

CHAPTER 245

TRANSPORTATION

HOUSE BILL 95-1174

BY REPRESENTATIVES Faatz, Tucker, Anderson, Berry, Dean, Grampas, Hagedorn, Hernandez, Lamborn, Lamm, Lawrence, Lyle, May, McElhany, Morrison, Owen, Pfflner, Schwarz, and Swenson; also SENATORS Mutzebaugh, Blickensderfer, Casey, Dennis, Johnson, Martinez, Matsunaka, Meiklejohn, Norton, Perlmutter, R. Powers, and Schroeder.

AN ACT

CONCERNING THE IMPROVEMENT OF PUBLIC ROADS IN THE STATE.

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

SECTION 1. 24-75-301 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-75-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Capital construction" means:

(b) Purchase, construction, or demolition of buildings or other physical facilities, including utilities AND STATE HIGHWAYS or remodeling or renovation of existing buildings or other physical facilities, including utilities AND STATE HIGHWAYS to make physical changes necessitated by changes in the program, to meet standards required by applicable codes, to correct other conditions hazardous to the health and safety of persons which are not covered by codes, to effect conservation of energy resources, to effect cost savings for staffing, operations, or maintenance of the facility, or to improve appearance;

SECTION 2. 2-3-1304 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee shall have the following powers and duties:

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

(a.5) TO STUDY THE CAPITAL CONSTRUCTION REQUEST FROM THE TRANSPORTATION COMMISSION FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS TO BE FUNDED FROM MONEY TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT TO SECTION 24-75-302 (2), C.R.S., SPECIFICALLY FOR SUCH PURPOSE. ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRANSPORTATION COMMISSION SHALL SUBMIT ITS CAPITAL CONSTRUCTION REQUEST, BASED ON THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAMS, WITH A PRIORITIZED LIST OF RECOMMENDED STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS WITH THE PRIORITY OF PROJECTS ON THE LIST DETERMINED ON THE BASIS OF GREATEST NEED WITHOUT REGARD TO LOCATION IN THE STATE. THE CAPITAL DEVELOPMENT COMMITTEE SHALL DETERMINE THE NUMBER OF PROJECTS ON THE LIST THAT MAY BE FUNDED FROM MONEY AVAILABLE IN THE CAPITAL CONSTRUCTION FUND FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, OR MAINTENANCE PROJECTS. ONLY PROJECTS ON THE LIST MAY BE FUNDED FROM MONEY AVAILABLE IN THE CAPITAL CONSTRUCTION FUND FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, OR MAINTENANCE PROJECTS, AND THE PROJECTS MUST BE FUNDED IN THE PRIORITY DETERMINED BY THE TRANSPORTATION COMMISSION. PROJECTS ON THE LIST SUBMITTED BY THE TRANSPORTATION COMMISSION BY OCTOBER 1 MAY BE FUNDED FROM MONEY TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND AND AVAILABLE IN THE CURRENT FISCAL YEAR OR MONEY TO BE TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND FOR THE FISCAL YEAR BEGINNING THE FOLLOWING JULY 1.

SECTION 3. 24-75-302 (1) (a) and (2) (h), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(1) (a) There is hereby created the capital construction fund to which shall be allocated such revenues as the general assembly may from time to time determine. Moneys in the capital construction fund may be appropriated for capital construction, as defined in section 24-75-301 (1), including the remodeling or renovation of existing buildings or other physical facilities designated as controlled maintenance projects in the general appropriation act; EXCEPT THAT ANY MONEYS TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS MAY ONLY BE APPROPRIATED FOR SUCH PROJECTS. THE APPROPRIATION FOR SUCH PROJECTS SHALL BE SET FORTH IN A SINGLE LINE ITEM AS A TOTAL SUM. All unappropriated balances in said fund at the close of any fiscal year shall remain therein and not revert to the general fund. All moneys unexpended or not encumbered from the capital construction fund appropriation to each department for any fiscal year shall revert to the capital construction fund at the end of the period for which such moneys are appropriated. Except as provided in section 24-30-1303.7 (1), no portion of the unexpended balance of a department's capital construction fund appropriation may be used by such department for any additional projects which are beyond the scope or design of the original project without further approval by the general assembly of such additional project. Anticipation warrants may be issued against the revenues of the fund as provided by law. All interest earned from the investment of moneys in said fund shall remain in said fund and become a part thereof.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1998, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund

and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(h) On July 1, 1995, ~~fifty million~~ ONE HUNDRED TWENTY-FIVE MILLION DOLLARS WITH SEVENTY-FIVE MILLION DOLLARS OF SUCH AMOUNT TO BE AVAILABLE FOR APPROPRIATION ONLY FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS;

SECTION 4. 43-1-106 (8) (h), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-1-106. Transportation commission - powers and duties. (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(h) To promulgate and adopt all department budgets, subject to section 43-1-113, and state transportation programs, including construction priorities and the approval of extensions or abandonments of the state highway system AND INCLUDING A CAPITAL CONSTRUCTION REQUEST, BASED ON THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAMS, FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS TO BE FUNDED FROM THE CAPITAL CONSTRUCTION FUND AS PROVIDED IN SECTION 2-3-1304 (1) (a.5), C.R.S. The provisions of this paragraph (h) shall not apply to the budget of the aeronautics division.

SECTION 5. 43-1-113, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

43-1-113. Funds - budgets - fiscal year - reports and publications. (2.5) ANNUALLY ON OR BEFORE OCTOBER 1, THE COMMISSION SHALL SUBMIT A CAPITAL CONSTRUCTION REQUEST FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, OR MAINTENANCE PROJECTS TO THE CAPITAL DEVELOPMENT COMMITTEE TO BE FUNDED FROM MONEY TRANSFERRED TO THE CAPITAL CONSTRUCTION FUND PURSUANT TO SECTION 24-75-302 (2), C.R.S. SUCH REQUEST SHALL BE MADE IN ACCORDANCE WITH SECTION 2-3-1304 (1) (a.5), C.R.S.

(18) MONEYS AVAILABLE TO THE STATE PURSUANT TO SECTION 1007 (c) OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991" FOR TRANSPORTATION ENHANCEMENT ACTIVITIES SHALL BE USED FIRST AND FOREMOST TO MAXIMIZE THE AMOUNT OF MONEYS AVAILABLE TO THE DEPARTMENT TO ENHANCE THE SURFACE CONDITION OF THE HIGHWAYS OF THE STATE, INCLUDING SCENIC AND HISTORIC BYWAYS AND MITIGATION OF WATER POLLUTION RESULTING FROM HIGHWAY RUNOFF.

SECTION 6. 2-3-1307, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-1307. Highway and bridge projects - exempt. This part 13 shall not apply

to projects or properties which are funded or disposed of pursuant to the provisions of sections 43-1-106, 43-1-219, or 43-1-220, C.R.S., BUT SHALL APPLY TO PROJECTS FUNDED FROM THE CAPITAL CONSTRUCTION FUND IN ACCORDANCE WITH SECTION 2-3-1304 (1) (a.5).

SECTION 7. Capital construction appropriation. The sum of seventy-five million dollars (\$75,000,000) is hereby appropriated out of the capital construction fund to the department of transportation for state highway reconstruction, repair, and maintenance projects included on the prioritized list of projects submitted by the transportation commission to the capital development committee pursuant to section 2-3-1304 (1) (a.5), Colorado Revised Statutes. The appropriation made by this section shall become available to the department upon passage of this act and, if any project is initiated within the fiscal year, the appropriation shall remain available until completion of all the projects or for a period of three years, whichever comes first, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1995