

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0153.01 Jason Gelender x4330

HOUSE BILL 12-1030

HOUSE SPONSORSHIP

Looper and Priola, Barker, Brown, Ramirez, Tyler

SENATE SPONSORSHIP

Williams S., Hudak

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF REQUIREMENTS THAT SPECIFIED TYPES**
102 **OF INFORMATION BE SUBMITTED TO LEGISLATIVE COMMITTEES,**
103 **AND, IN CONNECTION THEREWITH, REPEALING CERTAIN**
104 **TRANSPORTATION AND ENERGY-RELATED INFORMATION**
105 **SUBMISSION REQUIREMENTS.**

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>.)

Transportation Legislation Review Committee. The bill repeals

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.

requirements that the following transportation and energy-related reports or other information be provided to various committees of the general assembly:

- ! An annual capital construction request submitted by the transportation commission to the capital development committee for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund for those purposes;
- ! 3-year plans and annual activity reports submitted by the Colorado clean energy development authority to the house and senate committees with jurisdiction over energy-related matters;
- ! An annual report submitted by the executive director of the department of revenue to the transportation legislation review committee (TLRC) on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and additional related matters;
- ! An annual report from the department of public health and environment to the TLRC on the cost and effectiveness of the high emitter program currently provided by the department of public health and environment, in cooperation with the program contractor;
- ! A prioritized list submitted by the executive director of the department of transportation to the TLRC with recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and their proposed uses;
- ! An annual report submitted by the office of transportation safety to the TLRC on the nature and purpose of the programs funded by, and distribution and expenditure of law enforcement assistance fund moneys appropriated to, the department of public health and environment for drunken driving prevention and law enforcement improvement by counties; and
- ! Notice of the boundaries of a public highway authority to be created or of a value capture area to be created within the boundaries of a public highway authority submitted by the board of the authority to the TLRC.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 40-9.7-106, **amend**

1 (1) (d) (I) introductory portion; and **repeal** (1) (d) (IV) as follows:

2 **40-9.7-106. Authority - duties and powers.** (1) The authority
3 shall:

4 (d) (I) ~~Except as otherwise provided in subparagraph (IV) of this~~
5 ~~paragraph (d),~~ Before financing, refinancing, or otherwise supporting any
6 project, develop, adopt, and publish a three-year plan for its activities that
7 includes:

8 (IV) ~~The authority shall adopt and submit its initial three-year plan~~
9 ~~to the agriculture, natural resources, and energy committee of the senate~~
10 ~~and the transportation and energy committee of the house of~~
11 ~~representatives, or any successor committees, no later than February 1,~~
12 ~~2008, and shall adopt and submit to said committees its subsequent~~
13 ~~three-year plans no later than February 1 of every third year thereafter.~~

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-9.7-123
15 as follows:

16 **40-9.7-123. Report to legislature.** Notwithstanding section
17 24-1-136 (11), C.R.S., the authority shall submit a report of its activities
18 to the governor ~~and to the agriculture, natural resources, and energy~~
19 ~~committee of the senate and the transportation and energy committee of~~
20 ~~the house of representatives, or any successor committees, no later than~~
21 February 1 of each year. Each report shall set forth a complete operating
22 and financial statement covering the authority's operations for the
23 previous fiscal year.

24 **SECTION 3.** In Colorado Revised Statutes, 42-4-305, **repeal** (11)
25 as follows:

26 **42-4-305. Powers and duties of executive director - automobile**
27 **inspection and readjustment program - basic emissions program -**

1 **enhanced emissions program - clean screen program.** (11) ~~The~~
2 ~~executive director shall report to the transportation legislation review~~
3 ~~committee annually on the effectiveness of the quality assurance and~~
4 ~~enforcement measures contained in this section, the overall motorist~~
5 ~~compliance rates with inspections for registration denial, and the status~~
6 ~~of state implementation plan compliance pertaining to quality assurance.~~
7 ~~This annual report shall be submitted to the commission in May of each~~
8 ~~year for incorporation into appropriate annual and biennial reporting~~
9 ~~requirements. Reports shall cover the previous calendar year.~~

10 **SECTION 4.** In Colorado Revised Statutes, 42-4-307, **repeal** (13)
11 as follows:

12 **42-4-307. Powers and duties of the department of public**
13 **health and environment - division of administration - automobile**
14 **inspection and readjustment program - basic emissions program -**
15 **enhanced emissions program - clean screen program.** (13) ~~Beginning~~
16 ~~July 1, 2007, and on or before October 15 of each year thereafter through~~
17 ~~October 15, 2009, and no later than October 15, 2011, and each October~~
18 ~~15 thereafter, the department of public health and environment, in~~
19 ~~cooperation with the contractor, shall brief the transportation legislation~~
20 ~~review committee on the cost and effectiveness of the high emitter~~
21 ~~program. The briefing shall compare the effectiveness of the high emitter~~
22 ~~program to other emissions reduction options, including, but not limited~~
23 ~~to, the elimination of the AIR program, the elimination of the requirement~~
24 ~~for regular motor vehicle emissions inspections, and the appropriate~~
25 ~~reduction of the emissions inspection fee.~~

26

27 **SECTION 5.** In Colorado Revised Statutes, 43-1-1303, **amend**

1 (2); and **repeal** (3) as follows:

2 **43-1-1303. Duties of the executive director - property eligible**
3 **for acquisition.** (2) The commission shall review any property
4 determined to be eligible for acquisition and approve OR DISAPPROVE the
5 acquisition. ~~before the executive director submits the prioritized list of~~
6 ~~rail lines or rights-of-way to be acquired to the TLRC pursuant to~~
7 ~~subsection (3) of this section.~~

8 (3) ~~The executive director shall submit a prioritized list with~~
9 ~~recommendations to the TLRC concerning the railroad rights-of-way or~~
10 ~~rail lines proposed to be acquired by the state and their proposed uses.~~

11 **SECTION 6.** In Colorado Revised Statutes, 43-1-1305, **amend**
12 (3) as follows:

13 **43-1-1305. Acquisition for state rail bank - acquisition of the**
14 **Towner line - repeal.** (3) The commission shall review any property
15 determined to be eligible for acquisition and approve OR DISAPPROVE the
16 acquisition. ~~before the executive director submits the prioritized list of~~
17 ~~rail line or right-of-way to be acquired to the TLRC pursuant to section~~
18 ~~43-1-1303 (3).~~

19 **SECTION 7.** In Colorado Revised Statutes, **repeal** 43-1-1307 as
20 follows:

21 **43-1-1307. Powers and duties of the TLRC concerning state**
22 **acquisition of abandoned railroad rights-of-way.** (1) ~~The~~
23 ~~transportation legislation review committee shall study the~~
24 ~~recommendations of the executive director made pursuant to section~~
25 ~~43-1-1303 (3) for acquisition of, and use or uses for, abandoned or~~
26 ~~proposed to be abandoned railroad rights-of-way. On or before October~~
27 ~~1 of each year, the executive director shall submit a prioritized list that~~

1 shall include ~~recommendations for the acquisition and proposed use of~~
2 ~~abandoned or proposed to be abandoned railroad rights-of-way. The~~
3 ~~members of the transportation legislation review committee shall~~
4 ~~determine which abandoned railroad rights-of-way may be acquired by~~
5 ~~the department and funded out of the state rail bank fund, created in~~
6 ~~section 43-1-1309, based upon the greatest need and its proposed use or~~
7 ~~uses.~~

8 (2) ~~The transportation legislation review committee may hold such~~
9 ~~hearings as it determines necessary to consider reports, studies, and other~~
10 ~~pertinent information from any source, including affected individuals,~~
11 ~~political subdivisions, railroad companies, or other entities, with respect~~
12 ~~to the acquisition of abandoned railroad rights-of-way.~~

13 (3) ~~The transportation legislation review committee may~~
14 ~~determine the priority of acquisition of, and use or uses for, abandoned~~
15 ~~railroad rights-of-way by the department.~~

16 **SECTION 8.** In Colorado Revised Statutes, **repeal** 43-1-1308 as
17 follows:

18 **43-1-1308. Recommendations and findings of the TLRC.** ~~The~~
19 ~~members of the transportation legislation review committee shall make~~
20 ~~a written report setting forth its recommendations, findings, and~~
21 ~~comments as to each recommendation for the acquisition of abandoned~~
22 ~~railroad rights-of-way and their uses and submit the report to the general~~
23 ~~assembly.~~

24 **SECTION 9.** In Colorado Revised Statutes, 43-4-404, **amend** (1)
25 as follows:

26 **43-4-404. Formula for allocation of moneys.** (1) The office of
27 transportation safety shall allocate not less than thirty percent and not

1 more than fifty percent of the moneys allocated to the office pursuant to
2 section 43-4-402 (2) to counties that have established a qualified drunken
3 driving prevention and law enforcement program. The intent of the
4 general assembly is that these moneys be expended in a manner that will
5 improve enforcement of drunken driving laws. To this end, rules for the
6 distribution of these moneys shall be developed by the office of
7 transportation safety. ~~The office shall report annually to the transportation~~
8 ~~legislation review committee on the distribution and expenditure of these~~
9 ~~funds and the nature and purpose of the programs.~~ All moneys
10 appropriated hereunder shall be used for drunken driving prevention and
11 law enforcement improvement by counties and not for statewide
12 programs.

13 **SECTION 10.** In Colorado Revised Statutes, 43-4-514, **repeal** (1)
14 (c) as follows:

15 **43-4-514. Notice - coordination of information - reports.**
16 (1) (c) ~~At the time the notice required in paragraph (a) or (b) of this~~
17 ~~subsection (1) is sent to the division, a copy shall be filed with the~~
18 ~~transportation legislation review committee.~~

19
20 **SECTION 11. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2012 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.