

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 17, 2009
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB09-108 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 5, line 16, after "FEES", insert "AT RATES
- 2 REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THE
- 3 PERSONS PAYING THE FEES".

- 4 Page 8, line 7, strike "SURPLUS FUNDS" and substitute "SURPLUS FUNDS,".

- 5 Page 10, line 27, strike the second "43-4-805".

- 6 Page 11, line 9, after "FACILITIES,", insert "TRAFFIC DEMAND
- 7 MANAGEMENT FACILITIES AND SERVICES,".

- 8 Page 14, line 15, after "IMPOSED", insert "FOR ANY REGISTRATION PERIOD
- 9 THAT COMMENCES ON OR AFTER JULY 1, 2009,".

- 10 Page 18, line 6, strike "ARRANGEMENTS," and substitute
- 11 "ARRANGEMENT,";

- 12 line 16, strike "TWELVE HOURS OR LESS; AND" and substitute "SIX HOURS
- 13 OR LESS;"

- 14 line 17, strike "ONE-HALF" and substitute "THREE-QUARTERS";

- 15 line 21, strike "COUNTY." and substitute "COUNTY;

- 1 (E) FUEL AND FULL INSURANCE COVERAGE ARE INCLUDED IN THE
2 MEMBER USAGE RATES; AND
- 3 (F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE
4 STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR
5 MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS."
- 6 Page 19, line 8, strike "DEPARTMENT OF REVENUE," and substitute
7 "DEPARTMENT,";
- 8 line 9, strike "OF REVENUE";
- 9 line 15, strike "THIRTY" and substitute "NINETY";
- 10 line 22, strike "THIRTY-DAY" and substitute "NINETY-DAY".
- 11 Page 20, line 20, strike "IN AN";
- 12 line 21, strike "EQUITABLE MANNER AMONG PERSONS" and substitute "IN
13 A MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE
14 FEES AND".
- 15 Page 23, strike line 6 and substitute the following:
- 16 "IMPOSED AND AT RATES REASONABLY CALCULATED BASED ON THE
17 BENEFITS RECEIVED BY SUCH PERSONS."
- 18 Page 25, line 5, strike "WHEN" and substitute "AS";
- 19 line 6, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES
20 IN EXCESS OF EXPENSES,";
- 21 line 7, strike "FULL" and substitute "PRINCIPAL".
- 22 Page 26, line 16, after "2009," insert "FOR ANY REGISTRATION PERIOD
23 THAT COMMENCES ON OR AFTER JULY 1, 2009,";
- 24 line 17, after "ENTERPRISE," insert "FOR ANY REGISTRATION PERIOD THAT
25 COMMENCES ON OR AFTER THE LATER DATE,".
- 26 Page 30, line 24, strike "RECEIVED BY THE STATE FROM";

1 strike line 25 and substitute the following:

2 "LOAN CONTRACTS ENTERED INTO BY THE STATE AND THE BRIDGE
3 ENTERPRISE PURSUANT".

4 Page 31, line 6, after "(5)", insert "AND ANY OTHER LEGALLY AVAILABLE
5 MONEYS OF THE BRIDGE ENTERPRISE";

6 strike line 7 and substitute the following:

7 "BORROWED AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS OF
8 THE LOAN CONTRACT.";

9 line 17, strike "ENTERPRISE" and substitute "ENTERPRISE, OR LENDING A
10 LESSER AMOUNT OF MONEYS TO THE ENTERPRISE,";

11 line 19, strike "PERSONNEL," and substitute "PERSONNEL AND THE STATE
12 TREASURER,";

13 line 21, after "SELL", insert "OR LEASE";

14 line 25, after "(r).", add "WHEN PROVIDING THE LIST, THE GOVERNOR
15 SHALL ALSO SPECIFY TO THE STATE TREASURER THE MAXIMUM PERMITTED
16 PRINCIPAL AMOUNT OF ANY LOAN THAT MAY BE MADE TO THE BRIDGE
17 ENTERPRISE UNDER THE TERMS OF ANY LOAN CONTRACT THAT THE STATE,
18 ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO
19 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
20 PARAGRAPH (r).";

21 line 26, strike "TREASURER, IN THE STATE TREASURER'S";

22 strike line 27.

23 Page 32, strike lines 1 through 6 and substitute the following:

24 "TREASURER RECEIVES A LIST FROM THE GOVERNOR PURSUANT TO
25 SUBPARAGRAPH (II) OF THIS PARAGRAPH (r), THE STATE, ACTING BY AND
26 THROUGH THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT
27 WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO
28 MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY
29 SELLING OR LEASING ONE OR MORE OF THE";

1 line 7, strike "LIST";

2 strike lines 8 and 9 and substitute the following:

3 "LIST. THE STATE TREASURER SHALL HAVE SOLE DISCRETION TO ENTER
4 INTO A LOAN CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE
5 AMOUNT OF A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN
6 SHALL NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR
7 PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE
8 TREASURER SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE
9 TIMING OF THE ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE
10 SALE OR LEASE OF ONE OR MORE STATE BUILDINGS OR OTHER STATE
11 CAPITAL FACILITIES. THE LOAN CONTRACT SHALL";

12 line 10, strike "ENTERPRISE TO PLEDGE", and substitute "BRIDGE
13 ENTERPRISE TO PLEDGE TO THE STATE";

14 line 13, after "PLEDGE", insert "TO THE STATE";

15 line 14, after "ENTERPRISE.", add "ANY LOAN CONTRACT ENTERED INTO
16 BY THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE
17 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY
18 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN
19 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY
20 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT
21 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT
22 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR
23 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS
24 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS
25 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER
26 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY
27 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),
28 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
29 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO
30 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO
31 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH
32 (r).";

33 line 15, strike "STATE" and substitute "STATE, ACTING BY AND THROUGH
34 THE STATE TREASURER,";

- 1 strike line 16 and substitute the following:
- 2 "AGREEMENTS WITH RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL
3 FACILITIES SOLD OR LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF
4 THIS";
- 5 line 18, strike "LESSOR,";
- 6 strike lines 19 and 20 and substitute the following:
- 7 "LESSOR.";
- 8 line 22, strike "(A)" and substitute "(B)";
- 9 line 27, strike "(A)" and substitute "(B)".
- 10 Page 33, line 10, strike "(A)" and substitute "(B)";
- 11 line 14, strike "(A)" and substitute "(B)";
- 12 line 21, strike "AGREEMENT." and substitute "LEASE-PURCHASE
13 AGREEMENT UPON PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE
14 TERMS OF THE LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED
15 TO BE PAID TO REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH
16 RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE
17 AGREEMENT, INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR
18 CLAIMS RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT
19 ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH
20 (VII) OF THIS PARAGRAPH (r).";
- 21 line 26, strike "(A)" and substitute "(B)".
- 22 Page 34, line 17, strike "(A)" and substitute "(B)";
- 23 line 23, strike "(A)" and substitute "(B)";
- 24 line 25, strike "GROUND".
- 25 Page 35, line 1, strike "SECTION." and substitute "PARAGRAPH (r).";
- 26 line 4, strike "(A)" and substitute "(B)";

- 1 line 5, after "INSTRUMENT", insert "OR INTEREST RATE EXCHANGE
2 AGREEMENT";
- 3 line 6, after "(V)", insert "OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH
4 (VII)";
- 5 line 9, strike "AGREEMENT";
- 6 strike line 10 and substitute the following:
- 7 "AGREEMENT, ANCILLARY AGREEMENT OR INSTRUMENT, OR INTEREST
8 RATE EXCHANGE AGREEMENT MAY BE WAIVED BY THE";
- 9 line 13, strike "(A)" and substitute "(B)";
- 10 line 15, after "INCREASES,", insert "THE LESSOR UNDER ANY
11 LEASE-PURCHASE AGREEMENT OR";
- 12 line 17, strike "PURSUANT TO" and substitute "IN ACCORDANCE WITH";
- 13 line 19, strike "(A)" and substitute "(B)".
- 14 Page 36, line 8, strike "(r); AND" and substitute "(r).".
- 15 Page 39, line 7, strike "09-____," and substitute "09-108,".
- 16 Page 42, line 22, strike "BRIDGE" and substitute "TRANSPORTATION";
- 17 line 24, strike "WHEN" and substitute "As";
- 18 line 25, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES
19 IN EXCESS OF EXPENDITURES,";
- 20 line 26, strike "FULL" and substitute "PRINCIPAL".
- 21 Page 43, line 18, strike "TO PAY A PROPORTIONAL";
- 22 strike line 19 and substitute the following:
- 23 "FROM EACH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN
24 PROPORTION TO THE TOTAL AMOUNT OF SUCH REVENUES GENERATED BY

1 THE PROJECT TO PAY OVERHEAD OF THE TRANSPORTATION ENTERPRISE.".

2 Page 58, line 23, before "EITHER", insert "OR THE ENTERPRISE'S
3 COLLECTION DESIGNEE".

4 Page 66, line 15, strike "LANES." and substitute "LANES;"

5 after line 22, insert the following:

6 "(4) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR
7 HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON
8 A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR
9 CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A
10 LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY
11 TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE
12 HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS,
13 OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE
14 USER FEE."

15 Page 67, strike lines 20 and 21 and substitute the following:

16 "(5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY";

17 line 23, strike "ENTERPRISE, INCLUDING BUT NOT" and substitute
18 "ENTERPRISE.";

19 strike lines 24 through 27.

20 Page 68, strike lines 1 through 3.

21 Page 69, line 3, strike "09-____," and substitute "09-108,";

22 line 11, strike "thirty" and substitute "~~thirty~~ NINETY".

23 Page 72, after line 3, insert the following:

24 "SECTION 8. 42-12-102 (1) (a), Colorado Revised Statutes, is
25 amended to read:

26 **42-12-102. Registration of collectors' items - fees.** (1) Except
27 for those motor vehicles that are entitled to registration under the

1 provisions of section 42-3-219, collectors' items shall be titled, registered,
2 and a specific ownership tax shall be paid thereon in the same manner as
3 provided in this title for other motor vehicles, with the following
4 exceptions:

5 (a) Such collectors' items shall be registered for periods of five
6 years. The taxes and fees imposed for registration of a collector's item for
7 each five-year registration period shall be equal to five times the annual
8 taxes and fees which would otherwise be imposed for the registration of
9 such motor vehicle under this title and under title 43, C.R.S.; EXCEPT
10 THAT THE AMOUNT OF A SURCHARGE IMPOSED PURSUANT TO SECTION
11 43-4-804 (1) (a) OR 43-4-805 (5) (g), C.R.S, SHALL BE THE AMOUNT
12 SPECIFIED IN THE APPLICABLE SECTION. In addition to any other such
13 taxes and fees, if a collector's item is registered in a county which is a
14 member of one or more highway authorities and such authority or
15 authorities have imposed an annual motor vehicle registration fee or fees
16 pursuant to the provisions of section 43-4-506 (1) (k), C.R.S., then five
17 times such annual motor vehicle registration fee or fees shall be imposed
18 and remitted to such authority or authorities."

19 Renumber succeeding sections accordingly.

20 Page 73, strike lines 16 through 26 and substitute the following:

21 "SECTION 10. The introductory portion to 43-1-1103 (5),
22 Colorado Revised Statutes, is amended, and the said 43-1-1103 (5) is
23 further amended BY THE ADDITION OF THE FOLLOWING NEW
24 PARAGRAPHS, to read:

25 **43-1-1103. Transportation planning.** (5) The department shall
26 integrate and consolidate the regional transportation plans for the
27 transportation planning regions into a comprehensive statewide
28 transportation plan. The formation of such state plan shall be
29 accomplished through a statewide planning process set by rules and
30 regulations promulgated by the commission. The state plan shall ~~include~~
31 ADDRESS but shall not be limited to the following factors:

32 (d) THE TARGETING OF INFRASTRUCTURE INVESTMENTS,
33 INCLUDING PRESERVATION OF THE EXISTING TRANSPORTATION SYSTEM
34 COMMONLY KNOWN AS "FIXING IT FIRST" TO SUPPORT THE ECONOMIC
35 VITALITY OF THE STATE AND REGION;"

1 Reletter succeeding paragraphs accordingly.

2 Page 74, strike lines 4 and 5.

3 Reletter succeeding paragraphs accordingly.

4 Page 74, after line 24, insert the following:

5 "SECTION 12. 43-1-1402 (3), Colorado Revised Statutes, is
6 amended to read:

7 **43-1-1402. Definitions.** As used in this part 14:

8 (3) "Design-build contract" means the procurement of both the
9 design and the construction of a transportation project in a single contract
10 with a single design-build firm or a combination of such firms that are
11 capable of providing the necessary design and construction services. A
12 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE
13 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE
14 PROJECT."

15 Renumber succeeding sections accordingly.

16 Page 77, after line 12, insert the following:

17 "SECTION 17. **Effective date - applicability.** (1) Except as
18 otherwise provided in subsection (2) of this section, this act shall take
19 effect upon passage.

20 (2) Section 5 of this act shall take effect January 1, 2010, and shall
21 apply to overweight permits issued on or after said date."

22 Renumber succeeding section accordingly.

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