

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0049.01 Ed DeCecco

HOUSE BILL 11-1002

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HOUSE SPONSORSHIP

Nikkel,

SENATE SPONSORSHIP

Kopp,

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House Committees  
Transportation

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN ON-LINE DATABASE FOR THE  
102 DEPARTMENT OF TRANSPORTATION'S FINANCIAL INFORMATION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)*

Currently, the state's revenues and expenditures that are included in the state's official book of record are included in a free, searchable web-based system that is known as the transparency on-line project. Only a limited number of the department of transportation's transactions are included in the state's official book of record, and, accordingly, most of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

its revenues and expenditures are not included in the web-based system.

The bill requires the department of transportation to develop, maintain, and make publicly available a searchable, on-line revenue and expenditure database. Specific information about each revenue and expenditure transaction is required. The web-based system is required to include a link to the on-line database.

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

2 **SECTION 1.** 24-72.4-101, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-72.4-101. Legislative declaration.** (3) (a) THE GENERAL  
5 ASSEMBLY FURTHER FINDS AND DECLARES THAT:

6 (I) ONLY A LIMITED NUMBER OF THE DEPARTMENT OF  
7 TRANSPORTATION'S TRANSACTIONS ARE INCLUDED IN THE STATE'S  
8 OFFICIAL BOOK OF RECORD, AND, ACCORDINGLY, MOST OF ITS REVENUES  
9 AND EXPENDITURES ARE NOT INCLUDED IN THE WEB-BASED SYSTEM;

10 (II) BECAUSE OF ACCOUNTING AND INFORMATION TECHNOLOGY  
11 DIFFERENCES, IT IS NOT FEASIBLE TO FULLY ASSIMILATE THE DEPARTMENT  
12 OF TRANSPORTATION INTO THE WEB-BASED SYSTEM; AND

13 (III) TAXPAYERS SHOULD STILL BE ABLE TO ACCESS THE DETAILS  
14 OF THE DEPARTMENT OF TRANSPORTATION'S FINANCES.

15 (b) NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL  
16 ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION BE REQUIRED TO  
17 CREATE AND MAINTAIN A SEARCHABLE, ON-LINE REVENUE AND  
18 EXPENDITURE DATABASE AND THAT SUCH INFORMATION SHOULD BE  
19 ACCESSIBLE THROUGH THE WEB-BASED SYSTEM.

20 **SECTION 2.** 24-72.4-102, Colorado Revised Statutes, is  
21 amended BY THE ADDITION OF A NEW SUBSECTION to read:

22 **24-72.4-102. Definitions.** As used in this article, unless the

1 context otherwise requires:

2 (1.3) "ON-LINE DATABASE" MEANS THE SEARCHABLE, ON-LINE  
3 REVENUE AND EXPENDITURE DATABASE DEVELOPED, MAINTAINED, AND  
4 MADE PUBLICLY AVAILABLE BY THE DEPARTMENT OF TRANSPORTATION  
5 PURSUANT TO SECTION 24-72.4-105.

6 **SECTION 3.** 24-72.4-103 (1), Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **24-72.4-103. Web-based system - enhancements - procedure**  
9 **for challenging exclusions.** (1) The chief information officer shall  
10 modify the web-based system to meet the following requirements:

11 (j) THE WEB-BASED SYSTEM SHALL INCLUDE A LINK TO THE  
12 ON-LINE DATABASE.

13 **SECTION 4.** Article 72.4 of title 24, Colorado Revised Statutes,  
14 is amended BY THE ADDITION OF A NEW SECTION to read:

15 **24-72.4-105. Department of transportation - revenue and**  
16 **expenditure - on-line database - link to web-based system.** (1) NO  
17 LATER THAN JULY 1, 2012, THE DEPARTMENT OF TRANSPORTATION SHALL  
18 DEVELOP, MAINTAIN, AND MAKE PUBLICLY AVAILABLE A SEARCHABLE,  
19 ON-LINE REVENUE AND EXPENDITURE DATABASE.

20 (2) THE ON-LINE DATABASE MUST:

21 (a) INCLUDE THE FOLLOWING INFORMATION FOR ALL REVENUES  
22 RECEIVED BY THE DEPARTMENT OF TRANSPORTATION:

23 (I) THE AMOUNT RECEIVED;

24 (II) THE DATE OF RECEIPT;

25 (III) THE SOURCE OF THE MONEYS; EXCEPT THAT THE IDENTITY OF  
26 AN INDIVIDUAL MAKING A PAYMENT TO THE DEPARTMENT OF  
27 TRANSPORTATION SHOULD NOT BE INCLUDED;

1 (IV) THE REASON FOR THE PAYMENT;  
2 (V) THE FUND IN WHICH THE MONEYS ARE DEPOSITED; AND  
3 (VI) THE PROGRAM FOR WHICH THE MONEYS ARE RECEIVED;  
4 (b) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II) OF THIS  
5 PARAGRAPH (b), INCLUDE THE FOLLOWING INFORMATION FOR EACH  
6 EXPENDITURE MADE BY THE DEPARTMENT OF TRANSPORTATION:  
7 (A) THE AMOUNT OF MONEYS EXPENDED;  
8 (B) THE DATE OF THE TRANSACTION;  
9 (C) THE VENDOR THAT RECEIVED THE PAYMENT;  
10 (D) THE PURCHASE CATEGORY; AND  
11 (E) THE FUND FROM WHICH THE EXPENDITURE WAS MADE;  
12 (II) INCLUDE ONLY THE FOLLOWING INFORMATION ABOUT  
13 PAYMENTS MADE TO EACH EMPLOYEE OF THE DEPARTMENT OF  
14 TRANSPORTATION:  
15 (A) THE PERSONNEL AREA OF THE EMPLOYEE;  
16 (B) THE EMPLOYEE'S JOB TITLE; AND  
17 (C) THE GROSS YEAR-TO-DATE PAYMENTS MADE TO THE  
18 EMPLOYEE;  
19 (c) BE SEARCHABLE;  
20 (d) BE UPDATED AT LEAST EVERY FIVE BUSINESS DAYS TO INCLUDE  
21 NEW EXPENDITURE AND REVENUE DATA;  
22 (e) BEGINNING ON JULY 1, 2013, INCLUDE ARCHIVED REVENUE  
23 AND EXPENDITURE DATA FOR THE PRIOR STATE FISCAL YEAR ONLY.  
24 (3) THE ON-LINE DATABASE MUST NOT INCLUDE:  
25 (a) ANY INFORMATION THAT IS NOT A PUBLIC RECORD OR THAT IS  
26 EXEMPT FROM DISCLOSURE PURSUANT TO THE "COLORADO OPEN  
27 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE, OR PURSUANT TO

1 PART 3 OF ARTICLE 72 OF THIS TITLE; OR

2 (b) ANY INFORMATION THAT IS CONFIDENTIAL PURSUANT TO STATE  
3 OR FEDERAL LAW.

4 (4) THE DEPARTMENT OF TRANSPORTATION MAY INCLUDE ANY  
5 OTHER INFORMATION THAT THE DEPARTMENT DETERMINES WILL INCREASE  
6 TRANSPARENCY.

7 **SECTION 5. Act subject to petition - effective date.** This act  
8 shall take effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part shall not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2012 and shall take effect on the date of the official  
16 declaration of the vote thereon by the governor.