

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

**INTRODUCED**

LLS NO. 01-0728.01 Christy Chase

**HOUSE BILL 01-1329**

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**HOUSE SPONSORSHIP**

**Madden**, Saliman, and Williams S.

**SENATE SPONSORSHIP**

**Fitz-Gerald**,

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**House Committees**

Finance

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE RETENTION OF STATE REVENUES IN EXCESS OF THE**  
102                    **CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING**  
103                    **FOR THE PURPOSE OF PROVIDING ADDITIONAL REVENUES FOR**  
104                    **MULTI-MODAL CAPITAL TRANSPORTATION PROJECTS.**

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**Bill Summary**

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

Creates the multi-modal capital transportation fund (fund) and requires the state treasurer annually to transfer to the fund a specified amount of excess state revenues collected in state fiscal years 2001-02 through 2010-11 that the state is authorized by the voters to retain and spend in state fiscal years 2002-03 through 2011-12. Specifies that,

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.*

because they are voter-approved, such transfers are not appropriations subject to the statutory limitation on state general fund appropriations growth. Specifies that such transfers shall constitute a voter-approved revenue change and shall not be included in either state or local government fiscal year spending.

Specifies that moneys in the fund are to be used to fund multi-modal capital transportation projects (projects). To the extent moneys are available in the fund, requires the transportation commission to approve funding for projects for which a specified minimum amount of matching funds are available. Authorizes the transportation commission to approve funding for projects for which no matching funds are available or for which less than the specified minimum amount are available if the project is located outside the front range region and dedicates a portion of the moneys in the fund to such projects. If any moneys remain unused for said projects after a certain period, allows said moneys to be used for any type of transportation project outside the front range region with priority given to transportation projects in areas that have not previously received any moneys from the fund.

Establishes criteria to be used by the transportation commission in determining the priority of competing projects. Limits the ability of the transportation commission to specify the allocation of moneys for approved projects. Defines terms. Defines "front range region" as the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, and Larimer, the city and county of Denver, and on or after November 15, 2001, the city and county of Broomfield.

Refers the act to the voters in the form of a ballot question.

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1 *Be it enacted by the General Assembly of the State of Colorado:*  
2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:  
4           (a) Section 20 of article X of the state constitution, which was  
5 approved by the registered electors of this state in 1992, limits the annual  
6 growth of state fiscal year spending;  
7           (b) When revenues exceed the state fiscal year spending limitation  
8 for any given fiscal year, section 20 (7) (d) of article X of the state  
9 constitution requires that the excess revenues be refunded in the next  
10 fiscal year unless voters approve a revenue change allowing the state to

1 keep the revenues;

2 (c) Revenues are currently estimated to exceed the state fiscal year  
3 spending limitation for the 2001-02 state fiscal year and at least the five  
4 succeeding state fiscal years;

5 (d) Estimates also indicate that plans for multi-modal forms of  
6 transportation, including rail, bus, bike, and pedestrian, significantly  
7 exceed the amount of revenues available for expenditure under the  
8 statutory limitation on state general fund appropriations for this purpose  
9 in the current and future fiscal years;

10 (e) Without an immediate infusion of additional revenues to help  
11 meet the pressing multi-modal capital transportation needs of the state,  
12 funding for these needs will continue to be insufficient and the citizens of  
13 the state will be forced to continue to use and rely upon an inadequate  
14 transportation system that adversely affects their quality of life; and

15 (f) It is within the prerogative of the general assembly to determine  
16 that it is appropriate to enact legislation allowing voters statewide to  
17 decide whether the state should be authorized to retain a portion of  
18 revenues in excess of the limitation on state fiscal year spending to help  
19 address the growing multi-modal capital transportation needs of the state.

20 **SECTION 2.** Title 43, Colorado Revised Statutes, is amended BY  
21 THE ADDITION OF A NEW ARTICLE to read:

22 **ARTICLE 11**

23 **Multi-Modal Capital**

24 **Transportation Fund**

25 **43-11-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "FRONT RANGE REGION" MEANS THE COUNTIES OF ADAMS,

1 ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON, AND LARIMER, THE  
2 CITY AND COUNTY OF DENVER, AND ON OR AFTER NOVEMBER 15, 2001,  
3 THE CITY AND COUNTY OF BROOMFIELD.

4 (2) "MATCHING FUNDS" INCLUDE FUNDS FROM THE FEDERAL  
5 GOVERNMENT, ANY LOCAL GOVERNMENT, THE REGIONAL TRANSPORTATION  
6 DISTRICT, OR ANY OTHER PUBLIC OR PRIVATE SOURCE OTHER THAN THE  
7 MULTI-MODAL CAPITAL TRANSPORTATION FUND, THE STATE GENERAL  
8 FUND, AND ANY OTHER STATE FUND.

9 (3) "MULTI-MODAL CAPITAL TRANSPORTATION PROJECT" MEANS A  
10 PROJECT FOR:

11 (a) ACQUIRING, CONSTRUCTING, SUPERVISING, OR INSPECTING  
12 EQUIPMENT OR A FACILITY FOR USE IN MASS TRANSPORTATION; EXPENSES  
13 INCIDENTAL TO THE ACQUISITION OR CONSTRUCTION, INCLUDING  
14 DESIGNING, ENGINEERING, LOCATION SURVEYING, MAPPING, AND  
15 ACQUIRING RIGHTS-OF-WAY; PAYMENTS FOR THE CAPITAL PORTIONS OF  
16 RAIL TRACKAGE RIGHTS AGREEMENTS; TRANSIT-RELATED INTELLIGENT  
17 TRANSPORTATION SYSTEMS; AND ANY REQUIRED RELOCATION ASSISTANCE;

18 (b) REHABILITATING A BUS;

19 (c) REMANUFACTURING A BUS;

20 (d) OVERHAULING RAIL ROLLING STOCK;

21 (e) PREVENTIVE MAINTENANCE OF EQUIPMENT OR A FACILITY FOR  
22 USE IN MASS TRANSPORTATION;

23 (f) LEASING EQUIPMENT OR A FACILITY FOR USE IN MASS  
24 TRANSPORTATION;

25 (g) A MASS TRANSPORTATION IMPROVEMENT THAT:

26 (I) ENHANCES ECONOMIC DEVELOPMENT OR INCORPORATES  
27 PRIVATE INVESTMENT, INCLUDING COMMERCIAL AND RESIDENTIAL

1 DEVELOPMENT, PEDESTRIAN AND BICYCLE ACCESS TO A MASS  
2 TRANSPORTATION FACILITY, AND THE RENOVATION AND IMPROVEMENT OF  
3 HISTORIC TRANSPORTATION FACILITIES;

4 (II) ENHANCES THE EFFECTIVENESS OF A MASS TRANSPORTATION  
5 PROJECT;

6 (III) IS RELATED PHYSICALLY OR FUNCTIONALLY TO THAT MASS  
7 TRANSPORTATION PROJECT OR ESTABLISHES NEW OR ENHANCED  
8 COORDINATION BETWEEN MASS TRANSPORTATION AND OTHER  
9 TRANSPORTATION; AND

10 (IV) PROVIDES A FAIR SHARE OF REVENUE FOR MASS  
11 TRANSPORTATION THAT WILL BE USED FOR MASS TRANSPORTATION THAT:

12 (A) INCLUDES PROPERTY ACQUISITION; DEMOLITION OF EXISTING  
13 STRUCTURES; SITE PREPARATION; UTILITIES; BUILDING FOUNDATIONS;  
14 WALKWAYS; OPEN SPACE; SAFETY AND SECURITY EQUIPMENT AND  
15 FACILITIES, INCLUDING LIGHTING, SURVEILLANCE, AND RELATED  
16 INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS; FACILITIES THAT  
17 INCORPORATE COMMUNITY SERVICES SUCH AS DAYCARE OR HEALTH CARE;  
18 AND A CAPITAL PROJECT FOR THE CONSTRUCTION OR IMPROVEMENT OF  
19 EQUIPMENT OR A FACILITY FOR AN INTERMODAL TRANSFER FACILITY OR  
20 TRANSPORTATION MALL; EXCEPT THAT A PERSON MAKING AN AGREEMENT  
21 TO OCCUPY SPACE IN A FACILITY UNDER THIS SUB-SUBPARAGRAPH (A)  
22 SHALL PAY A REASONABLE SHARE OF THE COSTS OF THE FACILITY THROUGH  
23 RENTAL PAYMENTS AND OTHER MEANS; AND

24 (B) EXCLUDES CONSTRUCTION OF A COMMERCIAL  
25 REVENUE-PRODUCING FACILITY OR A PART OF A PUBLIC FACILITY NOT  
26 RELATED TO MASS TRANSPORTATION;

27 (h) THE INTRODUCTION OF NEW TECHNOLOGY INTO MASS

1 TRANSPORTATION THROUGH INNOVATIVE AND IMPROVED PRODUCTS;

2 (i) THE PROVISION OF NONFIXED ROUTE PARATRANSIT  
3 TRANSPORTATION SERVICES IN ACCORDANCE WITH THE "AMERICANS WITH  
4 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12143; OR

5 (j) THE CONSTRUCTION OF HIGH OCCUPANCY VEHICLE LANES IN  
6 ACCORDANCE WITH SECTION 43-11-104.

7 **43-11-102. Multi-modal capital transportation fund - creation.**

8 (1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE  
9 MULTI-MODAL CAPITAL TRANSPORTATION FUND, WHICH SHALL CONSIST OF  
10 GENERAL FUND REVENUES TRANSFERRED TO THE FUND PURSUANT TO  
11 SUBSECTION (2) OF THIS SECTION. ALL INTEREST DERIVED FROM THE  
12 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO  
13 THE FUND. ANY UNEXPENDED OR UNENCUMBERED MONEYS IN THE FUND  
14 AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL  
15 NOT BE TRANSFERRED TO THE GENERAL FUND. THE MONEYS IN THE FUND  
16 SHALL BE CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SET FORTH IN  
17 THIS ARTICLE.

18 (2) (a) NO LATER THAN NOVEMBER 1, 2002, THE STATE TREASURER  
19 SHALL TRANSFER AN AMOUNT OF REVENUES FROM THE GENERAL FUND TO  
20 THE MULTI-MODAL CAPITAL TRANSPORTATION FUND CREATED IN  
21 SUBSECTION (1) OF THIS SECTION EQUAL TO THE LESSER OF:

22 (I) FIFTY MILLION DOLLARS; OR

23 (II) THE AMOUNT OF STATE REVENUES FROM SOURCES NOT  
24 EXCLUDED FROM STATE FISCAL YEAR SPENDING THAT IS IN EXCESS OF THE  
25 FISCAL YEAR SPENDING LIMITATION IMPOSED UPON THE STATE BY SECTION  
26 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE 2001-02  
27 STATE FISCAL YEAR AS CERTIFIED AND AUDITED PURSUANT TO SECTION

1 24-77-106.5, C.R.S.

2 (b) UPON CERTIFICATION THAT STATE REVENUES FROM SOURCES  
3 NOT EXCLUDED FROM STATE FISCAL YEAR SPENDING EXCEED THE  
4 LIMITATION ON FISCAL YEAR SPENDING IMPOSED UPON THE STATE BY  
5 SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR STATE  
6 FISCAL YEAR 2002-03 AND FOR EACH STATE FISCAL YEAR THEREAFTER  
7 THROUGH 2010-11, THE STATE TREASURER SHALL TRANSFER AN AMOUNT  
8 OF REVENUES FROM THE GENERAL FUND TO THE MULTI-MODAL CAPITAL  
9 TRANSPORTATION FUND CREATED IN SUBSECTION (1) OF THIS SECTION AS  
10 FOLLOWS:

11 (I) NO LATER THAN NOVEMBER 1, 2003, AN AMOUNT EQUAL TO THE  
12 LESSER OF:

13 (A) ONE HUNDRED MILLION DOLLARS; OR

14 (B) THE AMOUNT OF STATE REVENUES FROM SOURCES NOT  
15 EXCLUDED FROM STATE FISCAL YEAR SPENDING THAT IS IN EXCESS OF THE  
16 FISCAL YEAR SPENDING LIMITATION IMPOSED UPON THE STATE BY SECTION  
17 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE 2002-03  
18 STATE FISCAL YEAR AS CERTIFIED AND AUDITED PURSUANT TO SECTION  
19 24-77-106.5, C.R.S.

20 (II) NO LATER THAN NOVEMBER 1, 2004, AN AMOUNT EQUAL TO  
21 THE LESSER OF:

22 (A) ONE HUNDRED TWENTY-FIVE MILLION DOLLARS; OR

23 (B) THE AMOUNT OF STATE REVENUES FROM SOURCES NOT  
24 EXCLUDED FROM STATE FISCAL YEAR SPENDING THAT IS IN EXCESS OF THE  
25 FISCAL YEAR SPENDING LIMITATION IMPOSED UPON THE STATE BY SECTION  
26 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE 2003-04  
27 STATE FISCAL YEAR AS CERTIFIED AND AUDITED PURSUANT TO SECTION

1 24-77-106.5, C.R.S.

2 (III) NO LATER THAN NOVEMBER 1, 2005, AND EACH NOVEMBER  
3 1 THEREAFTER UNTIL AND INCLUDING NOVEMBER 1, 2011, AN AMOUNT  
4 EQUAL TO THE LESSER OF:

5 (A) ONE HUNDRED FIFTY MILLION DOLLARS; OR

6 (B) THE AMOUNT OF STATE REVENUES FROM SOURCES NOT  
7 EXCLUDED FROM STATE FISCAL YEAR SPENDING THAT IS IN EXCESS OF THE  
8 FISCAL YEAR SPENDING LIMITATION IMPOSED UPON THE STATE BY SECTION  
9 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR STATE FISCAL  
10 YEARS 2004-05 THROUGH 2010-11 AS CERTIFIED AND AUDITED PURSUANT  
11 TO SECTION 24-77-106.5, C.R.S.

12 (3) ANY TRANSFER OF REVENUES FROM THE GENERAL FUND TO THE  
13 MULTI-MODAL CAPITAL TRANSPORTATION FUND PURSUANT TO THE  
14 PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO BE AN  
15 APPROPRIATION SUBJECT TO THE LIMITATION OF SECTION 24-75-201.1,  
16 C.R.S., BECAUSE VOTER APPROVAL AT THE ELECTION HELD ON THE FIRST  
17 TUESDAY IN NOVEMBER, 2001, OF HOUSE BILL 01-\_\_\_\_, ENACTED AT THE  
18 FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY,  
19 CONSTITUTES VOTER APPROVAL OF A WEAKENING OF SAID LIMITATION.

20 (4) (a) REVENUES TRANSFERRED TO THE MULTI-MODAL CAPITAL  
21 TRANSPORTATION FUND PURSUANT TO THIS SECTION, INCLUDING INTEREST  
22 DERIVED FROM SAID REVENUES, SHALL CONSTITUTE A VOTER-APPROVED  
23 REVENUE CHANGE, AND SUCH REVENUES SHALL NOT BE INCLUDED IN  
24 EITHER STATE OR LOCAL GOVERNMENT FISCAL YEAR SPENDING FOR  
25 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND  
26 SECTION 24-77-102 (17), C.R.S.

27 (b) APPROVAL OF HOUSE BILL 01-\_\_\_\_, ENACTED AT THE FIRST



1 REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, BY THE  
2 VOTERS STATEWIDE SHALL CONSTITUTE A VOTER-APPROVED REVENUE  
3 CHANGE TO ALLOW THE MAXIMUM AMOUNT OF STATE FISCAL YEAR  
4 SPENDING FOR THE 2002-03 STATE FISCAL YEAR TO BE INCREASED BY AN  
5 AMOUNT EQUAL TO THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF  
6 SUBSECTION (2) OF THIS SECTION AND TO INCLUDE SAID AMOUNT IN STATE  
7 FISCAL YEAR SPENDING FOR THE 2002-03 STATE FISCAL YEAR FOR THE  
8 PURPOSE OF CALCULATING SUBSEQUENT STATE FISCAL YEAR SPENDING  
9 LIMITS.

10 (5) MONEYS IN THE MULTI-MODAL CAPITAL TRANSPORTATION FUND  
11 SHALL BE USED TO FUND MULTI-MODAL CAPITAL TRANSPORTATION  
12 PROJECTS APPROVED BY THE TRANSPORTATION COMMISSION PURSUANT TO  
13 SECTION 43-11-103. NO MONEYS IN THE FUND SHALL BE USED TO PROVIDE  
14 FOR THE OPERATING COSTS OF ANY MULTI-MODAL CAPITAL  
15 TRANSPORTATION PROJECT OR FOR THE CONSTRUCTION, REPAIR,  
16 IMPROVEMENT, OPERATION, OR MAINTENANCE OF ANY ROAD IN THE STATE  
17 HIGHWAY SYSTEM, AS DEFINED IN SECTION 43-2-101, OR ANY PUBLIC  
18 HIGHWAY, AS DESCRIBED IN SECTION 43-2-201.

19 (6) NOT LESS THAN TWENTY-FIVE PERCENT OF THE MONEYS IN THE  
20 MULTI-MODAL CAPITAL TRANSPORTATION FUND SHALL BE USED TO FUND  
21 MULTI-MODAL CAPITAL CONSTRUCTION PROJECTS LOCATED OUTSIDE THE  
22 FRONT RANGE REGION THAT HAVE BEEN APPROVED PURSUANT TO SECTION  
23 43-11-103 (2). ANY MONEYS APPROVED FOR A MULTI-MODAL CAPITAL  
24 CONSTRUCTION PROJECT PURSUANT TO SECTION 43-11-103 (2) THAT ARE  
25 NOT ENCUMBERED OR EXPENDED AFTER THREE YEARS MAY BE USED FOR  
26 ANY TYPE OF TRANSPORTATION PROJECT LOCATED IN AN AREA OUTSIDE THE  
27 FRONT RANGE REGION. IN DETERMINING HOW TO ALLOCATE ANY

1 UNEXPENDED MONEYS, THE TRANSPORTATION COMMISSION SHALL GIVE  
2 PRIORITY TO TRANSPORTATION PROJECTS LOCATED IN AREAS THAT HAVE  
3 NOT PREVIOUSLY RECEIVED FUNDING PURSUANT TO THIS ARTICLE OR HAVE  
4 RECEIVED LESS FUNDING IN COMPARISON TO OTHER AREAS SEEKING  
5 FUNDING FOR A TRANSPORTATION PROJECT.

6 **43-11-103. Multi-modal capital transportation projects -**  
7 **approval - criteria.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS  
8 SECTION AND TO THE EXTENT MONEYS ARE AVAILABLE IN THE  
9 MULTI-MODAL TRANSPORTATION FUND, UPON APPLICATION TO THE  
10 TRANSPORTATION COMMISSION PURSUANT TO COMMISSION RULES ADOPTED  
11 PURSUANT TO SECTION 43-1-106(8)(t), THE TRANSPORTATION COMMISSION  
12 SHALL APPROVE FUNDING FOR MULTI-MODAL CAPITAL TRANSPORTATION  
13 PROJECTS FOR WHICH MATCHING FUNDS EQUAL TO AT LEAST TWENTY  
14 PERCENT OF THE COST OF THE PROJECT ARE AVAILABLE.

15 (2) THE TRANSPORTATION COMMISSION MAY APPROVE FUNDING  
16 FROM THE MONEYS IN THE MULTI-MODAL CAPITAL TRANSPORTATION FUND  
17 SPECIFIED IN SECTION 43-11-102 (6) FOR A MULTI-MODAL CAPITAL  
18 TRANSPORTATION PROJECT FOR WHICH NO MATCHING FUNDS ARE  
19 AVAILABLE OR FOR WHICH MATCHING FUNDS IN AN AMOUNT LESS THAN  
20 TWENTY PERCENT ARE AVAILABLE IF THE PROJECT IS LOCATED IN AN AREA  
21 OUTSIDE THE FRONT RANGE REGION.

22 (3) THE APPROVAL OF FUNDING FOR COMPETING MULTI-MODAL  
23 CAPITAL TRANSPORTATION PROJECTS SHALL BE DETERMINED BY THE  
24 TRANSPORTATION COMMISSION BASED ON SPECIFIC CRITERIA, INCLUDING,  
25 BUT NOT LIMITED TO:

26 (a) THE NEED FOR THE MULTI-MODAL CAPITAL TRANSPORTATION  
27 PROJECT;

1 (b) THE AVAILABILITY AND AMOUNT OF MATCHING FUNDS FOR THE  
2 PLANNING, ENVIRONMENTAL CLEARANCES, DESIGN, AND CONSTRUCTION OF  
3 THE MULTI-MODAL CAPITAL TRANSPORTATION PROJECT;

4 (c) THE AVAILABILITY OF FUNDS FROM LOCAL GOVERNMENTS TO  
5 OPERATE AND MAINTAIN MULTI-MODAL CAPITAL TRANSPORTATION  
6 PROJECTS LOCATED WITHIN THE LOCAL GOVERNMENT'S BOUNDARIES UPON  
7 COMPLETION OF THE PROJECT;

8 (d) THE INPUT OF THE TRANSPORTATION ADVISORY COMMITTEE  
9 CREATED IN SECTION 43-1-1104 ON THE MULTI-MODAL CAPITAL  
10 TRANSPORTATION PROJECT;

11 (e) THE COST-EFFECTIVENESS OF THE MULTI-MODAL CAPITAL  
12 TRANSPORTATION PROJECT;

13 (f) THE DEGREE TO WHICH EXISTING AND FUTURE LOCAL LAND USES  
14 SUPPORT ALTERNATIVE MODES OF TRANSPORTATION; AND

15 (g) THE LEVEL OF LOCAL SUPPORT AND COMMITMENT FOR THE  
16 PROJECT AS DEMONSTRATED BY PARTNERSHIPS AND SUPPORT FROM LOCAL  
17 GOVERNMENT OFFICIALS AND CITIZENS.

18 (4) THE TRANSPORTATION COMMISSION SHALL HAVE THE  
19 AUTHORITY ONLY TO APPROVE OR DISAPPROVE APPLICATIONS FOR  
20 MULTI-MODAL CAPITAL TRANSPORTATION PROJECTS SUBMITTED PURSUANT  
21 TO THIS SECTION AND, UNLESS ALLOWED BY THE APPLICANT, SHALL NOT BE  
22 AUTHORIZED TO MODIFY OR SPECIFY THE ALLOCATION OR PRIORITY OF  
23 SPENDING OF FUNDS FOR ANY PORTION OF AN APPROVED MULTI-MODAL  
24 CAPITAL TRANSPORTATION PROJECT.

25 **43-11-104. Projects for high occupancy vehicle lanes -**  
26 **limitations.** ANY HIGH OCCUPANCY VEHICLE LANE THAT IS CONSTRUCTED  
27 USING FUNDS OBTAINED PURSUANT TO THIS ARTICLE SHALL NOT BE

1 CONVERTED TO A GENERAL PURPOSE LANE, A HIGH OCCUPANCY TOLL LANE,  
2 OR ANY OTHER TYPE OF LANE WITHOUT THE EXPRESS APPROVAL FROM THE  
3 APPLICANT WHO ORIGINALLY APPLIED FOR FUNDING PURSUANT TO THIS  
4 ARTICLE FOR THE CONSTRUCTION OF THE LANE.

5 **SECTION 3.** 43-1-106 (8), Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **43-1-106. Transportation commission - powers and duties.**

8 (8) In addition to all other powers and duties imposed upon it by law, the  
9 commission has the following powers and duties:

10 (t) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF  
11 TITLE 24, C.R.S., FOR THE APPLICATION FOR AND APPROVAL OF  
12 MULTI-MODAL CAPITAL TRANSPORTATION PROJECTS IN ACCORDANCE WITH  
13 ARTICLE 11 OF THIS TITLE.

14 **SECTION 4. Refer to people under referendum.** This act shall  
15 be submitted to a vote of the registered electors of the state of Colorado  
16 at the next election for which it may be submitted, for their approval or  
17 rejection, under the provisions of the referendum as provided for in  
18 section 1 of article V and section 20 of article X of the state constitution,  
19 and in article 40 of title 1, Colorado Revised Statutes. Each elector voting  
20 at said election and desirous of voting for or against said act shall cast a  
21 vote as provided by law either "Yes" or "No" on the proposition: "SHALL  
22 THE STATE OF COLORADO BE PERMITTED TO RETAIN UP TO FIFTY MILLION  
23 DOLLARS OF THE STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL  
24 LIMITATION ON STATE FISCAL YEAR SPENDING FOR USE IN THE 2002-03  
25 STATE FISCAL YEAR, UP TO ONE HUNDRED MILLION DOLLARS OF STATE  
26 REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE  
27 FISCAL YEAR SPENDING FOR USE IN THE 2003-04 STATE FISCAL YEAR, UP TO

1 ONE HUNDRED TWENTY-FIVE MILLION DOLLARS OF THE STATE REVENUES  
2 IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR  
3 SPENDING FOR USE IN THE 2004-05 STATE FISCAL YEAR, AND UP TO ONE  
4 HUNDRED FIFTY MILLION DOLLARS OF STATE REVENUES IN EXCESS OF THE  
5 CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR USE IN  
6 THE 2005-06 STATE FISCAL YEAR AND IN EACH STATE FISCAL YEAR  
7 THEREAFTER THROUGH THE 2011-12 STATE FISCAL YEAR FOR THE PURPOSE  
8 OF PROVIDING ADDITIONAL REVENUES TO MEET THE MULTI-MODAL CAPITAL  
9 TRANSPORTATION NEEDS OF THE STATE, NOTWITHSTANDING ANY  
10 RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING  
11 WITHOUT LIMITATION THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF  
12 THE STATE CONSTITUTION AND THE STATUTORY LIMITATION ON STATE  
13 GENERAL FUND APPROPRIATIONS, AND, IN CONNECTION THEREWITH,  
14 REQUIRING ANNUAL TRANSFERS OF SUCH EXCESS REVENUES, SPECIFYING  
15 THE FUND TO WHICH THE EXCESS REVENUES ARE TO BE TRANSFERRED, AND  
16 REQUIRING SUCH EXCESS REVENUES TO BE USED FOR THIS PURPOSE?" The  
17 votes cast for the adoption or rejection of said act shall be canvassed and  
18 the result determined in the manner provided by law for the canvassing of  
19 votes for representatives in Congress.