

SB108\_L.065

7-1-09

## HOUSE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB09-108 be amended as follows:

- 1 Amend reengrossed bill, page 5, line 16, after "FEES", insert "AT RATES
- 2 REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THE
- 3 PERSONS PAYING THE FEES".
- 4 Page 8, line 7, strike "SURPLUS FUNDS" and substitute "SURPLUS FUNDS,".
- 5 Page 10, line 27, strike the second "43-4-805".
- 6 Page 11, line 9, after "FACILITIES,", insert "TRAFFIC DEMAND
- 7 MANAGEMENT FACILITIES AND SERVICES,".
- 8 Page 14, line 15, after "IMPOSED", insert "FOR ANY REGISTRATION PERIOD
- 9 THAT COMMENCES ON OR AFTER JULY 1, 2009,".
- 10 Page 18, line 6, strike "ARRANGEMENTS," and substitute
- 11 "ARRANGEMENT,";
- 12 line 16, strike "TWELVE HOURS OR LESS; AND" and substitute "SIX HOURS
- 13 OR LESS;"
- 14 line 17, strike "ONE-HALF" and substitute "THREE-QUARTERS";
- 15 line 21, strike "COUNTY." and substitute "COUNTY;
- 16 (E) FUEL AND FULL INSURANCE COVERAGE ARE INCLUDED IN THE
- 17 MEMBER USAGE RATES; AND



- 1 (F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE  
2 STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR  
3 MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS."
- 4 Page 19, line 8, strike "DEPARTMENT OF REVENUE," and substitute  
5 "DEPARTMENT,";
- 6 line 9, strike "OF REVENUE";
- 7 line 15, strike "THIRTY" and substitute "NINETY";
- 8 line 22, strike "THIRTY-DAY" and substitute "NINETY-DAY".
- 9 Page 20, line 20, strike "IN AN";
- 10 line 21, strike "EQUITABLE MANNER AMONG PERSONS" and substitute "IN  
11 A MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE  
12 FEES AND".
- 13 Page 23, strike line 6 and substitute the following:
- 14 "IMPOSED AND AT RATES REASONABLY CALCULATED BASED ON THE  
15 BENEFITS RECEIVED BY SUCH PERSONS."
- 16 Page 25, line 5, strike "WHEN" and substitute "AS";
- 17 line 6, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES  
18 IN EXCESS OF EXPENSES,";
- 19 line 7, strike "FULL" and substitute "PRINCIPAL".
- 20 Page 26, line 16, after "2009," insert "FOR ANY REGISTRATION PERIOD  
21 THAT COMMENCES ON OR AFTER JULY 1, 2009,";
- 22 line 17, after "ENTERPRISE," insert "FOR ANY REGISTRATION PERIOD THAT  
23 COMMENCES ON OR AFTER THE LATER DATE,".
- 24 Page 30, line 24, strike "RECEIVED BY THE STATE FROM";
- 25 strike line 25 and substitute the following:



1 "LOAN CONTRACTS ENTERED INTO BY THE STATE AND THE BRIDGE  
2 ENTERPRISE PURSUANT".

3 Page 31, line 6, after "(5)", insert "AND ANY OTHER LEGALLY AVAILABLE  
4 MONEYS OF THE BRIDGE ENTERPRISE";

5 strike line 7 and substitute the following:

6 "BORROWED AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS OF  
7 THE LOAN CONTRACT.";

8 line 17, strike "ENTERPRISE" and substitute "ENTERPRISE, OR LENDING A  
9 LESSER AMOUNT OF MONEYS TO THE ENTERPRISE,";

10 line 19, strike "PERSONNEL," and substitute "PERSONNEL AND THE STATE  
11 TREASURER,";

12 line 21, after "SELL", insert "OR LEASE";

13 line 25, after "(r).", add "WHEN PROVIDING THE LIST, THE GOVERNOR  
14 SHALL ALSO SPECIFY TO THE STATE TREASURER THE MAXIMUM PERMITTED  
15 PRINCIPAL AMOUNT OF ANY LOAN THAT MAY BE MADE TO THE BRIDGE  
16 ENTERPRISE UNDER THE TERMS OF ANY LOAN CONTRACT THAT THE STATE,  
17 ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO  
18 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS  
19 PARAGRAPH (r).";

20 line 26, strike "TREASURER, IN THE STATE TREASURER'S";

21 strike line 27.

22 Page 32, strike lines 1 through 6 and substitute the following:

23 "TREASURER RECEIVES A LIST FROM THE GOVERNOR PURSUANT TO  
24 SUBPARAGRAPH (II) OF THIS PARAGRAPH (r), THE STATE, ACTING BY AND  
25 THROUGH THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT  
26 WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO  
27 MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY  
28 SELLING OR LEASING ONE OR MORE OF THE";

29 line 7, strike "LIST";



1 strike lines 8 and 9 and substitute the following:

2 "LIST. THE STATE TREASURER SHALL HAVE SOLE DISCRETION TO ENTER  
3 INTO A LOAN CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE  
4 AMOUNT OF A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN  
5 SHALL NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR  
6 PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE  
7 TREASURER SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE  
8 TIMING OF THE ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE  
9 SALE OR LEASE OF ONE OR MORE STATE BUILDINGS OR OTHER STATE  
10 CAPITAL FACILITIES. THE LOAN CONTRACT SHALL";

11 line 10, strike "ENTERPRISE TO PLEDGE", and substitute "BRIDGE  
12 ENTERPRISE TO PLEDGE TO THE STATE";

13 line 13, after "PLEDGE", insert "TO THE STATE".

14 line 14, after "ENTERPRISE.", add "ANY LOAN CONTRACT ENTERED INTO  
15 BY THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE  
16 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY  
17 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN  
18 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY  
19 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT  
20 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT  
21 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR  
22 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS  
23 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS  
24 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER  
25 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY  
26 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),  
27 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO  
28 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO  
29 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO  
30 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH  
31 (r).";

32 line 15, strike "STATE" and substitute "STATE, ACTING BY AND THROUGH  
33 THE STATE TREASURER,";

34 strike line 16 and substitute the following:



- 1 "AGREEMENTS WITH RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL  
2 FACILITIES SOLD OR LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF  
3 THIS";
- 4 line 18, strike "LESSOR,";
- 5 strike lines 19 and 20 and substitute the following:
- 6 "LESSOR.";
- 7 line 22, strike "(A)" and substitute "(B)";
- 8 line 27, strike "(A)" and substitute "(B)".
- 9 Page 33, line 10, strike "(A)" and substitute "(B)";
- 10 line 14, strike "(A)" and substitute "(B)";
- 11 line 21, strike "AGREEMENT." and substitute "LEASE-PURCHASE  
12 AGREEMENT UPON PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE  
13 TERMS OF THE LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED  
14 TO BE PAID TO REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH  
15 RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE  
16 AGREEMENT, INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR  
17 CLAIMS RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT  
18 ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH  
19 (VII) OF THIS PARAGRAPH (r).";
- 20 line 26, strike "(A)" and substitute "(B)".
- 21 Page 34, line 17, strike "(A)" and substitute "(B)";
- 22 line 23, strike "(A)" and substitute "(B)";
- 23 line 25, strike "GROUND".
- 24 Page 35, line 1, strike "SECTION." and substitute "PARAGRAPH (r).";
- 25 line 4, strike "(A)" and substitute "(B)";
- 26 line 5, after "INSTRUMENT", insert "OR INTEREST RATE EXCHANGE



- 1 AGREEMENT";
- 2 line 6, after "(V)", insert "OR SUB-SUBPARAGRAPH(A) OF SUBPARAGRAPH  
3 (VII)";
- 4 line 9, strike "AGREEMENT";
- 5 strike line 10 and substitute the following:
- 6 "AGREEMENT, ANCILLARY AGREEMENT OR INSTRUMENT, OR INTEREST  
7 RATE EXCHANGE AGREEMENT MAY BE WAIVED BY THE";
- 8 line 13, strike "(A)" and substitute "(B)";
- 9 line 15, after "INCREASES,", insert "THE LESSOR UNDER ANY  
10 LEASE-PURCHASE AGREEMENT OR";
- 11 line 17, strike "PURSUANT TO" and substitute "IN ACCORDANCE WITH";
- 12 line 19, strike "(A)" and substitute "(B)".
- 13 Page 36, line 8, strike "(r); AND" and substitute "(r)".
- 14 Page 39, line 7, strike "09-\_\_\_\_," and substitute "09-108,".
- 15 Page 42, line 22, strike "BRIDGE" and substitute "TRANSPORTATION";
- 16 line 24, strike "WHEN" and substitute "AS";
- 17 line 25, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES  
18 IN EXCESS OF EXPENDITURES,";
- 19 line 26, strike "FULL" and substitute "PRINCIPAL".
- 20 Page 43, line 18, strike "TO PAY A PROPORTIONAL";
- 21 strike line 19 and substitute the following:
- 22 "FROM EACH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN  
23 PROPORTION TO THE TOTAL AMOUNT OF SUCH REVENUES GENERATED BY  
24 THE PROJECT TO PAY OVERHEAD OF THE TRANSPORTATION ENTERPRISE."



1 Page 58, line 23, before "EITHER", insert "OR THE ENTERPRISE'S  
2 COLLECTION DESIGNEE".

3 Page 66, line 15, strike "LANES." and substitute "LANES;".

4 Page 69, line 3, strike "09-\_\_\_\_," and substitute "09-108,";

5 line 11, strike "thirty" and substitute "thirty NINETY".

6 Page 74, after line 24, insert the following:

7 "SECTION 11. 43-1-1402 (3), Colorado Revised Statutes, is  
8 amended to read:

9 **43-1-1402. Definitions.** As used in this part 14:

10 (3) "Design-build contract" means the procurement of both the  
11 design and the construction of a transportation project in a single contract  
12 with a single design-build firm or a combination of such firms that are  
13 capable of providing the necessary design and construction services. A  
14 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE  
15 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE  
16 PROJECT."

17 Renumber succeeding sections accordingly.

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