

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 05-0081.01 Ed DeCecco

SENATE BILL 05-020

SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

Coleman,

Senate Committees
State Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF OBSOLETE PROVISIONS OF LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals or amends outdated provisions in the Colorado revised statutes regarding:

- Past publications of the Colorado revised statutes;
- The abolishment of the Colorado commission on higher education;
- The transfer of real and personal property and employees to the Colorado commission on higher education;
- A penalty by the state controller for insufficient funds checks;

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.

A budgetary requirement for the director of the state lottery division;

Past terms of the members of the Colorado lottery commission;

Distributions from the lottery fund;

A pilot consumer satisfaction survey from the department of public health and environment;

Distributions from the emergency medical services account;

Apportionment of moneys in the emergency medical services account;

Rules of the state board of health;

Use of the term "insane";

A past date concerning an experience requirement for members of the air quality control commission;

The review and repeal of regulations from the air quality control commission;

Past terms of members of the compliance advisory panel, which oversees the small business stationary source technical and environmental compliance assistance program;

Requirements concerning risk-based studies and an advisory report on hazardous air pollutants;

A requirement for the air quality control commission to adopt ambient air quality standards for the Denver region;

The removal of stricken and capitalized words in revisions to the state implementation plan;

Housed commercial swine feeding operations;

Fuel products containing or treated with MTBE;

Certification of wood stoves;

An asbestos abatement report filed by the department of human services;

Past terms of members of the water quality control commission;

The initial administrator employed by the water quality control commission;

The state water quality control program standard-setting and classification process;

Applications for permits for the discharge of pollutants from publicly owned wastewater treatment works;

Designation of hazardous waste disposal sites;

Interest earned from the hazardous waste commission fund;

The transfer of moneys in the CERCLA recovery fund;

Past appointments of members of the pollution prevention advisory board;

A recycling development fee;
Tony Grampsas youth services program grants;
The state dental loan repayment program;
Past terms of members of the board of directors of the Colorado health facilities authority;
Past terms of members of the medical services board;
Past terms of members of the cooperative health care agreements board and functions of the board;
Past effective dates for provisions concerning the department of transportation;
Urban mass transportation grants;
The state highway system;
Past requirements for the transportation legislation review committee;
Obligations of the transportation commission related to the state highway system;
Toll tunnel anticipation warrants;
Allocations of the highway users tax fund;
A past effective date for a provision concerning the state highway fund; and
Highway anticipation warrants.
Makes conforming amendments.

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

2 **SECTION 1.** 2-5-113 (1), Colorado Revised Statutes, is amended
3 to read:

4 **2-5-113. Effect of enactment of Colorado Revised Statutes 1973**
5 **- legislative construction not based on editorial matters.** (1) Colorado
6 Revised Statutes 1973 was enacted as a repeal and reenactment of
7 Colorado Revised Statutes 1963 and the supplements thereto, as provided
8 for in section 2-5-122, AS SAID SECTION EXISTED UPON ITS REPEAL.

9 **SECTION 2. Repeal.** 2-5-121, Colorado Revised Statutes, is
10 repealed as follows:

11 **2-5-121. Report deposited - 1973 supplement to Colorado**
12 **Revised Statutes 1963.** ~~(1) The report of the committee on legal~~
13 ~~services submitted to the 1974 general assembly, correcting, harmonizing,~~

1 collating, editing, revising, and compiling the statutes of Colorado of a
2 general and permanent nature as Colorado Revised Statutes 1973, made
3 pursuant to this article and so certified by said committee, has been
4 received by the general assembly in due course and is hereby approved
5 and adopted. Such report is hereby designated and declared to be the
6 "Official Report of the Committee on Legal Services". A copy of said
7 official report, so certified, was deposited by the secretary of the senate
8 and the chief clerk of the house of representatives with the secretary of
9 state as part of the records of his office.

10 (2) ~~The statutes of the state of Colorado of a general and~~
11 ~~permanent nature enacted by the forty-eighth general assembly at its~~
12 ~~second regular session (1972) and enacted by the forty-ninth general~~
13 ~~assembly at its first regular session (1973), as corrected, harmonized,~~
14 ~~collated, edited, revised, and compiled in such certified official report of~~
15 ~~the committee on legal services, are enacted as the positive statutory law~~
16 ~~of a general and permanent nature of the state of Colorado, with the same~~
17 ~~legal force and effect and as part of Colorado Revised Statutes 1963. Said~~
18 ~~1973 supplement shall not be published separately in pocket parts or in~~
19 ~~a single bound volume, but publication thereof shall be by inclusion in~~
20 ~~Colorado Revised Statutes 1973.~~

21 **SECTION 3. Repeal.** 2-5-122, Colorado Revised Statutes, is
22 repealed as follows:

23 **2-5-122. Enactment.** The statutory law of the state of Colorado
24 of a general and permanent nature, as corrected, harmonized, collated,
25 edited, revised, and compiled in the certified official report of the
26 committee on legal services, is enacted as the positive and statutory law
27 of a general and permanent nature of the state of Colorado as follows:

1 ~~The printed text of statutory law which is included in the printed and~~
2 ~~certified official report provided in section 2-5-121, and which is~~
3 ~~appended hereto, is incorporated in full in this article and is designated~~
4 ~~as "Colorado Revised Statutes 1973". The printed text of statutory law~~
5 ~~being in the hands of each member of the general assembly for the use of~~
6 ~~each such member, in due procedural course, it is hereby ordered that~~
7 ~~further printing of said printed text of statutory law be dispensed with and~~
8 ~~that such text not be engrossed or printed in the session laws.~~

9 **SECTION 4. Repeal.** 2-5-123, Colorado Revised Statutes, is
10 repealed as follows:

11 **2-5-123. Publishing - publication - effective date.** ~~The~~
12 ~~committee on legal services has caused Colorado Revised Statutes 1973,~~
13 ~~together with annotations and index and all other matters authorized by~~
14 ~~this article, to be printed and published, and, upon total completion of~~
15 ~~such publication, the committee on legal services has deposited with the~~
16 ~~secretary of state a complete set of the volumes so printed and published~~
17 ~~and at the same time has certified the same to be Colorado Revised~~
18 ~~Statutes 1973 as authorized and enacted by this article. The effective and~~
19 ~~operative date of Colorado Revised Statutes 1973, including the 1973~~
20 ~~supplement to Colorado Revised Statutes 1963, was fixed as the fortieth~~
21 ~~calendar day after the deposit of Colorado Revised Statutes 1973 with the~~
22 ~~secretary of state.~~

23 **SECTION 5. Repeal.** 23-1-102 (1), Colorado Revised Statutes,
24 is repealed as follows:

25 **23-1-102. Commission established - terms of office.**
26 (1) ~~Effective June 30, 1985, the Colorado commission on higher~~
27 ~~education is abolished, and the terms of members of the commission~~

1 ~~servicing as such immediately prior to June 30, 1985, are terminated.~~

2 **SECTION 6. Repeal.** 23-1-106.5 (7) (a), Colorado Revised
3 Statutes, is repealed as follows:

4 **23-1-106.5. Duties and powers of the commission with regard**
5 **to advanced technology - fund created.** (7) (a) ~~On July 1, 1999, all~~
6 ~~items of property, real and personal, including office furniture and~~
7 ~~fixtures, books, documents, and records of the Colorado advanced~~
8 ~~technology institute and the Colorado advanced technology commission~~
9 ~~are transferred to the Colorado commission on higher education.~~

10 **SECTION 7.** 23-1-110 (2) (b), Colorado Revised Statutes, is
11 amended to read:

12 **23-1-110. Organization, meetings, and staff.** (2) (b) On July 1,
13 1999, certain employees of the Colorado advanced technology institute
14 prior to said date shall be transferred to and become employees of the
15 commission. Any such employees who are classified employees in the
16 state personnel system at the time of the transfer shall retain all rights to
17 the personnel system and retirement benefits pursuant to the laws of this
18 state, and their services shall be deemed to have been continuous. All
19 transfers and any abolishment of positions in the state personnel system
20 shall be made and processed in accordance with state personnel system
21 laws and regulations. ~~The transfer of employees pursuant to this~~
22 ~~paragraph (b) shall be made in accordance with the provisions of section~~
23 ~~12 of House Bill 99-1359, enacted at the first regular session of the~~
24 ~~sixty-second general assembly.~~

25 **SECTION 8.** 23-20-117.5 (3), Colorado Revised Statutes, is
26 amended to read:

27 **23-20-117.5. University of Colorado fund - creation - control**

1 - **use.** (3) Moneys in the university of Colorado fund may be invested by
2 the state treasurer in investments authorized by sections 24-36-109,
3 24-36-112, and 24-36-113, C.R.S., any public-private initiatives with the
4 department of transportation, as defined in section 43-1-1201 (3), C.R.S.,
5 AND bonds issued for turnpikes in accordance with part 2 of article 3 of
6 title 43, C.R.S. ~~and anticipation warrants issued for toll tunnels in~~
7 ~~accordance with part 4 of article 3 of title 43, C.R.S.~~ The board shall
8 determine the amount of moneys to be credited in the fund. Until the
9 board of regents withdraws the moneys from the fund, the state treasurer
10 shall invest the moneys on behalf of the board of regents.

11 **SECTION 9.** 24-30-202 (25) (a), Colorado Revised Statutes, is
12 amended to read:

13 **24-30-202. Procedures - vouchers and warrants - rules -**
14 **penalties.** (25) (a) ~~Prior to July 1, 1985, the controller shall assess a~~
15 ~~fifteen-dollar penalty against any person who issues a check returned for~~
16 ~~insufficient funds to any state department, institution, or agency in~~
17 ~~payment of fees, fines, or other moneys due the state.~~

18 **SECTION 10.** 24-35-204 (3) (l), Colorado Revised Statutes, is
19 amended to read:

20 **24-35-204. Director - qualifications - powers and duties.**

21 (3) The director, as administrative head of the division, shall direct and
22 supervise all its administrative and technical activities. In addition to the
23 duties imposed upon the director elsewhere in this part 2, it shall be the
24 director's duty:

25 (l) To annually prepare and submit to the commission, for its
26 approval, a proposed budget for the ensuing fiscal year, which budget
27 shall present a complete financial plan setting forth all proposed

1 expenditures and anticipated revenues of the division. The fiscal year of
2 the division shall commence on July 1 and end on June 30 of each year.
3 ~~For the fiscal year commencing July 1, 1982, the director shall prepare~~
4 ~~a proposed budget and shall submit it to the commission for approval by~~
5 ~~the commission at the earliest feasible time.~~

6 **SECTION 11.** 24-35-207 (3), Colorado Revised Statutes, is
7 amended to read:

8 **24-35-207. Colorado lottery commission - creation.** (3) ~~Initial~~
9 ~~members shall be appointed to the commission by the governor as~~
10 ~~follows: One member to serve until July 1, 1983, one member to serve~~
11 ~~until July 1, 1984, one member to serve until July 1, 1985, and two~~
12 ~~members to serve until July 1, 1986. All subsequent Appointments shall~~
13 ~~be for terms of four years, subject to continuation of the division pursuant~~
14 ~~to section 24-35-218. No member of the commission shall be eligible to~~
15 ~~serve more than two terms.~~

16 **SECTION 12.** 24-35-210 (2), (4.1) (b) (I), (10) (a) (I), and (10)
17 (a) (II), Colorado Revised Statutes, are amended to read:

18 **24-35-210. Lottery fund.** (2) ~~In addition to the initial~~
19 ~~appropriation to the division, all moneys paid into the lottery fund~~
20 ~~through June 30, 1983, shall be available immediately, without further~~
21 ~~appropriation, for the purposes of said fund. After June 30, 1983,~~
22 ~~Expenses of the division shall be paid from the lottery fund only as~~
23 ~~appropriated by the general assembly.~~

24 (4.1) (b) (I) ~~From the fourth quarter of fiscal year 1992-93~~
25 ~~through the fourth quarter of fiscal year 1997-98, the general assembly~~
26 ~~shall annually appropriate ten percent of the net proceeds of the lottery~~
27 ~~to the division of parks and outdoor recreation in the department of~~

1 natural resources to be used for the purposes provided in paragraph (c) of
2 ~~this subsection (4.1)~~. Beginning with the first quarter of fiscal year
3 1998-99 and each fiscal year thereafter, distributions of net lottery
4 proceeds to the division of parks and outdoor recreation shall be made in
5 accordance with the provisions of paragraph (b) of subsection (1) of
6 section 33-60-104, C.R.S.

7 (10) (a) (I) ~~The state treasurer shall distribute the net lottery~~
8 ~~proceeds in the lottery fund which are attributable to the 1988-89 fiscal~~
9 ~~year on September 1, 1989, in accordance with subsection (4) of this~~
10 ~~section. Distributions from the lottery fund for the 1989-90 fiscal year~~
11 ~~through the third quarter of fiscal year 1992-93 shall be on a quarterly~~
12 ~~basis, with the distribution of net lottery proceeds for the first quarter~~
13 ~~occurring on December 1 of such fiscal year, distribution of net lottery~~
14 ~~proceeds for the second quarter occurring on March 1 of such fiscal year,~~
15 ~~distribution of net lottery proceeds for the third quarter occurring on June~~
16 ~~1 of such fiscal year, and distribution of net lottery proceeds for the~~
17 ~~fourth quarter occurring on September 1 following the close of such fiscal~~
18 ~~year.~~

19 (II) ~~Beginning with the proceeds from the fourth quarter of fiscal~~
20 ~~year 1992-93 through the fourth quarter of fiscal year 1997-98,~~
21 ~~distributions shall be made in the manner provided in section 33-60-103,~~
22 ~~C.R.S.~~ Net lottery proceeds to be distributed to the conservation trust
23 fund, as computed pursuant to this section, shall be transferred to the
24 conservation trust subaccount of the lottery fund, which subaccount is
25 hereby created, once each month. Such transfers shall be made from net
26 lottery proceeds reflected in the monthly statement required to be filed
27 pursuant to section 24-35-204 (3) (k) for the period ending sixty days

1 prior to each monthly distribution. The state treasurer shall invest all
2 moneys in the conservation trust subaccount in investments permitted by
3 state law. Notwithstanding subsection (6) of this section, interest or any
4 other return on such investments shall be distributed to the conservation
5 trust fund with other moneys in the conservation trust subaccount
6 pursuant to section 33-60-103, C.R.S.

7 **SECTION 13. Repeal.** 25-3-102.5 (1) (a.5) (IV), Colorado
8 Revised Statutes, is repealed as follows:

9 **25-3-102.5. Nursing facilities - consumer satisfaction survey -**
10 **pilot survey.** (1) (a.5) (IV) ~~The department shall commence~~
11 ~~implementation of the pilot survey on or before July 1, 2002, and report~~
12 ~~the results of such pilot survey to the general assembly by April 15, 2003.~~

13 **SECTION 14.** 25-3.5-603 (1) (b) and (2), Colorado Revised
14 Statutes, are amended to read:

15 **25-3.5-603. Emergency medical services account - creation -**
16 **allocation of funds.** (1) (b) All moneys in and state FTE funded by the
17 emergency medical services account shall be subject to annual
18 appropriation by the general assembly. ~~for the purposes set forth in~~
19 ~~subsection (2) of this section.~~

20 (2) ~~From July 1, 2000, to June 30, 2002, moneys in the emergency~~
21 ~~medical services account shall be appropriated as follows:~~

22 (a) ~~(I) At least sixty percent of the moneys appropriated shall be~~
23 ~~appropriated to the department for distribution as grants to local~~
24 ~~emergency medical and trauma service providers pursuant to the~~
25 ~~emergency medical services (EMTS) grant program set forth in section~~
26 ~~25-3.5-604.~~

27 ~~(II) Of the sixty percent which is appropriated for grants:~~

1 ~~(A) One hundred thousand dollars shall remain in the account for~~
2 ~~unexpected emergencies that arise after the deadline for grant applications~~
3 ~~has passed. The department and the council shall promulgate any rules~~
4 ~~necessary to define the expenditures of such emergency funds.~~

5 ~~(B) A minimum of one hundred fifty thousand dollars shall be~~
6 ~~awarded to offset the training costs of emergency medical technicians,~~
7 ~~emergency medical dispatchers, emergency medical services instructors,~~
8 ~~emergency medical services coordinators, and other personnel who~~
9 ~~provide emergency medical services. No less than eighty percent of the~~
10 ~~one hundred fifty thousand dollars appropriated to offset training costs~~
11 ~~shall be used in the training of emergency medical technicians.~~

12 ~~(b) At least twenty percent of the moneys appropriated shall be~~
13 ~~appropriated to the department for distribution to counties in accordance~~
14 ~~with the provisions of section 25-3.5-605 for planning and, to the extent~~
15 ~~possible, coordination of emergency medical and trauma services in the~~
16 ~~county and between counties, when it would provide for better service~~
17 ~~geographically.~~

18 ~~(c) The remaining moneys appropriated from the emergency~~
19 ~~medical services account shall be appropriated for the direct and indirect~~
20 ~~costs of planning, developing, implementing, maintaining, and improving~~
21 ~~the statewide emergency medical and trauma services system. Such costs~~
22 ~~shall include:~~

23 ~~(1) The actual direct and indirect costs incurred by the department~~
24 ~~in issuing emergency medical technician certificates and renewals~~
25 ~~pursuant to section 25-3.5-203 (1) and certificates of successful~~
26 ~~completion of a training program as provided for in section 25-3.5-201~~
27 ~~(2);~~

1 ~~(H) Providing technical assistance and support to local~~
2 ~~governments and local emergency medical and trauma service providers,~~
3 ~~operating a statewide data collection system, coordinating local and state~~
4 ~~programs, providing assistance in selection and purchasing of medical~~
5 ~~and communication equipment, and administering the EMTS grant~~
6 ~~program; and~~

7 ~~(H) The costs of the department of revenue in collecting the~~
8 ~~additional motor vehicle registration fee pursuant to section 42-3-134~~
9 ~~(28), C.R.S.~~

10 **SECTION 15.** 25-3.5-605 (1), Colorado Revised Statutes, is
11 amended to read:

12 **25-3.5-605. Improvement of county emergency medical and**
13 **trauma services - eligibility for county funding - manner of**
14 **distributing funds.** (1) ~~Beginning January 1, 1991, and each January 1~~
15 ~~thereafter, until July 1, 2002, moneys in the emergency medical services~~
16 ~~account that are appropriated for distribution to counties for planning and,~~
17 ~~to the extent possible, coordination of emergency medical and trauma~~
18 ~~services in and between the counties, shall be apportioned equally among~~
19 ~~the counties that satisfy the criteria set forth in subsection (2) of this~~
20 ~~section. After July 1, 2002, Moneys in the emergency medical services~~
21 ~~account shall be apportioned pursuant to subsection (2.5) of this section.~~

22 **SECTION 16.** The introductory portion to 25-3.5-704 (2) (d),
23 Colorado Revised Statutes, is amended to read:

24 **25-3.5-704. Statewide emergency medical and trauma care**
25 **system - development and implementation - duties of the department**
26 **- rules adopted by board.** (2) The board shall adopt rules for the
27 statewide emergency medical and trauma care system, including but not

1 limited to the following:

2 (d) **Designation of facilities.** The designation rules shall provide
3 that ~~on and after July 1, 1997,~~ every facility in this state required to be
4 licensed in accordance with article 3 of this title and that receives
5 ambulance patients shall participate in the statewide emergency medical
6 and trauma care system. ~~On or after July 1, 1997, and no later than~~
7 ~~January 1, 1998,~~ Each such facility shall submit an application to the
8 department requesting designation as a specific level trauma facility or
9 requesting nondesignation status. A facility that is given nondesignated
10 status shall not represent that it is a designated facility, as prohibited in
11 section 25-3.5-707. The board shall include provisions for the following:

12 **SECTION 17. Repeal.** 25-3.5-708 (1) (b), Colorado Revised
13 Statutes, is repealed as follows:

14 **25-3.5-708. Financing for statewide trauma system.** (1) The
15 implementation of the statewide trauma system shall be subject to the
16 availability of:

17 (b) ~~Moneys from the emergency medical services account within~~
18 ~~the highway users tax fund that are unexpended portions of state~~
19 ~~administrative funds that may be allocated pursuant to section 25-3.5-603~~
20 ~~(2) (c). Nothing in this paragraph (b) shall be construed to authorize~~
21 ~~moneys that may be allocated pursuant to section 25-3.5-603 (2) (a) (I)~~
22 ~~or (2) (b) to be used for the financing of the administration of the~~
23 ~~statewide trauma system.~~

24 **SECTION 18.** 25-4-405 (1), Colorado Revised Statutes, is
25 amended to read:

26 **25-4-405. Examination of persons confined.** (1) All persons
27 who are confined, detained, or imprisoned in any state, county, or city

1 hospital for the ~~insane~~ MENTALLY ILL, any institution for the mentally
2 deficient, the Mount View school or Lookout Mountain school, any home
3 for dependent children, any reformatory or prison, or any private or
4 charitable institution where any person may be confined, detained, or
5 imprisoned by order of court in this state shall be examined for and, if
6 infected, treated for venereal diseases by the health authorities having
7 jurisdiction. The managing authorities of any such institutions are
8 directed to make available to the health authorities such portion of their
9 respective institutions as may be necessary for a clinic or hospital,
10 wherein all persons who may be confined or detained or imprisoned in
11 any such institution and who are infected with venereal diseases may be
12 treated in a manner as prescribed by the director of the agency within the
13 department of public health and environment responsible for control of
14 venereal diseases.

15 **SECTION 19.** 25-7-104 (2), Colorado Revised Statutes, is
16 amended to read:

17 **25-7-104. Air quality control commission created.**

18 (2) Appointments to the commission shall be made so as to include
19 persons with appropriate scientific, technical, industrial, labor,
20 agricultural, and legal training or with experience on the commission;
21 although no specific number of its members shall be required to be so
22 trained or experienced, ~~but effective January 1, 1987,~~ three members shall
23 have appropriate private sector, technical, or industrial employment
24 experience. No more than five commissioners shall be members of one
25 political party.

26 **SECTION 20. Repeal.** 25-7-105 (11) (g), Colorado Revised
27 Statutes, is repealed as follows:

1 **25-7-105. Duties of commission.** (11) The commission shall
2 promulgate regulations concerning CFC's and ozone depleting
3 compounds as follows:

4 (g) ~~Regulations concerning training and certification requirements~~
5 ~~established under paragraph (f) of this subsection (11) shall be repealed,~~
6 ~~effective July 1, 1996. Prior to such repeal, such regulations shall be~~
7 ~~reviewed as provided for in section 24-34-104, C.R.S.~~

8 **SECTION 21.** 25-7-109.2 (4), Colorado Revised Statutes, is
9 amended to read:

10 **25-7-109.2. Small business stationary source technical and**
11 **environmental compliance assistance program - repeal.** (4) ~~The terms~~
12 ~~of those members of the panel initially appointed by the governor, the~~
13 ~~speaker of the house of representatives, and the minority leader of the~~
14 ~~house of representatives shall expire on January 31, 1994. The terms of~~
15 ~~those members initially appointed by the president of the senate, the~~
16 ~~minority leader of the senate, and the executive director of the department~~
17 ~~of public health and environment shall expire on January 31, 1995.~~
18 ~~Thereafter, Members of the panel shall serve for terms of two years, such~~
19 ~~terms to commence on February 1 of the year of appointment. Vacancies~~
20 ~~occurring during the term of office of any member of the panel shall be~~
21 ~~filled for the unexpired portion of the regular term in the same manner as~~
22 ~~for the original appointment.~~

23 **SECTION 22.** 25-7-109.3 (4) (a) (II), (4) (b), (4) (h) (I) (A), and
24 (4) (h) (II), Colorado Revised Statutes, are amended to read:

25 **25-7-109.3. Colorado hazardous air pollutant control and**
26 **reduction program.** (4) (a) (II) ~~However, if in 1996 the commission~~
27 ~~determines that the studies referred to in subparagraph (I) of this~~

1 ~~paragraph (a) and national strategy will not be timely or completed, then~~
2 ~~the commission shall direct the science advisory board to evaluate or~~
3 ~~complete similar studies and issue an advisory report to the commission~~
4 ~~and the commission may then act pursuant to this subsection (4).~~

5 (b) ~~In issuing the advisory report, the air quality science advisory~~
6 ~~board shall take into consideration any studies or reports on health-based~~
7 ~~assessments which are scientifically sound, including any developed~~
8 ~~under section 112(k)(3), 112(o), and 112(f) of the federal act.~~

9 (h) **Temporary exceptional authority.** (I) (A) This
10 subparagraph (I) shall apply until such time as the commission is
11 authorized to act pursuant to paragraph (a) of this subsection (4). If the
12 executive director of the department of public health and environment
13 finds that a source in a category or subcategory of sources listed or
14 proposed to be listed under section 112 of the federal act for which
15 MACT or GACT is not scheduled for proposal until after 1997 and
16 presents an unacceptable threat of actual health effects, then the executive
17 director may direct the commission to evaluate and, as necessary, study
18 such actual health effects. The commission may request the air quality
19 science advisory board to evaluate and, as necessary, study whether the
20 impacts of waiting to regulate the emissions of hazardous air pollutants
21 from this source present an unacceptable threat of actual health effects.
22 If, after considering an advisory opinion issued by the board and other
23 available information, the commission finds by a preponderance of the
24 evidence that waiting until the source would be required to install GACT
25 or MACT under section 112 of the federal act will cause an unacceptable
26 incremental threat of actual health effects to persons living in the vicinity
27 of such source, the commission may promulgate regulations for the

1 control of hazardous air pollutants for the source. The control regulations
2 may include the least restrictive control that will adequately protect the
3 public, including but not limited to: Chemical substitution, pollution
4 prevention, work process modifications, additional control technologies,
5 or Colorado MACT or GACT. In promulgating Colorado GACT or
6 MACT for the source, the commission shall consider and be as consistent
7 as possible with GACT or MACT under section 112 of the federal act,
8 minimization of duplicative capital expenditures and minimization of
9 substantial reconstruction time. The commission shall provide a schedule
10 of compliance leading to final compliance which considers matters
11 identified in paragraphs ~~(b)~~, (c), (e), (f), and (g) of this subsection (4).

12 (II) Until such time as the commission is authorized to act
13 pursuant to paragraph (a) of this subsection (4) and upon the
14 recommendation of the executive director of the department of public
15 health and environment, the governor may find, as expressed in an
16 executive order, that after an existing source has installed Colorado or
17 federal MACT or GACT, or Colorado MACT or GACT has been
18 proposed for a new source or a modification of an existing source, the
19 source presents an unacceptable threat of actual health effects. The
20 governor may then direct the commission to evaluate and, as necessary,
21 conduct studies on actual health effects. The commission shall then
22 direct the air quality science advisory board to render an advisory opinion
23 on such information and on whether, after technology-based controls
24 have been installed, emissions of hazardous air pollutants from this
25 source will cause actual health effects to persons in the vicinity of such
26 source. If the commission, after reviewing the advisory opinion,
27 determines by a preponderance of the evidence that emissions of

1 hazardous air pollutants by the source will cause an unacceptable threat
2 of actual health effects to persons living in the vicinity of such source, the
3 commission may then promulgate additional technology-based control
4 regulations, pollution prevention, or health-based measures to protect the
5 public health. The commission shall provide a schedule of compliance
6 leading to final compliance which considers matters identified in
7 paragraphs ~~(b)~~, (c), (e), (f), and (g) of this subsection (4).

8 **SECTION 23. Repeal.** 25-7-124 (2), Colorado Revised Statutes,
9 is repealed as follows:

10 **25-7-124. Relationship with the federal government, regional**
11 **agencies, and other states.** (2) ~~As promptly as possible the commission~~
12 ~~shall hold a public hearing and adopt ambient air quality standards for the~~
13 ~~Denver air quality control region which has been designated by the~~
14 ~~federal government prior to April 10, 1970.~~

15 **SECTION 24.** 25-7-133.5 (2) (n), Colorado Revised Statutes, is
16 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

17 **25-7-133.5. Extension or rescission of specific revisions to the**
18 **state implementation plan (SIP) after 1996.** (2) Pursuant to section
19 25-7-133, the following revisions to the state implementation plan (SIP),
20 which were adopted by the air quality control commission on the dates
21 indicated and received by the legislative council for review, are approved
22 for incorporation into the state implementation plan:

23 (n) AMENDMENTS ADOPTED BY THE AIR QUALITY CONTROL
24 COMMISSION ON APRIL 17, 1997, TO REGULATION NUMBER 13,
25 CONCERNING THE REDUCTION OF CARBON MONOXIDE EMISSIONS FROM
26 GASOLINE-POWERED MOTOR VEHICLES THROUGH THE USE OF OXYGENATED
27 GASOLINES; EXCEPT THAT THE AMENDMENTS TO THE FOLLOWING

1 PROVISIONS OF SAID REGULATION SHALL READ AS FOLLOWS:

2 (I) REGULATION NUMBER 13 II. B. SHALL READ:

3 "B. CONTROL PERIOD

4 1. THE CONTROL PERIOD FOR EACH CONTROL AREA SHALL BE
5 FROM NOVEMBER 1 THROUGH FEBRUARY 7 EACH YEAR.

6 2. THE MAXIMUM ALLOWABLE OXYGENATE BLENDING PERIOD
7 FOR THE DENVER-BOULDER CONTROL AREA SHALL BE NOVEMBER
8 8 THROUGH JANUARY 31 EACH YEAR."

9 (II) REGULATION NUMBER 13 II. C. SHALL READ:

10 "C. CLASS A FUEL REQUIREMENTS

11 1. DURING THE CONTROL PERIOD, NO CLASS A MOTOR FUEL
12 SHALL BE SUPPLIED OR SOLD BY ANY PERSON INTENDED AS A FINAL
13 PRODUCT FOR FUELING OF MOTOR VEHICLES WITHIN THE
14 OXYGENATED GASOLINE PROGRAM AREA, OR SOLD AT RETAIL, OR
15 SOLD TO A PRIVATE FLEET FOR CONSUMPTION, OR INTRODUCED
16 INTO A MOTOR VEHICLE IN THE OXYGENATED GASOLINE PROGRAM
17 AREA BY ANY PERSON UNLESS THE FUEL HAS THE FOLLOWING
18 OXYGEN CONTENT:

19 a. LARIMER-GREELEY CONTROL AREA: AT LEAST 2.0%
20 OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1
21 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN
22 CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH
23 FEBRUARY 7;

24 b. DENVER-BOULDER CONTROL AREA: AT LEAST 2.0%
25 OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1
26 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN
27 CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH

1 FEBRUARY 7. DURING THE MAXIMUM ALLOWABLE
2 OXYGENATE BLENDING PERIOD, ALL OXYGENATED
3 GASOLINE MUST BE BLENDED AT THEIR MAXIMUM
4 ALLOWABLE OXYGENATE BLENDING LEVEL. FOR ETHANOL
5 BLENDS THIS IS 10% DENATURED ETHANOL BY VOLUME, AS
6 PERMITTED BY THE GASOHOL WAIVER. FOR MTBE BLENDS
7 THIS IS 15% MTBE BY VOLUME, AS PERMITTED BY THE SUN
8 OIL WAIVER. FOR ALL OTHER OXYGENATES, OR
9 COMBINATION OF OXYGENATES, THIS IS THE MAXIMUM
10 OXYGENATE LEVEL PERMITTED BY RESPECTIVE EPA
11 WAIVERS OR THE SUBSTANTIALLY SIMILAR RULE,
12 WHICHEVER RESULTS IN A GREATER OXYGEN CONTENT;

13 c. COLORADO SPRINGS CONTROL AREA: AT LEAST 2.0%
14 OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1
15 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN
16 CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH
17 FEBRUARY 7."

18 **SECTION 25.** 25-7-138 (2) and (3), Colorado Revised Statutes,
19 are amended to read:

20 **25-7-138. Housed commercial swine feeding operations - waste**
21 **impoundments - odor emissions.** (2) ~~On or before July 1, 1999,~~ All
22 existing anaerobic process wastewater vessels and impoundments,
23 including, but not limited to, aeration tanks and treatment or storage
24 lagoons, owned or operated for use in connection with a housed
25 commercial swine feeding operation as defined in section 25-8-501.1 (2)
26 (b) shall be covered so as to capture, recover, incinerate, or otherwise
27 manage odorous gases to minimize, to the greatest extent practicable, the

1 emission of such gases into the atmosphere. ~~By July 1, 1999,~~ All existing
2 aerobic impoundments shall employ technologies to ensure maintenance
3 of aerobic conditions or otherwise to minimize the emission of odorous
4 gases to the greatest extent practicable.

5 (3) The commission shall by rules promulgated on or before
6 March 1, 1999, require that all housed commercial swine feeding
7 operations ~~by July 1, 1999,~~ employ technology to minimize to the greatest
8 extent practicable off-site odor emissions from all aspects of its
9 operations, including odor from its swine confinement structures, manure
10 and composting storage sites, and odor and aerosol drift from land
11 application equipment and sites.

12 **SECTION 26.** 25-7-139 (3) (a) (I) and (3) (b), Colorado Revised
13 Statutes, are amended to read:

14 **25-7-139. Methyl tertiary butyl ether - prohibition - phase-out**
15 **- civil penalty.** (3) (a) (I) Except as otherwise provided in this paragraph
16 (a), ~~and in paragraph (b) of this subsection (3),~~ a person may not sell,
17 offer for sale, or store any fuel product containing or treated with MTBE.

18 (b) ~~Any person who, as of March 1, 2000, is selling or offering to~~
19 ~~sell or storing any fuel product containing or treated with MTBE shall~~
20 ~~phase out the sale, offer for sale, and storage thereof on or before April~~
21 ~~30, 2002.~~

22 **SECTION 27. Repeal.** 25-7-404 (4), Colorado Revised Statutes,
23 is repealed as follows:

24 **25-7-404. Wood stove testing program established.** (4) ~~A new~~
25 ~~wood stove may be certified at the conclusion of an evaluation and before~~
26 ~~January 1, 1987, if:~~

27 (a) ~~The air quality control division finds that the emission levels~~

1 of the new wood stove comply with the emission performance standards
2 established by the commission; and

3 ~~(b) The wood stove manufacturer or dealer submits the fee~~
4 ~~established by the executive director of the department of health pursuant~~
5 ~~to section 25-7-403.~~

6 **SECTION 28. Repeal.** 25-7-502 (8) (c), Colorado Revised
7 Statutes, is repealed as follows:

8 **25-7-502. Definitions.** As used in this part 5, unless the context
9 otherwise requires:

10 ~~(8) (c) The department of human services shall file a report with~~
11 ~~the capital development committee prior to July 1, 1989, detailing their~~
12 ~~plan for asbestos abatement.~~

13 **SECTION 29. Repeal.** 25-8-201 (1) (b), Colorado Revised
14 Statutes, is repealed as follows:

15 **25-8-201. Water quality control commission created.**

16 ~~(1) (b) Only commission members appointed by the governor and serving~~
17 ~~on July 1, 1981, shall continue to serve the remainder of their terms. On~~
18 ~~and after July 1, 1981, appointments shall be made in accordance with the~~
19 ~~provisions of this subsection (1).~~

20 **SECTION 30.** 25-8-202 (4), Colorado Revised Statutes, is
21 amended to read:

22 **25-8-202. Duties of the commission.** (4) The commission shall
23 employ an administrator and shall delegate to such administrator such
24 duties and responsibilities as it may deem necessary, including acting as
25 a hearing officer for the commission; but no authority shall be delegated
26 to such administrator to promulgate standards or regulations, or to make
27 determinations, or to issue or countermand orders of the commission.

1 Such administrator shall have appropriate practical, educational, and
2 administrative experience related to water quality control and shall be
3 employed pursuant to section 13 of article XII of the state constitution.
4 ~~The individual employed as technical secretary pursuant to subsection (3)~~
5 ~~of this section, as that section existed prior to July 1, 1981, shall be~~
6 ~~employed as the initial administrator under this subsection (4).~~

7 **SECTION 31. Repeal.** 25-8-309, Colorado Revised Statutes, is
8 repealed as follows:

9 **25-8-309. Study of classification and standard issues.** ~~(1) The~~
10 ~~division shall undertake a study to examine whether the state water~~
11 ~~quality control program standard-setting and classification process~~
12 ~~established under this article should be modified to reasonably~~
13 ~~accommodate the unique attributes of Colorado's water bodies. As part~~
14 ~~of such study, the division shall review and consider the results of the~~
15 ~~arid west water quality research project. In completing such study, the~~
16 ~~division shall take into account the following:~~

17 ~~(a) The physical, chemical, flow, and habitat characteristics~~
18 ~~associated with water bodies, including the ephemeral or~~
19 ~~effluent-dependent nature of many water bodies;~~

20 ~~(b) The potential need for refined designated uses and additional~~
21 ~~site-specific standards;~~

22 ~~(c) The benefit of maintaining the functions of constructed water~~
23 ~~conveyance and storage facilities;~~

24 ~~(d) The nature of the current use attainability analysis process and~~
25 ~~any necessary adjustments thereto; and~~

26 ~~(e) The benefits associated with maintaining downstream~~
27 ~~ecosystems that are dependent, at least in part, upon the continuation of~~

1 effluent discharges.

2 ~~(2) On or before December 1, 2003, the division shall prepare and~~
3 ~~submit to the general assembly a report that identifies its findings upon~~
4 ~~the topics identified in subsection (1) of this section and makes any~~
5 ~~recommendations for changes in state law, rules, or policy that it believes~~
6 ~~may be necessary to implement any modifications that the study~~
7 ~~determines are needed.~~

8 ~~(3) The division shall inform and seek input from the commission~~
9 ~~at least once every six months on the study efforts. The study process~~
10 ~~shall be open to the public, with participation and comment to be solicited~~
11 ~~from all interested parties.~~

12 **SECTION 32. Repeal.** 25-8-506 (4) (b), Colorado Revised
13 Statutes, is repealed as follows:

14 **25-8-506. Nuclear and radioactive wastes.** (4) (b) ~~All~~
15 ~~applications for permits filed pursuant to said section 25-8-505 pending~~
16 ~~on July 1, 1981, shall be deemed an application for a permit pursuant to~~
17 ~~this section and shall be processed, at the option of the applicant,~~
18 ~~according to regulations in existence prior to July 1, 1981.~~

19 **SECTION 33.** 25-15-206 (1), Colorado Revised Statutes, is
20 amended to read:

21 **25-15-206. Substantial change in ownership, design, or**
22 **operation.** (1) A substantial change in the ownership of a hazardous
23 waste disposal site, including an assignment or a transfer of the certificate
24 of designation therefor, or in the design or operation of a hazardous waste
25 disposal site, as "substantial change" is defined in rules and regulations
26 of the commission, shall be submitted to the board of county

1 commissioners or the governing body of the municipality for its approval
2 before such change shall become effective; except that, in the case of a
3 hazardous waste disposal site which was designated by the council
4 pursuant to section 25-15-217, AS SAID SECTION EXISTED UPON ITS
5 REPEAL, such change shall be subject to approval ~~by the council until~~
6 ~~January 1, 1986, and, thereafter,~~ by the department.

7 **SECTION 34.** 25-15-207 (2), Colorado Revised Statutes, is
8 amended to read:

9 **25-15-207. Judicial review.** (2) In the case of any action or
10 decision of the council or department pursuant to section 25-15-206, ~~or~~
11 ~~25-15-217,~~ judicial review shall be in the district court for the judicial
12 district within which the hazardous waste disposal site is or may be
13 located and shall be in accordance with section 24-4-106, C.R.S.

14 **SECTION 35. Repeal.** 25-15-217, Colorado Revised Statutes,
15 is repealed as follows:

16 **25-15-217. Circumstances allowing state designation of a**
17 **hazardous waste disposal site - conditions and limitations.** ~~(1) The~~
18 ~~department shall determine by May 1, 1984, the status of all applications~~
19 ~~for a certificate of designation made to any county or municipality since~~
20 ~~July 1, 1981, under this part 2.~~

21 ~~(2) If the department finds that the counties or municipalities have~~
22 ~~approved one or more hazardous waste disposal sites which are sufficient~~
23 ~~to manage the hazardous waste generated in Colorado that is suitable for~~
24 ~~land disposal or which are capable of disposing of a minimum of forty~~
25 ~~thousand tons of hazardous waste annually, whichever is less, the~~
26 ~~department shall so notify, in writing, the general assembly and the~~
27 ~~governor, specifying in such notice the certificate or certificates of~~

1 designation approved and other relevant information and stating that the
2 department has found that the counties or municipalities have approved
3 one or more hazardous waste disposal sites which are sufficient to
4 manage the hazardous waste generated in Colorado that is suitable for
5 land disposal or which are capable of disposing of a minimum of forty
6 thousand tons of hazardous waste annually, whichever is less.

7 (3) If the department finds that the counties or municipalities have
8 not approved one or more hazardous waste disposal sites which are
9 sufficient to manage the hazardous waste generated in Colorado that is
10 suitable for land disposal or which are capable of disposing of a minimum
11 of forty thousand tons of hazardous waste annually, whichever is less, the
12 department shall so notify, in writing, the general assembly and the
13 governor, and the department shall prepare a notice of a moratorium on
14 further filing of applications for a certificate of designation with a county
15 or municipality. The moratorium shall be effective May 1, 1984. The
16 notice of the moratorium shall be published in a newspaper of statewide
17 circulation and transmitted to the clerk and recorder of each county, who
18 shall notify the board of county commissioners of the county and the
19 governing body of each municipality within the county. No county or
20 municipality shall accept an application for a certificate of designation
21 between May 1, 1984, and the date the moratorium is rescinded by the
22 department pursuant to subsection (6) of this section or November 1,
23 1985, whichever occurs first.

24 (4) By August 1, 1984, the department shall complete the findings
25 of fact and recommendation pursuant to section 25-15-202 (4) on all
26 applications made with any county or municipality between July 1, 1981,
27 and May 1, 1984.

1 ~~(5) On May 1, 1985, the department shall determine the status of~~
2 ~~all applications for a certificate of designation made to any county or~~
3 ~~municipality between July 1, 1981, and May 1, 1984, pursuant to this part~~
4 ~~2.~~

5 ~~(6) If the department finds that the counties or municipalities have~~
6 ~~approved one or more hazardous waste disposal sites which are sufficient~~
7 ~~to manage the hazardous waste generated in Colorado that is suitable for~~
8 ~~land disposal or which are capable of disposing of a minimum of forty~~
9 ~~thousand tons of hazardous waste annually, whichever is less, the~~
10 ~~department shall so notify, in writing, the general assembly and the~~
11 ~~governor, specifying in such notice the certificate or certificates of~~
12 ~~designation approved and other relevant information and stating that the~~
13 ~~department has found that the counties and municipalities have approved~~
14 ~~one or more hazardous waste disposal sites which are sufficient to~~
15 ~~manage the hazardous waste generated in Colorado that is suitable for~~
16 ~~land disposal or which are capable of disposing of a minimum of forty~~
17 ~~thousand tons of hazardous waste annually, whichever is less. Upon such~~
18 ~~finding, the department shall rescind the moratorium established pursuant~~
19 ~~to subsection (3) of this section.~~

20 ~~(7) If the department finds that the counties and municipalities~~
21 ~~have not approved one or more of the applications described in~~
22 ~~subsection (5) of this section for hazardous waste disposal sites which are~~
23 ~~sufficient to manage the hazardous waste generated in Colorado that is~~
24 ~~suitable for land disposal or which are capable of disposing of a minimum~~
25 ~~of forty thousand tons of hazardous waste annually, whichever is less, the~~
26 ~~department shall so notify, in writing, the general assembly and the~~
27 ~~governor, and the department shall prepare a notice of its continued~~

1 ~~moratorium on the filing of applications and of a moratorium on the~~
2 ~~processing of applications by any county or municipality for a hazardous~~
3 ~~waste disposal site. The moratorium shall be effective May 1, 1985. The~~
4 ~~notice of the moratorium shall be published in a newspaper of statewide~~
5 ~~circulation and transmitted to the clerk and recorder of each county, who~~
6 ~~shall notify the board of county commissioners of the county and the~~
7 ~~governing body of each municipality within the county. No county or~~
8 ~~municipality shall accept or process an application for a certificate of~~
9 ~~designation between May 1, 1985, and November 1, 1985.~~

10 (8) to (11) ~~Repealed.~~

11 **SECTION 36. Repeal.** 25-15-220, Colorado Revised Statutes,
12 is repealed as follows:

13 **25-15-220. Effect of 1983 amendments.** ~~Any application for a~~
14 ~~certificate of designation or for approval of a substantial change of~~
15 ~~ownership, design, or operation which is pending on June 3, 1983, shall~~
16 ~~be subject to the provisions of law in effect on and after said date, and no~~
17 ~~new application or fee shall be required. If, prior to June 3, 1983, the~~
18 ~~department has issued a finding of fact in accordance with section~~
19 ~~25-15-202 (4) as it existed prior to said date, such finding of fact shall be~~
20 ~~deemed to be the recommendation required by section 25-15-202 (4) as~~
21 ~~in effect on or after said date.~~

22 **SECTION 37.** 25-15-315, Colorado Revised Statutes, is amended
23 to read:

24 **25-15-315. Hazardous waste commission fund - creation.** There
25 is hereby established in the state treasury a fund to be known as the
26 hazardous waste commission fund, which shall consist of moneys
27 collected pursuant to the provisions of section 25-15-314. All moneys in

1 such fund shall be subject to annual appropriation by the general
2 assembly to the department for the purpose of covering the reasonable
3 costs actually associated with the operation of the hazardous waste
4 commission. All moneys in the hazardous waste commission fund that
5 are not appropriated shall remain in such fund and shall not be transferred
6 or revert to the general fund at the end of any fiscal year. ~~All interest~~
7 ~~derived from the deposit and investment of moneys in the hazardous~~
8 ~~waste commission fund during fiscal years 1992-93 and 1993-94 shall~~
9 ~~remain in such fund and shall not be credited to the general fund.~~ In
10 accordance with section 24-36-114, C.R.S., all interest derived from the
11 deposit and investment of moneys in the hazardous waste commission
12 fund during fiscal year 1994-95 and any subsequent fiscal year shall be
13 credited to the general fund.

14 **SECTION 38. Repeal.** 25-16-104.7 (2), Colorado Revised
15 Statutes, is repealed as follows:

16 **25-16-104.7. Natural resource damage recoveries - fund**
17 **created.** (2) ~~No later than June 30, 1990, there shall be credited to the~~
18 ~~natural resource damage recovery fund, in addition to the moneys~~
19 ~~described in subsection (1) of this section, the unexpended and~~
20 ~~unencumbered balance of all moneys in the CERCLA recovery fund as~~
21 ~~of the repeal of section 25-16-201 (1) on January 1, 1990.~~

22 **SECTION 39.** 25-16.5-104 (1), Colorado Revised Statutes, is
23 amended to read:

24 **25-16.5-104. Pollution prevention advisory board - creation.**
25 (1) There is hereby created in the department of public health and
26 environment a pollution prevention advisory board for the purposes of
27 providing overall policy guidance, coordination, and advice to the

1 department on pollution prevention activities and for carrying out the
2 duties specified in section 25-16.5-105. The advisory board shall consist
3 of fifteen members to be appointed by the governor. ~~no later than July 1,~~
4 ~~1992.~~ The members appointed shall include representatives of
5 businesses, agriculture, environmental groups, academic institutions of
6 higher education, community groups, and local governments. In addition,
7 the governor shall appoint two representatives from state agencies to
8 serve as ex-officio members of the advisory board, with at least one of
9 such appointees to be from the department of public health and
10 environment. In making the appointments, the governor shall provide for
11 geographic diversity. The board shall elect its own chairperson.
12 Members of the advisory board shall serve without compensation.

13 **SECTION 40.** 25-17-202 (1) (a) (I), (1) (a) (II), and (1) (a) (III)
14 (A), Colorado Revised Statutes, are amended to read:

15 **25-17-202. Waste tire recycling development fee - cash fund**
16 **created - repeal.** (1) (a) (I) ~~On and after January 1, 1994, and prior to~~
17 ~~July 1, 2000,~~ a recycling development fee of ~~one dollar~~ SEVENTY-FIVE
18 CENTS shall be collected on any waste motor vehicle tire for any
19 passenger vehicle, including any truck, weighing less than fifteen
20 thousand pounds. In addition, such fee shall be collected on truck tires,
21 including truck tractor, trailer, and semitrailer, weighing more than fifteen
22 thousand pounds; except that no fee shall be collected for tires that are
23 recapped or otherwise reprocessed for use. The fee authorized by this
24 section shall be collected only at such time as the owner of the tire
25 delivers or transfers the waste tire to a retailer of new tires for disposal.

26 (II) ~~On and after July 1, 2000, the recycling development fee~~
27 ~~described in subparagraph (I) of this paragraph (a) shall be seventy-five~~

1 cents.

2 (III) (A) The recycling development fee in subparagraphs (I) and
3 ~~(H)~~ SUBPARAGRAPH (I) of this paragraph (a) shall include, in addition to
4 the seventy-five cent fee, a surcharge of twenty-five cents, which shall be
5 credited to the processors and end users of waste tires cash fund created
6 in section 25-17-202.5.

7 **SECTION 41. Repeal.** 25-20.5-202 (3) (b), Colorado Revised
8 Statutes, is repealed as follows:

9 **25-20.5-202. Tony Grampsas youth services board - members**
10 **- duties - student dropout prevention and intervention fund - creation.**

11 (3) (b) ~~Notwithstanding the timelines adopted by the board pursuant to~~
12 ~~paragraph (a) of this subsection (3), the board shall not solicit or accept~~
13 ~~grant applications for fiscal year 2000-01. Any grants in place for fiscal~~
14 ~~year 1999-2000 shall continue for the 2000-01 fiscal year, subject to~~
15 ~~review pursuant to the provisions of this article.~~

16 **SECTION 42. Repeal.** 25-23-103 (7), Colorado Revised
17 Statutes, is repealed as follows:

18 **25-23-103. State loan repayment program for dentists and**
19 **dental hygienists serving underserved populations - creation -**

20 **conditions.** (7) ~~The department shall report to the health, environment,~~
21 ~~welfare, and institutions committees of the house and the senate on the~~
22 ~~status of the program not later than October 1, 2004. Such report shall~~
23 ~~address the success of this program including the number of dental~~
24 ~~professionals participating in the program, the cost-effectiveness of the~~
25 ~~program, the appropriateness of the funding source, and the impact of the~~
26 ~~program on the availability of dental care to underserved populations.~~

27 **SECTION 43.** 25-25-104 (2), Colorado Revised Statutes, is

1 amended to read:

2 **25-25-104. Colorado health facilities authority - creation -**
3 **membership - appointment - terms - vacancies - removal.** (2) The
4 governing body of the authority shall be a board of directors which shall
5 consist of seven members to be appointed by the governor, with the
6 consent of the senate. Such members shall be residents of the state. No
7 more than four of the members shall be of the same political party. ~~The~~
8 ~~members of the board first appointed shall serve for terms to be~~
9 ~~designated by the governor, expiring on June 30 of each year beginning~~
10 ~~in 1978 and ending in 1984. Persons holding office on June 15, 1987, are~~
11 ~~subject to the provisions of section 24-1-137, C.R.S. Thereafter, Upon~~
12 the expiration of the term of any member, his successor shall be
13 appointed for a term of four years. Each member shall serve until his
14 resignation or, in the case of a member whose term has expired, until his
15 successor has been appointed and qualified. Any member shall be
16 eligible for reappointment. The governor shall fill any vacancy by
17 appointment for the remainder of an unexpired term. Any member
18 appointed by the governor when the general assembly is not in regular
19 session, whether appointed for an unexpired term or for a full term, shall
20 be deemed to be duly appointed and qualified until the appointment of
21 such member is approved or rejected by the senate. Such appointment
22 shall be submitted to the senate for its approval or rejection during the
23 next regular session of the general assembly following the appointment.

24 **SECTION 44.** 25.5-1-301 (2), Colorado Revised Statutes, is
25 amended to read:

26 **25.5-1-301. Medical services board - creation.** (2) Members
27 shall serve at the pleasure of the governor for a term of four years; except

1 that, of the members first appointed, three shall serve for a term of two
2 years and three shall serve for a term of three years. ~~On July 1, 2001, the~~
3 ~~governor shall appoint one member from the private sector to the board~~
4 ~~who shall have experience with the delivery of health care, who shall be~~
5 ~~appointed for a term of two years, and one member who shall have~~
6 ~~experience or expertise in caring for medically underserved children, who~~
7 ~~shall be appointed for a term of three years.~~

8 **SECTION 45.** 25.5-1-504 (2), Colorado Revised Statutes, is
9 amended to read:

10 **25.5-1-504. Cooperative health care agreements board -**
11 **creation - members.** (2) The initial board shall be divided into one
12 group of four members, one group of three members, and two groups of
13 two members, all as designated by the governor. ~~The term of the first~~
14 ~~group shall expire on June 30, 1994, the term of the second group shall~~
15 ~~expire on June 30, 1995, the term of the third group shall expire on June~~
16 ~~30, 1996, and the term of the fourth group shall expire on June 30, 1997.~~
17 ~~Thereafter,~~ When the term of any member expires, the successor shall be
18 appointed for a term of four years. Each member shall serve until the
19 member's resignation, death, or removal during such member's term or,
20 in the case of a member whose term has expired, until a successor has
21 been appointed and qualified. The governor, with the consent of the
22 senate, shall fill any vacancy for the remainder of the unexpired term. All
23 members shall be eligible for reappointment; except that they shall serve
24 no more than two four-year terms. Initial appointees shall be allowed to
25 serve two four-year terms in addition to their initial term. Any member
26 appointed by the governor when the general assembly is not in regular
27 session shall be deemed to have been appointed and qualified until such

1 appointment is approved or rejected by the senate. Such appointment
2 shall be submitted to the senate for its approval or rejection during the
3 session of the general assembly that immediately follows the
4 appointment.

5 **SECTION 46. Repeal.** 25.5-1-515, Colorado Revised Statutes,
6 is repealed as follows:

7 **25.5-1-515. Repeal of board functions.** ~~(1) Before the functions~~
8 ~~of the cooperative health care agreements board as set forth in section~~
9 ~~25.5-1-505 (1), (2), and (3) are terminated on July 1, 1998, as provided~~
10 ~~in section 25.5-1-505 (5), and no later than July 1, 1997, the department~~
11 ~~of health care policy and financing shall complete an analysis and~~
12 ~~evaluation of the performance of the cooperative health care agreements~~
13 ~~board. In conducting its analysis and evaluation, the department shall~~
14 ~~take into consideration, but need not be limited to considering, the factors~~
15 ~~listed in section 24-34-104 (9) (b), C.R.S. The department shall submit~~
16 ~~a report to the general assembly no later than July 1, 1997, with such~~
17 ~~supporting materials as may be requested, for review by a standing~~
18 ~~committee, and a copy of the report shall be made available to each~~
19 ~~member of the general assembly. Such report shall include the~~
20 ~~department's findings and recommendations, including whether the board~~
21 ~~should be terminated, continued, or reestablished or whether its functions~~
22 ~~should be terminated, continued, revised, or reestablished, and, if it~~
23 ~~deems advisable, may include proposed bills to carry out its~~
24 ~~recommendations.~~

25 ~~(2) Prior to the termination, continuation, reestablishment, or~~
26 ~~revision of the board or its functions, a committee of reference in each~~
27 ~~house of the general assembly shall hold a public hearing to consider the~~

1 ~~report provided by the department of health care policy and financing,~~
2 ~~which hearing shall include the factors and testimony set forth in section~~
3 ~~24-34-104 (9) (b), C.R.S.~~

4 **SECTION 47. Repeal.** 31-30-1113 (3) (c), Colorado Revised
5 Statutes, is repealed as follows:

6 **31-30-1113. Fund investments.** (3) Notwithstanding subsection
7 (1) of this section, the board may invest all or any part of fund moneys in
8 the name of the board's treasurer or in the name of a custodian or
9 custodians appointed by the board under this section in one or more of
10 the following:

11 (c) ~~Anticipation warrants issued for toll tunnels in accordance~~
12 ~~with part 4 of article 3 of title 43, C.R.S.; or~~

13 **SECTION 48. Repeal.** 40-1-104 (9) (c), Colorado Revised
14 Statutes, is repealed as follows:

15 **40-1-104. Securities - issuance.** (9) Notwithstanding any
16 provision of law to the contrary, the commission may approve a petition
17 from a public utility proposing an investment in any of the following if
18 the commission determines that such investment is not otherwise
19 inconsistent with the public interest or that such investment is not
20 otherwise inconsistent with this section:

21 (c) ~~Anticipation warrants issued for toll tunnels in accordance~~
22 ~~with part 4 of article 3 of title 43, C.R.S.; or~~

23 **SECTION 49. Repeal.** 40-9.5-116 (1) (c), Colorado Revised
24 Statutes, is repealed as follows:

25 **40-9.5-116. Investment in public-private transportation**
26 **facilities.** (1) Notwithstanding any provision of law to the contrary, the
27 board of directors of a cooperative electric association may consider

1 investing in one or more of the following:

2 (c) ~~Anticipation warrants issued for toll tunnels in accordance~~
3 ~~with part 4 of article 3 of title 43, C.R.S.; or~~

4 **SECTION 50. Repeal.** 40-20-102 (1) (h) (III), Colorado Revised
5 Statutes, is repealed as follows:

6 **40-20-102. Powers of corporation.** (1) Every such corporation,
7 in addition to the powers conferred in articles 101 to 117 of title 7,
8 C.R.S., has the power:

9 (h) Notwithstanding any provision of law to the contrary, to invest
10 in any of the following if such investment is consistent with sound
11 investment policy:

12 (III) ~~Anticipation warrants issued for toll tunnels in accordance~~
13 ~~with part 4 of article 3 of title 43, C.R.S.; or~~

14 **SECTION 51. Repeal.** 43-1-113 (2) (c) (VI) (B), (6) (b), and (8)
15 (b), Colorado Revised Statutes, are repealed as follows:

16 **43-1-113. Funds - budgets - fiscal year - reports and**
17 **publications.** (2) Annually on or before December 15, the commission
18 shall adopt and the department of transportation shall submit to the joint
19 budget committee, the house transportation and energy committee, the
20 senate transportation committee, and the governor a proposed budget
21 allocation plan for moneys subject to its jurisdiction for the fiscal year
22 beginning on July 1 of the succeeding year. The plan shall be submitted
23 in a format determined by the joint budget committee and shall include,
24 but not be limited to, the following information:

25 (c) Allocation of spending, by the following categories of
26 expenditure:

27 (VI) (B) ~~This subparagraph (VI) is effective July 1, 1992.~~

1 (6) (b) ~~This subsection (6) is effective July 1, 1992.~~

2 (8) (b) ~~This subsection (8) is effective July 1, 1992.~~

3 **SECTION 52.** 43-1-219, Colorado Revised Statutes, is amended
4 to read:

5 **43-1-219. Funds created.** There are hereby created two separate
6 funds, one to be known as the state highway fund and the other to be
7 known as the state highway supplementary fund. All moneys paid into
8 either of said funds shall be available immediately, without further
9 appropriation, for the purposes of such fund as provided by law. Any
10 sums paid into the state treasury, which by law belong to the state
11 highway fund or to the state highway supplementary fund, shall be
12 immediately placed by the state treasurer to the credit of the appropriate
13 fund. Upon request of the commission or of the chief engineer, it is the
14 duty of the state treasurer to report to the commission or to the chief
15 engineer the amount of money on hand in each of said two funds and the
16 amounts derived from each source from which each such fund is
17 accumulated. All accounts and expenditures from each of said two funds
18 shall be certified by the chief engineer and paid by the state treasurer
19 upon warrants drawn by the controller. The controller is authorized as
20 directed to draw warrants payable out of the specified fund upon such
21 vouchers properly certified and audited. Nothing in this part 2 shall
22 operate to alter the manner of the execution and issuance of ~~highway~~
23 ~~anticipation warrants provided in part 3 of article 4 of this title or~~
24 ~~transportation revenue anticipation notes provided in part 7 of article 4 of~~
25 this title.

26 **SECTION 53.** 43-1-1001 (2), Colorado Revised Statutes, is
27 amended to read:

1 **43-1-1001. Urban mass transportation grants.** (2) The
2 authority contained in subsection (1) of this section shall not apply to
3 federal grant funds where there exists a designated recipient for such
4 funds, and funds made available under section 3 of the federal "Urban
5 Mass Transportation Act of 1964" within the Denver regional
6 transportation district, and funds for other projects in urbanized areas
7 with populations in excess of two hundred thousand persons, except as
8 provided in sections 43-1-601 and 43-1-901. ~~except that, if an~~
9 ~~intergovernmental agreement between the Denver regional transportation~~
10 ~~district and the department concerning the southeast corridor intermodal~~
11 ~~transportation project is not signed by October 15, 1999, then the~~
12 ~~provisions of subsection (1) of this section shall apply to all federal grant~~
13 ~~funds.~~

14 **SECTION 54.** 43-2-102, Colorado Revised Statutes, is amended
15 to read:

16 **43-2-102. Department maintain system.** ~~After December 31,~~
17 ~~1953,~~ The department of transportation shall construct and maintain all
18 roads comprising the state highway system as provided by this part 1.

19 **SECTION 55. Repeal.** 43-2-145 (1.6) and (1.8), Colorado
20 Revised Statutes, are repealed as follows:

21 **43-2-145. Transportation legislation review - committee.**
22 (1.6) ~~By June 30, 1991, the committee shall review the operation of~~
23 ~~House Bill No. 1246, enacted by the second regular session of the~~
24 ~~fifty-sixth general assembly, to determine its effects on the administration~~
25 ~~of public highways in the state and recommend any necessary changes~~
26 ~~necessitated by the committee's findings.~~

27 (1.8) ~~The committee shall examine methods to increase the rate~~

1 of compliance with regulations applicable to vehicles with a gross vehicle
2 weight in excess of ten thousand pounds. Such analysis shall include an
3 evaluation of the current penalties to determine whether such penalties
4 are collected and whether a different level of penalties would be more
5 effective. The committee shall make recommendations to the general
6 assembly regarding its study no later than February 1, 1990.

7 **SECTION 56. Repeal.** 43-3-404, Colorado Revised Statutes, is
8 repealed as follows:

9 **43-3-404. Anticipation warrants.** (1) For the purpose of
10 defraying the cost of the construction of such tunnels and all expenses
11 incident thereto, the commission may, from time to time, upon an
12 affirmative majority vote of the members thereof and with the approval
13 of the governor, apply for and receive funds from the federal government
14 or private investors and may issue therefor revenue anticipation warrants
15 payable solely from the net income of the tunnels, from the state highway
16 fund, and from the fund which is created and is designated as the tunnel
17 highway anticipation warrant fund. Public entities, as defined in section
18 24-75-601 (1), C.R.S., may invest public funds in such warrants only if
19 said warrants satisfy the investment requirements established in part 6 of
20 article 75 of title 24, C.R.S.

21 (2) Such warrants shall not be issued in an aggregate amount in
22 excess of eighteen million dollars. The authority for the issuance of
23 anticipation warrants provided in this part 4 shall terminate at the
24 expiration of five years from March 13, 1957, and only one series of such
25 warrants shall be issued.

26 (3) The findings by the governor and the transportation
27 commission as a condition precedent to the construction of any tunnels

1 shall be conclusive whenever any warrants to be issued to defray all or
2 any part of the cost thereof are offered for sale, but no warrants shall be
3 offered for sale prior to the expiration of thirty days.

4 **SECTION 57. Repeal.** 43-3-405, Colorado Revised Statutes, is
5 repealed as follows:

6 **43-3-405. Interest - terms - public sale.** (1) ~~All anticipation~~
7 ~~warrants issued under the provisions of section 43-3-404 shall bear~~
8 ~~interest at a rate not exceeding three and three-quarters percent per annum~~
9 ~~and shall be executed in such manner so as to be payable serially in~~
10 ~~annual installments, beginning not later than five years and extending not~~
11 ~~more than thirty years from the date thereof and at the place or places~~
12 ~~designated therein.~~

13 (2) ~~All such warrants, unless sold to the federal government or~~
14 ~~any corporation, institution, or agency thereof, or to the state of Colorado~~
15 ~~and any of its institutions and agencies, counties, municipalities, districts,~~
16 ~~and any other political subdivision of the state, and any department,~~
17 ~~agency, or instrumentality thereof, or any political or public corporation~~
18 ~~of the state, as provided in this section, shall be sold only at public sale.~~
19 ~~Notice of the intention to sell any such warrants, and requesting bids~~
20 ~~therefor, shall be published in the name of the transportation commission~~
21 ~~in one or more newspapers of general circulation within the city and~~
22 ~~county of Denver at least once, not less than twenty days nor more than~~
23 ~~sixty days prior to the sale date, and shall also be published in like~~
24 ~~manner in some recognized financial journal published in the city of New~~
25 ~~York, New York. Such notice shall set forth the intention of the~~
26 ~~transportation commission to sell such warrants, or a specified part~~
27 ~~thereof, and require bidders to submit bids specifying the lowest rate of~~

1 interest and premium, if any, at which the bidders will purchase such
2 warrants, and shall require each bid to be accompanied by a certified or
3 cashier's check made payable to the transportation commission in an
4 amount equaling two percent of the principal amount of the warrants
5 being offered for sale, which certified or cashier's check shall be returned
6 to any such bidder if his bid is not accepted, and which certified or
7 cashier's check of any successful bidder who fails, neglects, or refuses to
8 accept the warrants so sold, and to complete and pay therefor in
9 accordance with the terms of such successful bid within thirty days
10 following the acceptance thereof, shall be forfeited to the transportation
11 commission.

12 (3) Such notice shall state the maximum rate of interest which
13 such warrants may legally bear and that none of the warrants will be sold
14 for less than par and accrued interest to the date of delivery thereof, and
15 shall specify the place and designate the day and hour, respectively, as
16 the place where and the time prior to which any sealed bids shall be
17 received for the purchase of such warrants. At the time and place so
18 specified in such notice, the transportation commission shall meet in
19 public special or regular meeting for the purpose of considering such
20 bids, awarding the warrants, or rejecting any bids therefor. At such
21 meeting or at any adjournment thereof, the warrants shall be sold to the
22 bidder making the best bid therefor, subject as aforesaid to the right of the
23 transportation commission to reject any bids and readvertise any such
24 warrants for sale in the manner described in this section until said
25 warrants have been sold. No discount or commission shall be allowed or
26 paid on or for any such sale to any purchaser or bidder directly or
27 indirectly, but the transportation commission may employ expert legal or

1 other expert services in connection with the authorization, issuance, and
2 sale of such warrants as in the judgment of the transportation commission
3 and the attorney general will be to the financial interest of the state so to
4 do.

5 (4) Prior to the publication of the notice of sale, the transportation
6 commission may in its discretion negotiate a private sale of any or all of
7 such warrants to the federal government or any corporation, institution,
8 or agency thereof, or to the state of Colorado and any of its institutions
9 and agencies, counties, municipalities, districts, and any other political
10 subdivision of the state, and any department, agency, or instrumentality
11 thereof, or any political or public corporation of the state.

12 (5) After the publication of such notice of sale, the transportation
13 commission shall not sell any of the warrants described in said notice at
14 private sale unless the commission receives no bids at any such public
15 sale or unless the commission determines at the time of such public sale
16 to reject all bids submitted for any or all of the warrants so offered at
17 such public sale, in which event the commission may then negotiate a
18 private sale of said warrants at not less than par and accrued interest to
19 date of delivery and bearing interest at a rate not exceeding three and
20 three-quarters percent per annum or may readvertise such warrants for
21 sale as provided in this section. In addition to the notices provided for in
22 this section, the chairman of the transportation commission is authorized
23 to give such other notice of the sale of said warrants as he may deem
24 proper, including a notice to the federal government or any corporation,
25 institution, or agency thereof, or to the state of Colorado and any of its
26 institutions and agencies, counties, municipalities, districts, and any other
27 political subdivision of the state, and any department, agency, or

1 ~~instrumentality thereof, or any political or public corporation of the state~~
2 ~~of the intention of the transportation commission to sell all or a part of~~
3 ~~said warrants.~~

4 **SECTION 58. Repeal.** 43-3-406, Colorado Revised Statutes, is
5 repealed as follows:

6 **43-3-406. Warrants lawful investments.** ~~It is lawful that the~~
7 ~~anticipation warrants issued in pursuance of the provisions of this part 4~~
8 ~~may be purchased by any public entity, as defined in section 24-75-601~~
9 ~~(1), C.R.S., if such warrants satisfy the investment requirements~~
10 ~~established in part 6 of article 75 of title 24, C.R.S.~~

11 **SECTION 59. Repeal.** 43-3-407, Colorado Revised Statutes, is
12 repealed as follows:

13 **43-3-407. Cessation in office not to affect signature.** ~~No~~
14 ~~revenue anticipation warrant or coupon attached thereto shall be rendered~~
15 ~~invalid by reason of the cessation in office of any person whose proper~~
16 ~~signature appears on such warrant or coupon.~~

17 **SECTION 60. Repeal.** 43-3-408, Colorado Revised Statutes, is
18 repealed as follows:

19 **43-3-408. Sinking fund and transfer from state highway fund.**
20 ~~At or before the issuance of any such revenue anticipation warrants, the~~
21 ~~transportation commission shall by resolution create a sinking fund for~~
22 ~~the payment of such warrants, the interest thereon, and necessary fiscal~~
23 ~~agency charges, and shall pledge or set aside a sufficient amount of the~~
24 ~~net income of the tunnel and the state highway fund into said sinking~~
25 ~~fund at intervals determined by the commission prior to the issuance of~~
26 ~~such warrants for payment of interest to become due, necessary fiscal~~
27 ~~agency charges, and the warrants as they become due.~~

1 **SECTION 61. Repeal.** 43-3-409, Colorado Revised Statutes, is
2 repealed as follows:

3 **43-3-409. Redemption procedures.** ~~In addition to retirement by~~
4 ~~serially paid annual installments, anticipation warrants issued under the~~
5 ~~provisions of this part 4 may be redeemed in inverse numerical order or~~
6 ~~called and redeemed in full on any interest payment date at such time and~~
7 ~~on such terms, including the payment of premium, as may be determined~~
8 ~~by the transportation commission.~~

9 **SECTION 62. Repeal.** 43-3-410, Colorado Revised Statutes, is
10 repealed as follows:

11 **43-3-410. Highway revenue law not amended or repealed -**
12 **when - rank of lien.** ~~On and after the date the transportation commission~~
13 ~~has created obligations by contract or otherwise, as provided in this part~~
14 ~~4, the laws of Colorado relating to taxes levied and fees charged for the~~
15 ~~purposes of construction, improvement, reconstruction, and maintenance~~
16 ~~of the state system of highways shall not be repealed or amended so that~~
17 ~~the aggregate of revenue for such purposes is insufficient to pay the~~
18 ~~annual installments of principal and interest and retire revenue~~
19 ~~anticipation warrants issued under the provisions of this part 4 as the~~
20 ~~same become due and payable. With the exception of the obligations~~
21 ~~incurred prior to March 13, 1957, in connection with the Boulder~~
22 ~~turnpike, under the provisions of part 2 of article 3 of this title, and~~
23 ~~obligations incurred prior to March 13, 1957, and authorized to be~~
24 ~~incurred under the provisions of sections 43-4-301 to 43-4-314, relating~~
25 ~~to highway anticipation warrants, the obligations incurred under the~~
26 ~~provisions of this part 4 shall constitute a first lien upon all revenues~~
27 ~~derived for such purposes, under the provisions of such tax and fee laws~~

1 ~~until the obligations so created are fully paid and discharged; except that~~
2 ~~nothing in this part 4 shall be construed as impairing any obligations of~~
3 ~~the department of transportation incurred prior to March 13, 1957, under~~
4 ~~the provisions of sections 43-1-211 to 43-1-215.~~

5 **SECTION 63. Repeal.** 43-3-411, Colorado Revised Statutes, is
6 repealed as follows:

7 **43-3-411. Warrants - obligations limited to highway fund - not**
8 **state indebtedness.** ~~Nothing in this part 4 shall be so construed as to~~
9 ~~authorize or permit the transportation commission to incur any obligation~~
10 ~~of any kind or nature except such as is payable solely from the net~~
11 ~~income of the tunnel and from revenues accruing to the highway fund,~~
12 ~~and it shall be plainly stated on the face of each warrant that it has been~~
13 ~~issued under the provisions of this part 4 and that it does not constitute an~~
14 ~~indebtedness of the state within the meaning of any constitutional~~
15 ~~provision or limitation.~~

16 **SECTION 64. Repeal.** 43-3-412, Colorado Revised Statutes, is
17 repealed as follows:

18 **43-3-412. No derogation of powers.** ~~The authority given in this~~
19 ~~part 4 is in addition to and not in derogation of any existing power vested~~
20 ~~in the transportation commission under any statutory or constitutional~~
21 ~~provisions which it may adopt or have granted to it.~~

22 **SECTION 65.** 43-3-413 (1), Colorado Revised Statutes, is
23 amended to read:

24 **43-3-413. Fees, fares, tolls, contracts.** (1) Upon the completion
25 of the construction of such toll or free tunnel, the transportation
26 commission has the power to establish and collect fees, fares, and tolls
27 for the privilege of traveling through such tunnel and over the approaches

1 thereto, and to credit all such fees, fares, and tolls and all income,
2 however derived therefrom, to the payment of the maintenance and
3 operation of said tunnel. ~~and to credit and pledge the net income~~
4 ~~therefrom to the payment of the principal of and interest on anticipation~~
5 ~~warrants authorized to be issued.~~

6 **SECTION 66.** 43-3-414, Colorado Revised Statutes, is amended
7 to read:

8 **43-3-414. Vesting powers in transportation commission.** This
9 part 4 shall, without reference to any other statute, be deemed full
10 authority for the construction of a tunnel under contract with, pursuant to
11 design ordered or prepared by and under the sole direction of the
12 transportation commission. ~~and for the issuance and sale of revenue~~
13 ~~anticipation warrants by this part 4 authorized with approval by the~~
14 ~~governor, and shall be construed as an additional and alternative method~~
15 ~~therefor and for the financing thereof. None of the present restrictions,~~
16 ~~requirements, conditions, or limitations of law applicable to the issuance~~
17 ~~of bonds by governmental agencies of this state shall apply to the~~
18 ~~issuance and sale of warrants under this part 4, and no proceedings shall~~
19 ~~be required for the issuance of such warrants other than those provided~~
20 ~~and required in this part 4.~~ All the powers necessary to be exercised by
21 the transportation commission in order to carry out the provisions of this
22 part 4 are conferred by this article.

23 **SECTION 67. Repeal.** 43-3-415, Colorado Revised Statutes, is
24 repealed as follows:

25 **43-3-415. Transfer of assets.** ~~Chapter 6, Session Laws of~~
26 ~~Colorado, First Extraordinary Session, 1956, is repealed, and all moneys,~~
27 ~~accounts receivable, and real and personal property now owned by the~~

1 tunnel highway anticipation warrant fund created thereby are transferred
2 to the tunnel highway anticipation warrant fund created by this part 4.

3 **SECTION 68. Repeal.** 43-3-416, Colorado Revised Statutes, is
4 repealed as follows:

5 **43-3-416. Notice of investment opportunity.** (1) ~~The~~
6 ~~department or the private entity responsible for issuing anticipation~~
7 ~~warrants under this part 4 may forward a copy of the anticipation~~
8 ~~warrants and a description of the investment opportunity for such~~
9 ~~anticipation warrants to any of the following for consideration under their~~
10 ~~respective statutory authority:~~

11 (a) ~~The board of trustees of the public employees' retirement~~
12 ~~association created under section 24-51-202, C.R.S.;~~

13 (b) ~~The state deferred compensation committee and the~~
14 ~~administrator, as defined in section 24-52-101, C.R.S.;~~

15 (c) ~~The board of directors of the fire and police pension~~
16 ~~association, as defined in section 31-31-102 (2), C.R.S.;~~

17 (d) ~~The boards of trustees of the firefighters' and police officers'~~
18 ~~old hire pension funds, as defined in section 31-30.5-102 (1), C.R.S.;~~

19 (e) ~~The board of trustees of the volunteer firefighter pension fund,~~
20 ~~as defined in section 31-30-1102 (1), C.R.S.;~~

21 (f) ~~The boards of education of school districts, as described in~~
22 ~~section 22-64-112, C.R.S.;~~

23 (g) ~~The board of directors of the university of Colorado hospital~~
24 ~~authority, as defined in section 23-21-502 (2), C.R.S.;~~

25 (h) ~~The state treasurer for consideration under section~~
26 ~~23-20-117.5, C.R.S.;~~

27 (i) ~~The county boards of retirement, as described in section~~

1 ~~24-54-107, C.R.S.;~~

2 ~~(j) The governing boards of state colleges and universities, as~~
3 ~~defined in sections 24-54.5-102 (5) and 24-54.6-102 (4), C.R.S.; and~~

4 ~~(k) Any employer who has established a defined contribution~~
5 ~~plan.~~

6 **SECTION 69.** 43-4-205 (6.5) (a) and (6.5) (c), Colorado Revised
7 Statutes, are amended to read:

8 **43-4-205. Allocation of fund.** (6.5) (a) Except as provided in
9 ~~paragraphs (c) and~~ PARAGRAPH (d) of this subsection (6.5), the revenues
10 credited to the highway users tax fund pursuant to section 39-26-123 (2),
11 C.R.S., or appropriated to the highway users tax fund pursuant to House
12 Bill 02-1389, enacted during the second regular session of the sixty-third
13 general assembly, shall be paid to the state highway fund for allocation
14 to the department of transportation and shall be expended as provided in
15 section 43-4-206 (2).

16 ~~(c) For the state fiscal year 2001-2002, of the revenues~~
17 ~~appropriated to the highway users tax fund pursuant to House Bill~~
18 ~~02-1389, enacted during the second regular session of the sixty-third~~
19 ~~general assembly, sixty-seven thousand dollars shall be allocated as~~
20 ~~follows:~~

21 ~~(I) Sixty-five percent of such revenue shall be paid to the state~~
22 ~~highway fund and shall be expended as provided in section 43-4-206;~~

23 ~~(II) Twenty-six percent of such revenue shall be paid to the~~
24 ~~county treasurers of the respective counties, subject to annual~~
25 ~~appropriation by the general assembly, and shall be allocated and~~
26 ~~expended as provided in section 43-4-207; and~~

27 ~~(III) Nine percent of such revenue shall be paid to the cities and~~

1 ~~incorporated towns, subject to annual appropriation by the general~~
2 ~~assembly, and shall be allocated and expended as provided in section~~
3 ~~43-4-208 (2) and (6).~~

4 **SECTION 70.** 43-4-206 (1) (a) and (1) (b) (V.7) (B), Colorado
5 Revised Statutes, are amended to read:

6 **43-4-206. State allocation.** (1) Except as otherwise provided in
7 subsection (2) of this section, after paying the costs of the Colorado state
8 patrol and such other costs of the department, exclusive of highway
9 construction, highway improvements, or highway maintenance, as are
10 appropriated by the general assembly, sixty-five percent of the balance
11 of the highway users tax fund shall be paid to the state highway fund and
12 shall be expended for the following purposes:

13 (a) The state highway fund shall be ~~available first for the creation~~
14 ~~and maintenance of the highway anticipation fund or the sinking fund~~
15 ~~provided for in part 3 of this article and shall also be subject to the~~
16 ~~sinking fund and bond lien provided by part 2 of article 3 of this title.~~

17 (b) Except as otherwise provided in subsection (2) of this section,
18 all moneys in the state highway fund not required for the creation,
19 maintenance, and application of such highway anticipation or sinking
20 fund and all moneys in the state highway supplementary fund shall be
21 available to pay for:

22 (V.7) (B) ~~This subparagraph (V.7) is effective July 1, 1992.~~

23 **SECTION 71. Repeal.** 43-4-303, Colorado Revised Statutes, is
24 repealed as follows:

25 **43-4-303. Anticipation warrants - issuance - sale - fund.** For
26 ~~the purpose of defraying the cost of such construction, improvement, and~~
27 ~~reconstruction and all other expenses incident thereto, the transportation~~

1 commission may, from time to time, upon an affirmative majority vote of
2 the members thereof and with the approval of the governor, apply for and
3 receive funds from the federal government, the state of Colorado and any
4 of its institutions and agencies, counties, municipalities, districts, and any
5 other political subdivisions of the state, and any department, agency, or
6 instrumentality thereof, or any political or public corporation of the state
7 or from private investors and issue therefor revenue anticipation warrants
8 payable solely from a fund which is hereby created and is designated as
9 the highway anticipation fund; except that such warrants shall not be
10 issued in an aggregate amount in excess of thirty-five million dollars, that
11 no more than eight million dollars shall be issued in any one fiscal year,
12 and that the authority for the issuance of anticipation warrants provided
13 in sections 43-4-301 to 43-4-314 shall terminate at the expiration of five
14 years after April 15, 1955.

15 **SECTION 72. Repeal.** 43-4-304, Colorado Revised Statutes, is
16 repealed as follows:

17 **43-4-304. Interest - terms - public sale.** (1) ~~All anticipation~~
18 ~~warrants issued under the provisions of sections 43-4-301 to 43-4-314~~
19 ~~shall bear interest at a rate not exceeding three and three-quarters percent~~
20 ~~per annum and shall be executed in such manner so as to be payable~~
21 ~~serially in annual installments, beginning not later than five years and~~
22 ~~extending not more than twenty years after the date thereof and at the~~
23 ~~places designated therein. All such warrants, unless sold to the state of~~
24 ~~Colorado and any of its institutions and agencies, counties,~~
25 ~~municipalities, districts, and any other political subdivisions of the state,~~
26 ~~and any department, agency, or instrumentality thereof, or any political~~
27 ~~or public corporation of the state, as provided in this section, shall be sold~~

1 only at public sale.

2 ~~(2) Notice of the intention to sell any such warrants, and~~
3 ~~requesting bids therefor, shall be published in the name of the~~
4 ~~transportation commission in one or more newspapers of general~~
5 ~~circulation within the city and county of Denver at least once, not less~~
6 ~~than twenty days nor more than sixty days prior to the sale date, and shall~~
7 ~~also be published in like manner in some recognized financial journal~~
8 ~~published in the city of New York, New York. Such notice shall set forth~~
9 ~~the intention of the transportation commission to sell such warrants, or a~~
10 ~~specified part thereof, and require bidders to submit bids specifying the~~
11 ~~lowest rate of interest and premium, if any, at which the bidders will~~
12 ~~purchase such warrants and shall require each bid to be accompanied by~~
13 ~~a certified or cashier's check made payable to the transportation~~
14 ~~commission in an amount equaling two percent of the principal amount~~
15 ~~of the warrants being offered for sale, which certified or cashier's check~~
16 ~~shall be returned to any such bidder if his bid is not accepted; and the~~
17 ~~amount of the certified or cashier's check of any successful bidder who~~
18 ~~fails, neglects, or refuses to accept the warrants so sold and to complete~~
19 ~~and pay therefor in accordance with the terms of such successful bid~~
20 ~~within thirty days following the acceptance thereof shall be forfeited to~~
21 ~~the transportation commission.~~

22 ~~(3) Such notice shall state the maximum rate of interest which~~
23 ~~such warrants may legally bear and that none of the warrants will be sold~~
24 ~~for less than par and accrued interest to the date of delivery thereof and~~
25 ~~shall specify the place and designate the day and hour, respectively, as~~
26 ~~the place where and the time prior to which any sealed bids shall be~~
27 ~~received for the purchase of such warrants. At the time and place so~~

1 specified in such notice, the transportation commission shall meet in
2 public special or regular meeting for the purpose of considering such
3 bids, awarding the warrants, or rejecting any and all bids therefor. At
4 such meeting or at any adjournment thereof, the warrants shall be sold to
5 the bidder making the best bid therefor, subject to the right of the
6 transportation commission to reject any and all bids and to readvertise
7 any such warrants for sale in the manner described in this section until
8 said warrants have been sold. No discount or commission shall be
9 allowed or paid on or for any sale to any purchaser or bidder directly or
10 indirectly. The transportation commission may employ expert legal or
11 other expert services in connection with the authorization, issuance, and
12 sale of such warrants if in the judgment of the transportation commission
13 and the attorney general it will be to the financial interest of the state to
14 do so.

15 (4) Prior to the publication of the notice of sale, the transportation
16 commission may in its discretion negotiate a private sale of any or all of
17 such warrants to the state of Colorado and any of its institutions and
18 agencies, counties, municipalities, districts, and any other political
19 subdivisions of the state, and any department, agency, or instrumentality
20 thereof, or any political or public corporation of the state.

21 (5) After the publication of such notice of sale, the transportation
22 commission shall not sell any of the warrants described in said notice at
23 private sale unless the commission receives no bids at any such public
24 sale or unless the commission determines at the time of such public sale
25 to reject all bids submitted for any or all of the warrants so offered at
26 such public sale, in which event the commission may then negotiate a
27 private sale of said warrants at not less than par and accrued interest to

1 ~~date of delivery and bearing interest at a rate not exceeding three and~~
2 ~~three-quarters percent per annum or may readvertise such warrants for~~
3 ~~sale as provided in this section. In addition to the notices provided for in~~
4 ~~this section, the chairman of the transportation commission is authorized~~
5 ~~to give such other notice of the sale of said warrants as he may deem~~
6 ~~proper, including a notice to the state of Colorado and any of its~~
7 ~~institutions and agencies, counties, municipalities, districts, and any other~~
8 ~~political subdivisions of the state, and any department, agency, or~~
9 ~~instrumentality thereof, or any political or public corporation of the state~~
10 ~~of the intention of the transportation commission to sell all or a part of~~
11 ~~said warrants.~~

12 **SECTION 73. Repeal.** 43-4-305, Colorado Revised Statutes, is
13 repealed as follows:

14 **43-4-305. Warrants legal investments.** ~~It is lawful for the~~
15 ~~anticipation warrants issued in pursuance of the provisions of sections~~
16 ~~43-4-301 to 43-4-314 to be purchased by the state of Colorado and any~~
17 ~~of its institutions and agencies, counties, municipalities, districts, and any~~
18 ~~other political subdivisions of the state, and any department, agency, or~~
19 ~~instrumentality thereof, or any political or public corporation of the state.~~

20 **SECTION 74. Repeal.** 43-4-306, Colorado Revised Statutes, is
21 repealed as follows:

22 **43-4-306. Signatures validated.** ~~No revenue anticipation warrant~~
23 ~~or coupon attached thereto shall be rendered invalid by reason of the~~
24 ~~cessation in office of any person whose proper signature appears on such~~
25 ~~warrant or coupon.~~

26 **SECTION 75. Repeal.** 43-4-307, Colorado Revised Statutes, is
27 repealed as follows:

1 **43-4-307. Sinking fund.** ~~At or before the issuance of any such~~
2 ~~revenue anticipation warrants, the transportation commission shall by~~
3 ~~resolution create a sinking fund for the payment of such warrants, the~~
4 ~~interest thereon, and necessary fiscal agency charges and shall pledge or~~
5 ~~set aside a sufficient amount of the state highway fund into said sinking~~
6 ~~fund at intervals to be determined by the commission prior to the issuance~~
7 ~~of such warrants for payment of interest to become due, necessary fiscal~~
8 ~~agency charges, and the warrants as they become due.~~

9 **SECTION 76. Repeal.** 43-4-308, Colorado Revised Statutes, is
10 repealed as follows:

11 **43-4-308. Redemption.** ~~In addition to retirement by serially paid~~
12 ~~annual installments, anticipation warrants issued after March 28, 1957,~~
13 ~~under the provisions of sections 43-4-301 to 43-4-314 may be redeemed~~
14 ~~prior to maturity if so provided by the transportation commission in the~~
15 ~~resolution authorizing their issuance, such redemption to be made in~~
16 ~~inverse numerical order on any interest payment date, upon such terms~~
17 ~~and upon the payment of such premium, if any, not exceeding three and~~
18 ~~three-quarters percent of the principal amount of the bonds to be~~
19 ~~redeemed as may be determined by the transportation commission.~~

20 **SECTION 77. Repeal.** 43-4-309, Colorado Revised Statutes, is
21 repealed as follows:

22 **43-4-309. Warrant obligations.** ~~On and after the date the~~
23 ~~transportation commission creates obligations by contract or otherwise,~~
24 ~~as provided in sections 43-4-301 to 43-4-314, the laws of Colorado~~
25 ~~relating to taxes levied and fees charged for the purpose of construction,~~
26 ~~improvement, reconstruction, and maintenance of the state's system of~~
27 ~~highways shall not be repealed or amended so that the aggregate of~~

1 ~~revenues for such purposes will be insufficient to pay the annual~~
2 ~~installments of principal and interest and retire revenue anticipation~~
3 ~~warrants issued under the provisions of sections 43-4-301 to 43-4-314 as~~
4 ~~the same become due and payable; and, with the exception of the~~
5 ~~obligations incurred prior to April 15, 1955, pursuant to the provisions of~~
6 ~~part 2 of article 3 of this title, the obligations incurred under the~~
7 ~~provisions of sections 43-4-301 to 43-4-314 constitutes a first lien upon~~
8 ~~all revenues derived for such purposes, under the provisions of such tax~~
9 ~~and fee laws or otherwise, until the obligations so created are fully paid~~
10 ~~and discharged.~~

11 **SECTION 78. Repeal.** 43-4-310, Colorado Revised Statutes, is
12 repealed as follows:

13 **43-4-310. Obligation only from highway fund.** ~~Nothing in~~
14 ~~sections 43-4-301 to 43-4-314 shall be so construed as to authorize or~~
15 ~~permit the transportation commission to incur any obligation of any kind~~
16 ~~or nature except such as shall be payable solely from revenues accruing~~
17 ~~to the highway fund, and it shall be plainly stated on the face of each~~
18 ~~warrant that it has been issued under the provisions of sections 43-4-301~~
19 ~~to 43-4-314 and that it does not constitute an indebtedness of the state~~
20 ~~within the meaning of any constitutional provisions or limitation.~~

21 **SECTION 79. Repeal.** 43-4-311, Colorado Revised Statutes, is
22 repealed as follows:

23 **43-4-311. Authority not in derogation of existing powers.** ~~The~~
24 ~~authority given by this part 3 is in addition to and not in derogation of any~~
25 ~~existing power now vested in the transportation commission under any~~
26 ~~statutory or constitutional provisions which it may adopt or have granted~~
27 ~~to it.~~

1 **SECTION 80. Repeal.** 43-4-312, Colorado Revised Statutes, is
2 repealed as follows:

3 **43-4-312. Full authority.** ~~Sections 43-4-301 to 43-4-314 shall,~~
4 ~~without reference to any other statute, be deemed full authority for the~~
5 ~~construction, improvement, and reconstruction of public highways and~~
6 ~~bridges under contract with, pursuant to design ordered or prepared by,~~
7 ~~and under the sole direction of the transportation commission, and for the~~
8 ~~issuance and sale of revenue anticipation warrants by sections 43-4-301~~
9 ~~to 43-4-314 authorized with approval by the governor, and shall be~~
10 ~~construed as an additional and alternative method therefor and for the~~
11 ~~financing thereof. None of the present restrictions, requirements,~~
12 ~~conditions, or limitations of law applicable to the issuance of bonds by~~
13 ~~governmental agencies of this state shall apply to the issuance and sale of~~
14 ~~warrants under sections 43-4-301 to 43-4-314, and no proceedings shall~~
15 ~~be required for the issuance of such warrants other than those provided~~
16 ~~and required in sections 43-4-301 to 43-4-314; and all the powers~~
17 ~~necessary to be exercised by the transportation commission in order to~~
18 ~~carry out the provisions of sections 43-4-301 to 43-4-314 are hereby~~
19 ~~conferred.~~

20 **SECTION 81. Repeal.** 43-4-313, Colorado Revised Statutes, is
21 repealed as follows:

22 **43-4-313. Authorization.** ~~The transportation commission is~~
23 ~~authorized to issue said state highway fund revenue anticipation warrants~~
24 ~~in accordance with the provisions of sections 43-4-301 to 43-4-314.~~

25 **SECTION 82. Repeal.** 43-4-314, Colorado Revised Statutes, is
26 repealed as follows:

27 **43-4-314. Highway building fund obligations unaffected.**

1 Nothing in sections ~~43-4-301 to 43-4-314~~ shall be construed as impairing
2 any obligation of the department of transportation incurred under the
3 provisions of sections ~~43-1-211 to 43-1-215~~ prior to April 15, 1955.

4 **SECTION 83. Repeal.** 43-4-315, Colorado Revised Statutes, is
5 repealed as follows:

6 **43-4-315. Legislative declaration.** It is declared that by granting
7 to the transportation commission the additional powers set forth in section
8 ~~43-4-316~~, obligations issued pursuant to the provisions of this part 3 prior
9 to April 15, 1963, may be refunded to the great advantage of the state of
10 Colorado.

11 **SECTION 84. Repeal.** 43-4-316, Colorado Revised Statutes, is
12 repealed as follows:

13 **43-4-316. Additional powers.** ~~(1) In addition to the powers~~
14 ~~conferred upon it, the transportation commission has the power:~~

15 ~~(a) To refund all of the state of Colorado state highway fund~~
16 ~~revenue anticipation warrants issued pursuant to this part 3 outstanding~~
17 ~~on April 15, 1963, but the transportation commission shall determine that~~
18 ~~such refunding is in all respects to the best interests of the state of~~
19 ~~Colorado. The terms, conditions, form, and provisions for payment of the~~
20 ~~refunding bonds shall be as provided by resolution of the transportation~~
21 ~~commission subject only to the following limitations: That the principal~~
22 ~~amount of the refunding bonds shall not exceed the principal amount of~~
23 ~~the state highway fund revenue anticipation warrants so refunded; that the~~
24 ~~maturities of the refunding bonds shall not extend beyond January 1,~~
25 ~~1975.~~

26 ~~(b) To create a sinking fund for the payment of such refunding~~
27 ~~bonds and the interest thereon and to pledge a sufficient amount of the~~

1 state highway fund into said sinking fund at intervals to be determined by
2 the transportation commission prior to the issuance of such refunding
3 bonds for payment of interest to become due and the refunding bonds as
4 they become due;

5 (c) To establish escrow accounts in any bank within the state of
6 Colorado which is a member of the federal deposit insurance corporation
7 under protective agreements in amounts sufficient to ensure the payment
8 of any bonds refunded under the provisions of sections 43-4-315 to
9 43-4-318. Any of the accounts so established may be invested in direct
10 obligations of the United States with appropriate maturities and yields to
11 insure such payment. Upon the establishment of such escrow accounts,
12 all of said refunding bonds shall constitute a first closed lien on all net
13 revenue derived by the transportation commission from the imposition of
14 any excise tax on motor fuel, annual registration fees on drivers, motor
15 vehicles, trailers and semitrailers, and passenger-mile taxes upon vehicles
16 or any fee or payment substituted therefor.

17 (d) To prescribe the terms, conditions, and manner in which such
18 refunding bonds will be issued and sold and to provide for the payment
19 of the costs of such refunding, including the fees of fiscal agents and
20 attorneys and the charges of banks acting as escrow depositaries;

21 (e) To do and perform all other things and acts to effect a
22 refunding of said obligations. Nothing in sections 43-4-315 to 43-4-318
23 shall be construed as authorizing the impairment of the obligation of
24 contract.

25 **SECTION 85. Repeal.** 43-4-317, Colorado Revised Statutes, is
26 repealed as follows:

27 **43-4-317. Execution.** Said refunding bonds may be executed in

1 ~~accordance with article 55 of title 11, C.R.S.~~

2 **SECTION 86. Repeal.** 43-4-318, Colorado Revised Statutes, is
3 repealed as follows:

4 **43-4-318. Legal investments.** ~~It is lawful for any public entity,~~
5 ~~as defined in section 24-75-601 (1), C.R.S., to invest its funds in the~~
6 ~~refunding bonds authorized by sections 43-4-315 to 43-4-318 if such~~
7 ~~bonds satisfy the investment requirements established in part 6 of article~~
8 ~~75 of title 24, C.R.S.~~

9 **SECTION 87. Effective date.** This act shall take effect at 12:01
10 a.m. on the day following the expiration of the ninety-day period after
11 final adjournment of the general assembly that is allowed for submitting
12 a referendum petition pursuant to article V, section 1 (3) of the state
13 constitution (August 10, 2005, if adjournment sine die is on May 11,
14 2005); except that, if a referendum petition is filed against this act or an
15 item, section, or part of this act within such period, then the act, item,
16 section, or part, if approved by the people, shall take effect on the date of
17 the official declaration of the vote thereon by proclamation of the
18 governor.