of such audits shall be completed not later than January 1, 2000, and shall be completed not later than January 1, 2004, and January 1 of each third year thereafter. Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the purposes of a review of the report. ~~A copy of the report shall be made available to each member of the general assembly.~~

SECTION 8. Repeal. 42-4-405 (5) (b), Colorado Revised Statutes, is repealed as follows:

42-4-405. Powers and duties of executive director. (5) (b) ~~The results of the hearings shall be reported to the general assembly no later than December 1 of each year.~~

SECTION 9. Repeal. 42-4-510 (8) (c), Colorado Revised Statutes, is repealed as follows:

42-4-510. Permits for excess size and weight and for manufactured homes. (8) (c) ~~On or before July 1, 1997, the department of transportation and the department of revenue shall report to the transportation legislation review committee regarding:~~

~~(I) Such departments' progress in implementing electronic permitting systems that would further the convenience and efficiency of administering permit applications by the trucking industry; and~~

~~(II) Whether the implementation of electronic permitting systems enables any organizational or administrative changes by the state or by local governments in the issuance of permits.~~

SECTION 10. 42-7-604 (7), Colorado Revised Statutes, is amended to read:

42-7-604. Motorist insurance identification database program - creation - administration - selection of designated agent - legislative declaration. (7) The division of insurance in the department of regulatory agencies shall contract with a company that gathers statistical information concerning personal lines of property and casualty insurance. Said company shall be paid from the motorist insurance identification account within the highway users tax fund, and shall report the frequency of uninsured motorist claims to the division of insurance on a regular basis. Such report shall include a comparison of the number of uninsured motorist claims with the average number of such claims reported for the twelve-month period immediately preceding July 1, 1997. ~~The division of insurance shall transmit such information to the general assembly no later than January 1, 1999, and each January 1 thereafter.~~

SECTION 11. 43-1-106 (16) (e), Colorado Revised Statutes, is amended to read:

43-1-106. Transportation commission - powers and duties. (16) (e) All paving projects constructed pursuant to this subsection (16) shall be subject to a cost-benefit evaluation by a committee selected by the commission. Such committee shall consist of two representatives from the state department of transportation, two individuals from the asphalt paving construction industry, and an independent engineer who shall be compensated by the department for reasonable fees. Committee members shall not be connected with the pavement project that is the subject of such cost-benefit evaluation. Said committee shall gather data on actual costs, including maintenance costs, of warranted projects and comparable nonwarranted projects. ~~and present its conclusions in a report to the house and senate transportation committees at the end of the warranty period for the projects or at an earlier date specified by either committee.~~

SECTION 12. Repeal. 43-3-403 (1) (b), Colorado Revised Statutes, is repealed as follows:

43-3-403. Authority to construct tunnels. (1) The transportation commission is authorized to have constructed any tunnels between the east and west slopes of the state of Colorado for highway purposes as follows:

(b) ~~In the event the state of Colorado does not receive designation by January 1, 1958, of an east-west national defense and interstate highway across the state of Colorado from the United States bureau of public roads out of mileage presently authorized by congress, or in the event the United States bureau of public roads prior to January 1, 1958, affirmatively makes known that no east-west national defense and interstate highway will be designated across the state of Colorado out of mileage presently authorized by congress, a toll tunnel may be constructed at such site as is determined by the transportation commission, with the approval of the governor, but not less than thirty days prior to the execution of any contract for such construction, the governor and the transportation commission shall, as to each tunnel proposed to be constructed, submit a report, together with substantiating data, to the general assembly, or to each member thereof if the general assembly is not in session, specifically finding that construction of each proposed tunnel: Would be a more practical, effective, and economical way of facilitating travel and transportation between the eastern~~

~~and western slopes of Colorado than the improvement of existing passes or building of new highways without tunnels; would be the site which traffic, engineering, and economic data show would best serve the interest of the state; and would be economically feasible as a toll tunnel without unduly hampering or delaying the remainder of the state highway building program or requiring funds other than those provided in this part 4 for its construction, operation, and maintenance, including payment of principal and interest.~~

SECTION 13. 43-4-404 (1) and (2), Colorado Revised Statutes, are amended to read:

43-4-404. Formula for allocation of moneys. (1) The office of transportation safety shall allocate not less than thirty percent and not more than fifty percent of the moneys allocated to the office pursuant to section 43-4-402 (2) to counties that have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner that will improve enforcement of drunken driving laws. To this end, rules for the distribution of these moneys shall be developed by the office of transportation safety. The office shall report annually to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by counties and not for statewide programs.

(2) The office of transportation safety shall allocate not less than fifty percent and not more than seventy percent of the moneys to municipalities and city and counties that have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner that will improve enforcement of drunken driving laws. To this end, rules for the distribution of these moneys shall be developed by the office of transportation safety. The office shall report annually to the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by municipalities and city and counties and not for statewide programs.

SECTION 14. 43-4-514 (1) (a), (1) (c), and (3), Colorado Revised Statutes, are amended to read:

43-4-514. Notice - coordination of information - reports. (1) (a) At least forty-five days prior to the creation of any authority or value capture area pursuant to this part 5, a notice containing the proposed boundaries of the authority or value capture area and the methods proposed for financing public highways in the authority or a copy of the value capture plan shall be sent to the division AND to the department of revenue. ~~and to the chairman of the transportation legislation review committee.~~

(c) At the time the notice required in paragraph (a) or (b) of this subsection (1) is sent to the division, a copy shall be filed with the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE.

(3) (a) The division shall file an annual report with the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE concerning the activities of authorities created pursuant to this part 5. Such report shall detail how many authorities have been created, describe their boundaries, and specify the public highways which are being constructed and how they are being financed.

(b) The division shall notify the ~~general assembly~~ TRANSPORTATION LEGISLATION REVIEW COMMITTEE either in the report required by paragraph (a) of this subsection (3) or by letter, if it deems that immediate notification is warranted, of any situation relating to the creation of an authority or value capture area, the imposition of any fee, or the issuance of any bonds by an authority that the division believes or has reason to believe will adversely affect the tax-raising ability or the credit or bond rating of any governmental unit or any school district.

SECTION 15. 43-4-614 (1) (a) and (4), Colorado Revised Statutes, are amended to read:

43-4-614. Notice - coordination of information. (1) (a) At least forty-five days prior to the creation of any authority pursuant to this part 6, a notice containing the proposed boundaries of the authority and the methods proposed for financing rural transportation systems in the authority shall be sent to the division AND to the department of revenue. ~~and to the chair of the transportation legislation review committee created in section~~

~~43-2-145.~~

(4) ~~Each authority shall report annually in the month of August to the transportation legislation review committee, created in section 43-2-145, on its activities during the preceding twelve months and on its proposed activities during the succeeding twelve months.~~ The board and staff of the authority shall cooperate with the transportation legislation review committee in carrying out the committee's duties pursuant to section 43-2-145 (1.9).

SECTION 16. Repeal. 24-1-136 (11) (a) (II) (F), Colorado Revised Statutes, is repealed as follows:

24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments. (11) (a) (II) All requirements for reports to the general assembly by executive agencies or the judicial branch that were in existence before July 1, 1996, or that otherwise are not covered by subparagraph (I) of this paragraph (a), shall expire on the following dates:

(F) ~~Requirements imposed under article 9 of title 32 to title 43, C.R.S., July 1, 2002.~~

SECTION 17. 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.

Doug Dean SPEAKER OF THE HOUSE OF REPRESENTATIVES	Stan Matsunaka PRESIDENT OF THE SENATE
Judith Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO