

HOUSE COMMITTEE OF REFERENCE REPORT

	March 25, 2010
Chairman of Committee	Date

Committee on Transportation & Energy.

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

HB10-1238 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 1, strike "**zones - report**" and substitute
2 "**zones - cash fund - report - repeal**".

3 Page 4, line 13, strike "THE FOLLOWING FACTORS:" and substitute
4 "FACTORS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:".

5 Page 4, after line 21 insert:

6 "(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "WILDLIFE" SHALL HAVE THE SAME MEANING AS "BIG GAME" AS
8 SET FORTH IN SECTION 33-1-102 (2), C.R.S."

9 (7) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
10 WILDLIFE CROSSING ZONES CASH FUND, REFERRED TO IN THIS SECTION AS
11 THE "FUND". THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE
12 FUND PURSUANT TO SECTION 42-4-1701 (4) (d) (II). THE MONEYS IN THE
13 FUND SHALL BE CONTINUOUSLY APPROPRIATED BY THE GENERAL
14 ASSEMBLY TO THE DEPARTMENT OF TRANSPORTATION FOR THE DIRECT
15 AND INDIRECT COSTS ASSOCIATED WITH:

16 (I) PLACEMENT OF SIGNS IDENTIFYING WILDLIFE CROSSING ZONES
17 AND ESTABLISHING A LOWER SPEED LIMIT FOR THE PORTION OF THE
18 HIGHWAY THAT LIES WITHIN EACH ZONE;

1 (II) CONSTRUCTION, RECONSTRUCTION, REPAIRS, IMPROVEMENT,
2 PLANNING, SUPERVISION, AND MAINTENANCE OF THE PORTIONS OF THE
3 PUBLIC HIGHWAYS OF THE STATE THAT HAVE BEEN ESTABLISHED AS
4 WILDLIFE CROSSING ZONES PURSUANT TO SUBSECTION (1) OF THIS
5 SECTION, TOGETHER WITH THE ACQUISITION OF RIGHTS-OF-WAY AND
6 ACCESS RIGHTS FOR THE SAME; AND

7 (III) REIMBURSING THE HIGHWAY USERS TAX FUND CREATED IN
8 SECTION 43-4-201, C.R.S., FOR ANY MONEYS THAT ARE USED FROM THE
9 HIGHWAY USERS TAX FUND FOR THE PURPOSES DESCRIBED IN
10 SUBPARAGRAPHS (I) OR (II) OF THIS PARAGRAPH (a).

11 (b) THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO
12 EXPEND MONEYS IN THE FUND FOR THE PURPOSES DESCRIBED IN
13 PARAGRAPH (a) OF THIS SUBSECTION (7).

14 (c) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
15 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7) MAY BE INVESTED
16 BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND
17 INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE
18 FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
19 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
20 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
21 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND."

22 Renumber succeeding subsection accordingly.

23 Page 4, line 22, after "(8)" insert "(a)".

24 Page 5, line 1, strike "(a)" and substitute "(I)".

25 Page 5, line 4, strike "(b)" and substitute "(II)".

26 Page 5, line 7, strike "(c)" and substitute "(III)".

27 Page 5, line 12, strike "(d)" and substitute "(IV)".

28 Page 5, line 16, strike "(e)" and substitute "(V)".

29 Page 5, line 18, strike "(I)" and substitute "(A)".

- 1 Page 5, line 20, strike "(II)" and substitute "(B)".
- 2 Page 5, line 23, strike "(III)" and substitute "(C)".
- 3 Page 5, after line 25 insert:
- 4 "(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE MARCH 2,
5 2012.".
- 6 Page 6, line 24, after "(3)" insert "(a)".
- 7 Page 7, line 1, strike "(a)" and substitute "(I)" and after "TIMES" insert "OF
8 DAY AND THE PERIODS OF THE CALENDAR YEAR".
- 9 Page 7, line 4, strike "(b)" and substitute "(II)" and after "TIMES" insert
10 "OF DAY AND THE PERIODS OF THE CALENDAR YEAR".
- 11 Page 7, after line 6 insert:
- 12 "(b) IN ERECTING SIGNS AS DESCRIBED IN PARAGRAPH (a) OF THIS
13 SUBSECTION (3), THE DEPARTMENT OF TRANSPORTATION, PURSUANT TO
14 SECTION 42-4-118, SHALL NOT ERECT SIGNS ESTABLISHING A LOWER SPEED
15 LIMIT FOR MORE THAN ONE HUNDRED MILES OF THE PUBLIC HIGHWAYS OF
16 THE STATE THAT HAVE BEEN ESTABLISHED AS WILDLIFE CROSSING
17 ZONES.".
- 18 Page 7, line 22, after "(4) (d)" insert "(I)".
- 19 Page 7, after line 26 insert:
- 20 "(II) FOR EACH PENALTY AND SURCHARGE THAT THE DEPARTMENT
21 OF TRANSPORTATION IMPOSES FOR A MOVING TRAFFIC VIOLATION THAT
22 OCCURS WITHIN A WILDLIFE CROSSING ZONE PURSUANT TO SECTION
23 42-4-616, THE DEPARTMENT SHALL TRANSMIT ONE HALF OF THE AMOUNT
24 COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
25 THE WILDLIFE CROSSING ZONES CASH FUND CREATED IN SECTION
26 42-4-118.".

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