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SENATE BILL 02-179

BY SENATOR(S) Matsunaka, Anderson, Arnold, Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Tate, Teck, Thiebaut, Tupa, and Windels; also REPRESENTATIVE(S) Veiga, Boyd, Chavez, Coleman, Garcia, Groff, Harvey, Jahn, Jameson, Larson, Mace, Madden, Marshall, Miller, Plant, Rippey, Romanoff, Sanchez, Smith, Stafford, Tapia, Vigil, Weddig and Williams S.

CONCERNING TRANSPORTATION FUNDING, AND MAKING AN APPROPRIATION  
IN CONNECTION THEREWITH.

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

**SECTION 1.** Part 2 of article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-75-218. Transfers of general fund surplus.** (1) ON JULY 1, 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1), LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1)(d)(III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, SHALL BE CREDITED AND ALLOCATED AS FOLLOWS:

(a) TWO-THIRDS OF THE SURPLUS TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.; AND

(b) ONE-THIRD OF THE SURPLUS TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

**SECTION 2.** 24-77-103 (2), Colorado Revised Statutes, is amended to read:

**24-77-103. Limitation on state fiscal year spending - legislative declaration.** (2) (a) (I) For purposes of paragraph (b) of subsection (1) of this section, AND IN ACCORDANCE WITH SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION, the percentage of allowable increase in state fiscal year spending shall equal the sum of inflation as modified by the percentage change in state population in the prior calendar year.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS.

(B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN CALCULATING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR SPENDING TO INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE EXTENT NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.

(III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE DECENNIAL FEDERAL CENSUS.

(B) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN WHICH SUCH ADJUSTMENTS ARE TO BE MADE.

(C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING POPULATION.

(D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF POPULATION GROWTH.

(E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN

SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) (I) Except as otherwise provided in ~~subparagraph (II)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage change in state population for any given calendar year shall be the percentage change between the estimate of state population due to be issued by the United States bureau of census in December of such calendar year with a reference date of July 1 of the same calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same calendar year with a reference date of July 1 of the immediately preceding calendar year.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (b), for any calendar year for which an estimate of state population is not issued due to the federal census of the United States bureau of census, the percentage change in state population for such calendar year shall be the percentage change between the state population as reported in the federal census conducted by the United States bureau of census due in December of such calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same year with a reference date of July 1 of the immediately preceding calendar year.

(II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS

PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(C) ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(D) ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.

**SECTION 3.** 30-11-101 (1) (f), Colorado Revised Statutes, is amended, and the said 30-11-101 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**30-11-101. Powers of counties.** (1) Each organized county within the state shall be a body corporate and politic, and as such shall be

empowered for the following purposes:

(f) To develop, maintain, and operate mass transportation systems, which power shall be vested either individually in the board of county commissioners or jointly with other political subdivisions or governmental entities formed pursuant to the provisions of part 2 of article 1 of title 29, C.R.S. Except ~~that~~ AS PROVIDED IN PARAGRAPH (j) OF THIS SUBSECTION (1), this provision shall not apply to any county or portion thereof encompassed by the regional transportation district as formed pursuant to the provisions of article 9 of title 32, C.R.S. Counties, by ordinance adopted, administered, and enforced in accordance with part 4 of article 15 of this title, shall have the authority: To fix, maintain, and revise passenger fees, rates, and charges, and terms and conditions for such systems; to prescribe the method of development, maintenance, and operation of such mass transportation systems; and to receive contributions, gifts, or other support from public and private entities to defray the operating costs of such systems.

(j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO CONSULTATION WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY AND COUNTY.

**SECTION 4.** The introductory portion to 32-9-119 (2) (a), Colorado Revised Statutes, is amended to read:

**32-9-119. Additional powers of district.** (2) (a) To provide revenue to finance the operations of the district, to defray the cost of construction of capital improvements and acquisition of capital equipment, and to pay the interest and principal on securities of the district, the board, for and on behalf of the district after approval by election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the power to levy uniformly throughout the district a sales tax at the rate of six-tenths of one percent, OR AT THE RATE OF ONE PERCENT IF APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH SECTION 32-9-119.4, upon every transaction or other incident with respect to which a sales tax is now levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that:

**SECTION 5.** Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-9-119.4. Election for a sales tax rate increase - petition requirement.** (1) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION AND UPON RECEIPT OF A NOTICE FROM THE SECRETARY OF STATE STATING THAT A VALID PETITION HAS BEEN FILED AND VERIFIED AND THE ADOPTION BY THE BOARD OF AN APPROPRIATE RESOLUTION, THE BOARD MAY SUBMIT TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AT ANY GENERAL ELECTION OR ELECTION HELD IN NOVEMBER OF AN ODD-NUMBERED YEAR, THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) A VALID PETITION:

(a) SHALL REQUEST THAT THE BOARD SUBMIT THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT;

(b) SHALL BE SIGNED BY A NUMBER OF SUCH REGISTERED ELECTORS EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE PREVIOUS GENERAL ELECTION; AND

(c) SHALL HAVE THE REQUIRED SIGNATURES VERIFIED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE BALLOT QUESTION TO BE SUBMITTED BY THE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE AS FOLLOWS:

"SHALL REGIONAL TRANSPORTATION DISTRICT TAXES BE INCREASED (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT BY FOUR-TENTHS OF ONE PERCENT, FROM THE CURRENT SIX-TENTHS OF ONE PERCENT TO ONE PERCENT COMMENCING JANUARY 1 (FIRST CALENDAR YEAR THAT COMMENCES AFTER

THE ELECTION AT WHICH THE BALLOT QUESTION IS SUBMITTED), AND, IN CONNECTION THEREWITH, SHALL REGIONAL TRANSPORTATION DISTRICT DEBT BE INCREASED (PRINCIPAL AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COST) WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED AND SPENT FOR THE CONSTRUCTION AND OPERATION OF A FIXED GUIDE WAY MASS TRANSIT SYSTEM, THE CONSTRUCTION OF ADDITIONAL PARK-N-RIDE LOTS, THE EXPANSION AND IMPROVEMENT OF EXISTING PARK-N-RIDE LOTS, AND INCREASED BUS SERVICE, INCLUDING THE USE OF SMALLER BUSES AND VANS AND ALTERNATIVE FUEL VEHICLES AS APPROPRIATE, AS SPECIFIED IN THE TRANSIT EXPANSION PLAN ADOPTED BY THE BOARD OF DIRECTORS OF THE DISTRICT ON OR BEFORE (SPECIFIED DATE) AND SHALL DEBT BE EVIDENCED BY BONDS, NOTES, OR OTHER MULTIPLE-FISCAL YEAR OBLIGATIONS INCLUDING REFUNDING BONDS THAT MAY BE ISSUED AS A LOWER OR HIGHER RATE OF INTEREST AND INCLUDING DEBT THAT MAY HAVE A REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM, PAYABLE FROM ALL REVENUES GENERATED BY SAID TAX INCREASE, FEDERAL FUNDS, INVESTMENT INCOME, PUBLIC AND PRIVATE CONTRIBUTIONS, AND OTHER REVENUES AS THE BOARD MAY DETERMINE, AND WITH SUCH REVENUES RAISED BY THE SALES TAX RATE INCREASE AND THE PROCEEDS OF DEBT OBLIGATIONS AND ANY INVESTMENT INCOME ON SUCH REVENUES AND PROCEEDS BEING EXEMPT FROM THE REVENUE AND SPENDING RESTRICTIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION UNTIL SUCH TIME AS ALL DEBT IS repaid WHEN THE RATE OF TAX WILL BE DECREASED TO THAT AMOUNT NECESSARY FOR THE CONTINUED OPERATION OF THE SYSTEM BUT NOT LESS THAN SIX-TENTHS OF ONE PERCENT?"

(b) THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) MAY BE MODIFIED BY THE PROPONENTS OF A PETITION OR BY THE DISTRICT TO THE EXTENT NECESSARY TO CONFORM TO THE LEGAL REQUIREMENTS FOR BALLOT QUESTIONS AND TITLES.

(c) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE BALLOT QUESTION VOTE AFFIRMATIVELY ON THE BALLOT QUESTION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THEN THE RATE OF SALES TAX LEVIED BY THE DISTRICT SHALL BE INCREASED BY FOUR-TENTHS OF ONE PERCENT TO A RATE OF ONE PERCENT.

(4) THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING THE FOLLOWING SUBJECT MATTER SHALL APPLY TO PETITIONS THAT MAY BE



SUBMITTED PURSUANT TO THIS SECTION: FORM REQUIREMENTS AND APPROVAL; CIRCULATION OF PETITIONS; ELECTOR INFORMATION AND SIGNATURES ON PETITIONS; AFFIDAVITS AND REQUIREMENTS OF CIRCULATORS OF PETITIONS; AND VERIFICATION OF SIGNATURES, INCLUDING, BUT NOT LIMITED TO, CURE OF AN INSUFFICIENCY OF SIGNATURES AND PROTESTS REGARDING SUFFICIENCY STATEMENTS AND PROCEDURES FOR HEARINGS OR FURTHER APPEALS REGARDING SUCH PROTESTS. THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING REVIEW AND COMMENT, THE SETTING OF A BALLOT TITLE, INCLUDING, BUT NOT LIMITED TO, THE DUTIES OF THE TITLE BOARD, REHEARINGS AND APPEALS, AND THE NUMBER OF SIGNATURES REQUIRED SHALL NOT APPLY TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION.

(5) ANY PETITION SHALL BE FILED WITH THE SECRETARY OF STATE AT LEAST NINETY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT QUESTION SPECIFIED IN THE PETITION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT. NOTICE OF ANY QUESTION TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AFTER VERIFICATION OF THE SIGNATURES ON ANY PETITION FILED WITH THE SECRETARY OF STATE AND AT WHICH ELECTION SUCH QUESTION SHALL BE SUBMITTED SHALL BE FILED BY THE BOARD IN THE OFFICE OF THE SECRETARY OF STATE PRIOR TO FIFTY-FIVE DAYS BEFORE THE ELECTION.

(6) PRIOR TO THE GENERAL ELECTION AT WHICH ANY QUESTION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO PUBLIC HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN PART, WITHIN THE DISTRICT.

(7) (a) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN, CITY AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE PUBLIC ENTITY OR BY ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE, PROMOTE, OR PURCHASE COMMERCIAL PROMOTION OR ADVERTISEMENT TO URGE ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION SUBMITTED AT AN ELECTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(b) NO QUESTION SUBMITTED TO ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL OBLIGATE ANY FUNDS OF THE DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY

COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.

(8) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE ON A BALLOT QUESTION TO INCREASE THE RATE OF SALES TAX LEVIED BY THE DISTRICT AND THEN, IN A CORRESPONDING OR SUBSEQUENT ELECTION, A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE TO LOWER THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE DISTRICT SHALL DECREASE THE RATE OF THE SALES TAX TO SIX-TENTHS OF ONE PERCENT OR TO AN AMOUNT NECESSARY TO REPAY ALL INDEBTEDNESS OF THE DISTRICT OBLIGATED UNDER THE APPROVED SALES TAX INCREASE, INCLUDING ANY COSTS INCURRED WITH REGARD TO NECESSARY DEBT REPAYMENT BROUGHT ON BY A CORRESPONDING OR SUBSEQUENT SALES TAX REDUCTION, AND FOLLOWING SUCH REPAYMENT TO SIX-TENTHS OF ONE PERCENT.

**SECTION 6.** 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

**39-2-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director.** (1) If, for any state fiscal year commencing on or after July 1, 1998, the amount of state revenues exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and voters statewide either have not authorized the state to retain and spend all of the excess revenues for that fiscal year or have authorized the state to retain and spend only a portion of the excess revenues for that fiscal year, the executive director shall, if the amount of the identical individual refund calculated pursuant to paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for the taxable year commencing on or after January 1 of the calendar year in which that fiscal year ended, but prior to January 1 of the subsequent calendar year, calculate a temporary state sales tax refund in accordance with the provisions of this section to refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(4) No later than October 1 of any given calendar year commencing on or after January 1, 1999, during which the controller certifies, in accordance with the provisions of section 24-77-106.5, C.R.S., that state

revenues exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year ending in that calendar year, the executive director shall, if the amount of the identical individual refund calculated pursuant to subsection (2) of this section exceeds fifteen dollars, calculate the income classifications and the amount of the refund allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(5) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year commencing on or after January 1, 1999, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the fiscal year ending during said calendar year, no later than October 1 of said calendar year, the executive director shall, in addition to the calculations required by subsection (4) of this section:

(b) If the amount of any identical refund calculated pursuant to subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if one or more of such ballot questions are approved by voters statewide and that is not refunded by another method established by law; ~~multiplied by one hundred five percent;~~

(c) If the amount of the identical refund calculated pursuant to subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if all of such ballot questions are not approved by voters statewide and that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

**SECTION 7.** 42-4-1012 (1) (d) (IV), Colorado Revised Statutes, is amended to read:

**42-4-1012. High occupancy vehicle (GOV) and high occupancy toll (HOT) lanes.** (1) (d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated under the provisions of part 5 of article 4 of title 43, C.R.S., and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(IV) There is compatibility between any automatic vehicle identification system in operation on August 4, 1999, and any automatic vehicle identification system designed and installed on and after said date; EXCEPT THAT THE OPERATOR OF AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM IN OPERATION ON AUGUST 4, 1999, MAY REPLACE SUCH SYSTEM WITH A DIFFERENT SYSTEM THAT IS NOT COMPATIBLE WITH THE SYSTEM IN OPERATION ON AUGUST 4, 1999, SUBJECT TO THE APPROVAL OF THE DEPARTMENT. AFTER THE DEPARTMENT APPROVES SUCH REPLACEMENT, THE SPECIFICATIONS AND STANDARDS DEVELOPED PURSUANT TO THIS PARAGRAPH (d) SHALL BE AMENDED TO REQUIRE COMPATIBILITY WITH THE REPLACEMENT SYSTEM.

**SECTION 8.** 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-4-205. Allocation of fund.** (6.6) THE REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-218 (1) (a), C.R.S., SHALL BE PAID TO THE STATE HIGHWAY FUND FOR ALLOCATION TO THE DEPARTMENT OF TRANSPORTATION AND SHALL BE EXPENDED FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPITAL EXPANSION PROJECTS.

**SECTION 9.** 43-4-206 (2) (a) (I), Colorado Revised Statutes, is amended to read:

**43-4-206. State allocation.** (2) (a) Notwithstanding the provisions of subsection (1) of this section, the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic

transportation project investment program in the following manner:

(I) ~~At least~~ NO MORE THAN ninety percent of such revenues shall be expended for highway purposes or highway-related capital improvements, including, but not limited to, high occupancy vehicle lanes, park-and-ride facilities, and transportation management systems AND AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

**SECTION 10.** Article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8  
STATEWIDE TOLLING ENTERPRISE

**43-4-801. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ORDER TO FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN ADDITIONAL HIGHWAY CAPACITY AND ACCOMMODATE THE NEEDS OF THE TRAVELING PUBLIC THROUGH AND WITHIN THE STATE OF COLORADO THROUGH SAFE, EFFICIENT, CONVENIENT, AND MODERN VEHICULAR TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO PROVIDE FOR THE FINANCING, CONSTRUCTION, OPERATION, REGULATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL HIGHWAYS THAT ARE INTEROPERABLE, THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT WILL REDUCE TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND FATALITIES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS, AND EXERCISE OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT THESE PURPOSES.

**43-4-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED

STATES.

(2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED BY SECTION 43-1-106.

(3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF A TOLL HIGHWAY.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

(5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.

(6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.

(7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

(9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

(10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

**43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer.** (1) THE COMMISSION MAY CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS A

GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

**43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts.** (1) A FUND TO BE KNOWN AS THE

STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-809, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.

(3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION, PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF A TOLL HIGHWAY. THE ENTERPRISE MAY ALSO EXPEND MONEYS IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL FUND.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF THE STATE TOLL HIGHWAY OR TO PAY BONDS OF THE ENTERPRISE THAT WERE ISSUED TO FINANCE THE STATE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE STATE TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY FUND FOR THE



AMOUNT OF ANY STATE HIGHWAY FUND MONEYS TRANSFERRED TO THE STATEWIDE TOLLING ENTERPRISE FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-805, THE COMMISSION SHALL ADJUST TOLL RATES IN THE CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

**43-4-805. Statewide tolling enterprise operating fund.** THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS TRANSFERRED TO THE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE SPECIAL FUND. MONEYS FROM THE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY TRANSFER OR ANY INTEREST THEREON.

**43-4-806. Powers and duties of the commission when acting as the board of the enterprise - annual report.** (1) THE COMMISSION, IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING POWERS AND DUTIES:

- (a) TO ADVISE THE DIRECTOR;
- (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND CONDUCT OF ITS BUSINESS;
- (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;

(d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;

(e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF OTHER PROPERTY OF THE ENTERPRISE;

(f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

(h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

(II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE ENTERPRISE; AND

(IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES, OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION, RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY WITHIN THE STATE. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;

(m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;

(n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE ENTERPRISE;

(o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE

GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

(r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE ENTERPRISE TO THE DEPARTMENT; AND

(s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(2) THE COMMISSION, ACTING AS THE BOARD OF THE ENTERPRISE, SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

**43-4-807. Bonds.** (1) THE ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE SPECIAL FUND.

(2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

(3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE

ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

(7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

**43-4-808. Investments.** THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN

SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY.

**43-4-809. Bonds eligible for investment.** ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

**43-4-810. Exemption from taxation - securities laws.** THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF TITLE 11, C.R.S.

**43-4-811. Traffic laws - toll collection.** (1) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO SUCH AGREEMENT.

(2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION

SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.

(3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (I) (I), C.R.S., SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR SUCH TOLL EVASION.

(b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR A MUNICIPAL SUMMONS AND COMPLAINT.

(c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE.

(d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT



TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.

(e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR REGULATION OF THE ENTERPRISE OCCURRED.

(5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT AGREEMENT.

(6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST-CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE

TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.

(b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

(c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

**43-4-812. Applicability of other laws.** (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.

(3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION 43-1-1203 OR 43-1-1204.

(4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(5) A TOLL HIGHWAY FINANCED, CONSTRUCTED, OPERATED, OR

MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO SECTION 43-1-1103.

**SECTION 11. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of five thousand eight hundred forty-three dollars (\$5,843), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. This amount shall be from cash funds exempt received from the department of transportation.

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

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Stan Matsunaka  
PRESIDENT OF  
THE SENATE

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Doug Dean  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Karen Goldman  
SECRETARY OF  
THE SENATE

---

Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

Bill Owens  
GOVERNOR OF THE STATE OF COLORADO