

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1109.01 Pierce Lively x2059

SENATE BILL 24-219

SENATE SPONSORSHIP

Kirkmeyer and Bridges, Zenzinger

HOUSE SPONSORSHIP

Taggart and Bird, Sirota

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE COLORADO ROADSIDE
102 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY
103 PROMOTIONAL ENTERPRISE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint budget committee. Under current law, the department of transportation (department) administers business and tourist-oriented directional sign programs (sign programs). As part of the sign programs, the department may:

- Erect, administer, and maintain signs within highway

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

rights-of-way and issue permits for business signs to be installed on those signs; and

- Issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs.

The bill creates the Colorado roadside improvement and outdoor recreational industry promotional enterprise (enterprise) and allows the department to contract with the enterprise to implement all or part of the sign programs.

In addition to implementing the sign programs, the enterprise assists in maintaining rest areas and administers the outdoor recreational industry promotional grant program. To finance these purposes, the enterprise may impose a fee on persons who participate in the sign programs. The fee must be collected at rates that are reasonably calculated based on the fair market value of the costs of implementing, modernizing, improving, and maintaining the sign programs and inflation.

In maintaining rest areas, the enterprise may work with the department, other state agencies, local governments, or private entities as necessary to assist in modernizing rest areas and in the maintenance of roadside in Colorado and reducing the number of people experiencing homelessness within state public rights-of-way.

In administering the outdoor recreational industry promotional grant program, the enterprise shall collaborate with the Colorado outdoor recreation industry office to administer the grant program and award grants for promoting the outdoor recreational industry.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-420, **amend**
3 (1.5), (2), and (4) as follows:

4 **43-1-420. Specific information signs and tourist-oriented**
5 **directional signs authorized - rules.** (1.5) As used in this section,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR
8 RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE" MEANS THE
9 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
10 INDUSTRY PROMOTIONAL ENTERPRISE CREATED IN SECTION 43-1-1703
11 (1)(a).

1 (b) "Urbanized area" means that area within the boundary of a
2 metropolitan area having a population of fifty thousand or more as
3 determined by the United States bureau of the census in its latest census
4 and as included on the urbanized area map approved by the department.

5 (2) The department may issue permits for business signs to be
6 installed on specific information signs, all such specific information signs
7 and business signs to be constructed and installed at the expense of the
8 business being identified unless otherwise specified by a contractor in an
9 agreement negotiated pursuant to section 43-1-1202 (1)(a)(XI) OR BY THE
10 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
11 INDUSTRY PROMOTIONAL ENTERPRISE. Permits for such business signs
12 shall be issued for a period of one year, beginning each January 1, ~~without~~
13 ~~WITH~~ proration for periods less than a year. Each application for an initial
14 permit or for a renewal of an existing permit ~~shall~~ MUST be accompanied
15 by an administration and maintenance fee to be determined by the
16 department, ~~or~~ by the contractor in an agreement negotiated pursuant to
17 section 43-1-1202 (1)(a)(XI), ~~In the event that~~ OR BY THE COLORADO
18 ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY
19 PROMOTIONAL ENTERPRISE. If the number of applications for permits for
20 a particular location exceeds the number of business signs that can be
21 accommodated at that location, the department; ~~or~~; if so specified in an
22 agreement negotiated pursuant to section 43-1-1202 (1)(a)(XI), the
23 contractor; OR THE COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR
24 RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE shall develop a
25 ~~method for the annual rotation~~ PROCESS FOR ANNUAL REVIEW of such
26 business signs. The department shall not condition eligibility for business
27 signs on the utilization of any other off-premise outdoor advertising

1 devices.

2 (4) The department may contract with private businesses OR THE
3 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
4 INDUSTRY PROMOTIONAL ENTERPRISE to implement all or part of the sign
5 programs authorized by this section pursuant to the public-private
6 initiatives program set forth in part 12 of this ~~article~~ ARTICLE 1.

7 **SECTION 2.** In Colorado Revised Statutes, **add** part 17 to article
8 1 of title 43 as follows:

9 PART 17

10 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR
11 RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE

12 **43-1-1701. Legislative declaration.** (1) THE GENERAL ASSEMBLY
13 HEREBY FINDS AND DECLARES THAT:

14 (a) A LARGE NUMBER OF BUSINESS AND TOURIST-ORIENTED
15 DIRECTIONAL SIGNS IN COLORADO ARE IN FAIR OR POOR CONDITION;

16 (b) MULTIPLE REST AREAS ACROSS THE STATE ARE NOT OPEN,
17 CONVENIENT, AND ACCESSIBLE TO ALL TRAVELERS, REGARDLESS OF AGE,
18 DISABILITY, OR ABILITY TO READ AND UNDERSTAND ENGLISH;

19 (c) THE OUTDOOR RECREATIONAL INDUSTRY IS A CRUCIAL PART OF
20 COLORADO'S ECONOMY AND RESULTS IN A LARGE NUMBER OF
21 INDIVIDUALS USING REST AREAS AND CONSULTING BUSINESS AND
22 TOURIST-ORIENTED DIRECTIONAL SIGNS ACROSS THE STATE; AND

23 (d) IT IS NECESSARY AND APPROPRIATE TO IMPROVE BUSINESS AND
24 TOURIST-ORIENTED DIRECTIONAL SIGNS, ROADSIDE, AND REST AREAS
25 ACROSS THE STATE AND TO PROMOTE THE COLORADO OUTDOOR
26 RECREATIONAL INDUSTRY BY CREATING THE COLORADO ROADSIDE
27 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL

1 ENTERPRISE THAT HAS THE BUSINESS PURPOSES OF IMPROVING COLORADO
2 ROADSIDE AND PROMOTING THE OUTDOOR RECREATIONAL INDUSTRY.

3 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

4 (a) THE COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR
5 RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE IMPROVES ROADSIDE
6 IN COLORADO AND PROMOTES COLORADO'S OUTDOOR RECREATIONAL
7 INDUSTRY WHEN, IN EXCHANGE FOR THE PAYMENT OF SIGN PROGRAMS
8 ADMINISTRATIVE AND MAINTENANCE FEES, IT ACTS AS AUTHORIZED BY
9 THIS SECTION TO INSTALL AND MAINTAIN BUSINESS AND
10 TOURIST-ORIENTED DIRECTIONAL SIGNS, MAINTAIN, OPERATE, AND
11 ADMINISTER BUSINESS AND TOURIST-ORIENTED DIRECTIONAL SIGNS IN THE
12 ROADSIDE RIGHT-OF-WAY, ASSIST IN MAINTAINING REST AREAS, AND
13 ADMINISTER THE OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
14 GRANT PROGRAM;

15 (b) BY IMPROVING ROADSIDE IN COLORADO AND PROMOTING
16 COLORADO'S OUTDOOR RECREATIONAL INDUSTRY AS AUTHORIZED BY THIS
17 SECTION, THE COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR
18 RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE PROVIDES A BENEFIT
19 TO FEE PAYERS AND THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE
20 WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN
21 *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO
22 36;

23 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
24 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
25 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
26 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
27 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL

1 ASSEMBLY THAT THE REVENUE COLLECTED BY THE COLORADO ROADSIDE
2 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
3 ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE SIGN
4 PROGRAMS ADMINISTRATIVE AND MAINTENANCE FEES COLLECTED BY THE
5 ENTERPRISE AS AUTHORIZED BY SECTION 43-1-1705 (4) ARE:

6 (I) IMPOSED:

7 (A) FOR THE SPECIFIC PURPOSES OF ALLOWING THE ENTERPRISE TO
8 DEFRAID THE COSTS OF INSTALLING AND MAINTAINING BUSINESS SIGNS AND
9 TOURIST-ORIENTED DIRECTIONAL SIGNS, ASSISTING IN MAINTAINING REST
10 AREAS, IMPROVING ROADSIDE IN COLORADO, AND COORDINATING WITH
11 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT IN ADMINISTERING
12 THE OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL GRANT PROGRAM;
13 AND

14 (B) ON PERSONS WHO PARTICIPATE IN THE SIGN PROGRAMS AND
15 THEREFORE DIRECTLY BENEFIT FROM THE INSTALLATION AND
16 MAINTENANCE OF SIGNS AND ALSO BENEFIT FROM IMPROVED ROADSIDE
17 AND BETTER MAINTAINED REST AREAS THAT MAKE ROAD TRAVEL IN THE
18 STATE MORE DESIRABLE FOR TOURISTS AND OTHER TRAVELERS; AND

19 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
20 BASED ON THE FAIR MARKET VALUE OF THE COSTS OF IMPLEMENTING,
21 MODERNIZING, IMPROVING, AND MAINTAINING THE SIGN PROGRAMS AND
22 INFLATION; AND

23 (d) SO LONG AS THE COLORADO ROADSIDE IMPROVEMENT AND
24 OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE QUALIFIES
25 AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE
26 STATE CONSTITUTION, THE REVENUE FROM THE SIGN PROGRAMS
27 ADMINISTRATIVE AND MAINTENANCE FEES COLLECTED BY THE ENTERPRISE

1 IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102
2 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c),
3 AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING
4 LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
5 OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6
6 (6)(b)(I)(D).

7 **43-1-1702. Definitions.** AS USED IN THIS PART 17, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

10 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF
11 TRANSPORTATION.

12 (3) "ENTERPRISE" MEANS THE COLORADO ROADSIDE
13 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
14 ENTERPRISE CREATED IN SECTION 43-1-1703 (1)(a).

15 (4) "FEE" MEANS THE SIGN PROGRAMS ADMINISTRATIVE AND
16 MAINTENANCE FEE COLLECTED BY THE ENTERPRISE PURSUANT TO SECTION
17 43-1-1705 (4).

18 (5) "FUND" MEANS THE COLORADO ROADSIDE IMPROVEMENT AND
19 OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE FUND
20 CREATED IN SECTION 43-1-1704.

21 (6) "GRANT PROGRAM" MEANS THE OUTDOOR RECREATIONAL
22 INDUSTRY PROMOTIONAL GRANT PROGRAM CREATED IN SECTION
23 43-1-1707.

24 (7) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
25 DEVELOPMENT CREATED IN SECTION 24-48.5-101.

26 (8) "REST AREA" MEANS A ROADSIDE AREA SEPARATED FROM THE
27 MAIN TRAVEL WAY WHICH PROVIDES RESTROOMS, DRINKING WATER, AND

1 OTHER FACILITIES NEEDED PRIMARILY FOR THE REST AND SAFETY OF
2 MOTORISTS.

3 (9) "SIGN PROGRAMS" MEANS THE BUSINESS AND
4 TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAMS ESTABLISHED IN
5 SECTION 43-1-420.

6 **43-1-1703. Colorado roadside improvement and outdoor**
7 **recreational industry promotional enterprise - creation - board -**
8 **powers and duties - rules.** (1) (a) THE COLORADO ROADSIDE
9 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
10 ENTERPRISE IS CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND
11 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT
12 IN ORDER TO EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN
13 SUBSECTION (2) OF THIS SECTION BY EXERCISING THE POWERS AND
14 PERFORMING THE DUTIES AND FUNCTIONS SET FORTH IN THIS SECTION.

15 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
16 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
17 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE
18 ENTERPRISE IS MADE UP OF THE MEMBERS OF THE TRANSPORTATION
19 COMMISSION CREATED IN SECTION 43-1-106 (1).

20 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE IMPROVING
21 ROADSIDE IN COLORADO AND PROMOTING COLORADO'S OUTDOOR
22 RECREATIONAL INDUSTRY. TO ALLOW THE ENTERPRISE TO ACCOMPLISH
23 THESE PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH
24 THE BOARD, THE ENTERPRISE MAY:

25 (a) COLLECT SIGN PROGRAMS ADMINISTRATIVE AND MAINTENANCE
26 FEES AS AUTHORIZED BY SECTION 43-1-1705 (4);

27 (b) IMPLEMENT THE SIGN PROGRAMS PURSUANT TO SECTION

1 43-1-1705;

2 (c) CREATE ADDITIONAL HIGHWAY OR REST AREA SPONSORSHIP
3 PROGRAMS TO FUND THE OBJECTIVES OF THE ENTERPRISE;

4 (d) ASSIST IN THE IMPROVEMENT OR MAINTENANCE OF REST AREAS
5 PURSUANT TO SECTION 43-1-1706;

6 (e) ASSIST IN REDUCING THE NUMBER OF PEOPLE EXPERIENCING
7 HOMELESSNESS WITHIN STATE PUBLIC RIGHTS-OF-WAY PURSUANT TO
8 SECTION 43-1-1706;

9 (f) ADMINISTER THE OUTDOOR RECREATIONAL INDUSTRY
10 PROMOTIONAL GRANT PROGRAM IN COORDINATION WITH THE OFFICE
11 PURSUANT TO SECTION 43-1-1707; AND

12 (g) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
13 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

14 (3) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
15 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
16 DUTIES:

17 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
18 THE CONDUCT OF ITS BUSINESS;

19 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
20 PERSONAL PROPERTY;

21 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
23 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
24 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
25 BUSINESS PURPOSES;

26 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
27 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY

1 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
2 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
3 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.
4 THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE CONTRACTS.

5 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
6 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
7 OF THIS PART 17 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
8 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
9 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
10 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
11 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
12 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
13 MONEY TO THE FUND.

14 (f) TO PROMULGATE RULES FOR THE PURPOSES OF SETTING THE
15 AMOUNT OF THE SIGN PROGRAMS ADMINISTRATIVE AND MAINTENANCE
16 FEES AND ADMINISTERING THE GRANT PROGRAM; AND

17 (g) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
18 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
19 GRANTED BY THIS SECTION.

20 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
21 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS IT
22 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
23 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
24 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
25 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
26 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
27 CONSTITUTION.

1 (5) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
2 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
3 ENTERPRISE, AND THE ENTERPRISE WILL GENERATE REVENUE FROM THE
4 FEE OF LESS THAN ONE HUNDRED MILLION DOLLARS TOTAL IN ITS FIRST
5 FIVE FISCAL YEARS. ACCORDINGLY, THE CREATION OF THE ENTERPRISE
6 DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

7 (6) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
8 ENTERPRISE SHALL:

9 (I) PREPARE AN ANNUAL BUDGET IN ACCORDANCE WITH THE
10 REQUIREMENTS OF PART 1 OF ARTICLE 1 OF TITLE 29 AS IF THE ENTERPRISE
11 WERE A LOCAL GOVERNMENT, TO THE EXTENT POSSIBLE. EVERY FISCAL
12 YEAR, THE ENTERPRISE SHALL PROVIDE A COPY OF THE BUDGET TO
13 LEGISLATIVE COUNCIL STAFF AND THE JOINT BUDGET COMMITTEE OF THE
14 GENERAL ASSEMBLY.

15 (II) NO LATER THAN JUNE 1, 2025, PUBLISH AND POST ON ITS
16 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
17 EXECUTE ITS BUSINESS PURPOSES DURING STATE FISCAL YEARS 2025-26
18 THROUGH 2034-35 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
19 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2035, THE ENTERPRISE
20 SHALL PUBLISH AND POST ON ITS WEBSITE A TEN-YEAR PLAN FOR STATE
21 FISCAL YEARS 2035-36 THROUGH 2044-45.

22 (III) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
23 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
24 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
25 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
26 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
27 PARTLY FUNDS, AND ITS PER-PROJECT AND TOTAL FUNDING AND

1 EXPENDITURES;

2 (IV) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
3 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING
4 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND
5 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS
6 AND ACTIVITIES; AND

7 (V) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
8 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
9 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
10 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND
11 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
12 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
13 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
14 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
15 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
16 REQUIRED IN THIS SUBSECTION (6)(a)(V) TO THE SPECIFIED LEGISLATIVE
17 COMMITTEES CONTINUES INDEFINITELY.

18 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
19 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", PART 4 OF
20 ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS ACT", PART
21 2 OF ARTICLE 72 OF TITLE 24.

22 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
23 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
24 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
25 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
26 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
27 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS

1 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
2 LOCAL GOVERNMENTS COMBINED.

3 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
4 OF ARTICLE 57 OF TITLE 11.

5 **43-1-1704. Colorado roadside improvement and outdoor**
6 **recreational industry promotional enterprise fund - Colorado**
7 **roadside improvement and outdoor recreational industry**
8 **promotional enterprise initial expenses fund.** (1) THE COLORADO
9 ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY
10 PROMOTIONAL ENTERPRISE FUND IS CREATED IN THE STATE TREASURY.
11 THE FUND CONSISTS OF SIGN PROGRAMS ADMINISTRATIVE AND
12 MAINTENANCE FEE REVENUE COLLECTED BY THE ENTERPRISE PURSUANT
13 TO SECTION 43-1-1705 (4), ANY MONETARY GIFTS, GRANTS, DONATIONS,
14 OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY
15 THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE
16 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND;
17 EXCEPT THAT THE GENERAL ASSEMBLY SHALL NOT TRANSFER OR
18 APPROPRIATE MONEY FROM THE GENERAL FUND TO THE FUND. THE STATE
19 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
20 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY
21 IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR
22 THE PURPOSES SET FORTH IN THIS PART 17 AND TO PAY THE ENTERPRISE'S
23 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE
24 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (2) OF
25 THIS SECTION. THE ENTERPRISE SHALL ANNUALLY USE AT LEAST TEN
26 PERCENT OF THE AMOUNT OF FEE REVENUE IN THE FUND TO ADMINISTER
27 THE GRANT PROGRAM AND AWARD GRANTS THROUGH THE GRANT

1 PROGRAM UNTIL THE ENTERPRISE HAS DEDICATED THREE HUNDRED FIFTY
2 THOUSAND DOLLARS TO ADMINISTERING THE GRANT PROGRAM AND
3 AWARDING GRANTS THROUGH TO THE GRANT PROGRAM.

4 (2) (a) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY
5 LEGALLY AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF
6 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
7 FEE REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
8 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
9 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
10 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
11 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
12 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
13 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
14 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7).

15 (b) A VENDOR AWARDED A CONTRACT BY THE ENTERPRISE MAY
16 MAKE A LOAN OF MONEY TO THE ENTERPRISE. THE ENTERPRISE MAY
17 ACCEPT AND EXPEND ANY SUCH MONEY.

18 (c) ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
19 SHALL BE CREDITED TO THE COLORADO ROADSIDE IMPROVEMENT AND
20 OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL ENTERPRISE INITIAL
21 EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND
22 LOAN LIABILITIES THAT ARE RECORDED IN THE COLORADO ROADSIDE
23 IMPROVEMENT AND OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
24 ENTERPRISE INITIAL EXPENSES FUND BUT THAT ARE NOT REQUIRED TO BE
25 PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN
26 CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF
27 SECTION 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST

1 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN
2 THE COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
3 INDUSTRY PROMOTIONAL ENTERPRISE INITIAL EXPENSES FUND TO THE
4 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
5 INDUSTRY PROMOTIONAL ENTERPRISE INITIAL EXPENSES FUND. MONEY IN
6 THE COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
7 INDUSTRY PROMOTIONAL ENTERPRISE INITIAL EXPENSES FUND IS
8 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF
9 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
10 FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
11 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
12 REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN
13 MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE
14 DEPARTMENT.

15 **43-1-1705. Business and tourist-oriented directional sign**
16 **programs - sign programs administrative and maintenance fee.**

17 (1) THE ENTERPRISE MAY CONTRACT WITH THE DEPARTMENT TO
18 IMPLEMENT ALL OR PART OF THE SIGN PROGRAMS.

19 (2) IN IMPLEMENTING THE SIGN PROGRAMS, THE ENTERPRISE
20 SHALL:

21 (a) UTILIZE BEST IN CLASS AND INNOVATIVE TECHNOLOGY TO
22 ENSURE SIGNIFICANT IMPROVEMENTS IN DATA COLLECTION,
23 UNDERSTANDING OF ASSETS, EFFICIENCY, REPORTING, AND TRACKING
24 GOALS RELATED TO THE SIGN PROGRAMS;

25 (b) INTEGRATE A GEOGRAPHIC INFORMATION SYSTEM TO ASSIST IN
26 CREATING, MANAGING, AND ANALYZING MAPS AND OTHER RELEVANT
27 DATA THAT IMPROVE THE SIGN PROGRAMS;

1 (c) ENSURE TRANSPARENCY IN THE SIGN PROGRAMS;

2 (d) LEVERAGE BUSINESS ANALYSIS TO PROVIDE SIGN PROGRAMS
3 PARTICIPANTS WITH IMPROVED PROCESSES, PRODUCTS, SERVICES, AND
4 TECHNOLOGIES, WITH THE GOAL OF ATTRACTING NEW SIGN PROGRAMS
5 PARTICIPANTS AND UNDERSTANDING INTERCHANGE SATURATION AND
6 VACANCIES; AND

7 (e) USE AND APPLY IMAGING TECHNOLOGY INCLUDING THREE
8 HUNDRED SIXTY DEGREE CAPTURE.

9 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, IN
10 IMPLEMENTING THE SIGN PROGRAMS, THE ENTERPRISE MAY ACCESS PUBLIC
11 RIGHTS-OF-WAY FOR PURPOSES OF IMPLEMENTING THE SIGN PROGRAMS.

12 (4) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSES, THE
13 ENTERPRISE MAY COLLECT A SIGN PROGRAMS ADMINISTRATIVE AND
14 MAINTENANCE FEE FROM PARTICIPANTS IN THE SIGN PROGRAMS.

15 (b) IN DETERMINING THE AMOUNT OF THE FEE, THE ENTERPRISE
16 SHALL IMPLEMENT FAIR MARKET VALUE PRICING BASED UPON TRAFFIC
17 COUNTS AND POPULATION IN CONNECTION WITH SIGNS SERVED BY THE
18 SIGN PROGRAMS.

19 (c) THE ENTERPRISE MAY ADJUST THE AMOUNT OF THE FEE BASED
20 ON MARKET CONDITIONS AND INFLATION.

21 **43-1-1706. Rest area maintenance - roadside maintenance.**

22 (1) THE ENTERPRISE MAY WORK WITH THE DEPARTMENT, OTHER STATE
23 AGENCIES, LOCAL GOVERNMENTS, OR PRIVATE ENTITIES AS NECESSARY TO
24 ASSIST IN MODERNIZING REST AREAS AND TO ENSURE THAT REST AREAS:

25 (a) PROVIDE OPPORTUNITIES FOR TRAVELERS TO SAFELY STOP,
26 STRETCH, TAKE A NAP, USE THE RESTROOM, GET WATER, CHECK MAPS,
27 PLACE TELEPHONE CALLS, SWITCH DRIVERS, CHECK VEHICLES AND LOADS,

1 AND EXERCISE PETS;

2 (b) ARE OPEN, CONVENIENT, AND ACCESSIBLE TO ALL TRAVELERS,
3 REGARDLESS OF AGE, DISABILITY, OR ABILITY TO READ AND UNDERSTAND
4 ENGLISH;

5 (c) HAVE GOOD LIGHTING AND SECURITY FEATURES THAT ALLOW
6 FOR COMFORTABLE AND SAFE USE OF THE REST AREA AT ALL TIMES OF
7 DAY; AND

8 (d) HAVE LANDSCAPING AND PEDESTRIAN AMENITIES THAT ALLOW
9 TRAVELERS TO REST AND RELAX.

10 (2) THE ENTERPRISE MAY WORK WITH THE DEPARTMENT, OTHER
11 STATE AGENCIES, LOCAL GOVERNMENTS, OR PRIVATE ENTITIES AS
12 NECESSARY TO ASSIST IN THE MAINTENANCE OF ROADSIDE IN COLORADO
13 AND REDUCING THE NUMBER OF PEOPLE EXPERIENCING HOMELESSNESS
14 WITHIN STATE PUBLIC RIGHTS-OF-WAY.

15 **43-1-1707. Outdoor recreational industry promotional grant**
16 **program.** (1) THE OUTDOOR RECREATIONAL INDUSTRY PROMOTIONAL
17 GRANT PROGRAM IS CREATED IN THE ENTERPRISE. THE PURPOSE OF THE
18 GRANT PROGRAM IS TO PROVIDE GRANTS FOR PROMOTING THE OUTDOOR
19 RECREATIONAL INDUSTRY.

20 (2) THE ENTERPRISE SHALL COORDINATE WITH THE COLORADO
21 OUTDOOR RECREATION INDUSTRY OFFICE CREATED IN SECTION
22 24-48.5-129 TO ADMINISTER THE GRANT PROGRAM AND SHALL AWARD
23 GRANTS AS PROVIDED IN THIS SECTION. GRANTS MUST BE PAID OUT OF THE
24 FUND.

25 **SECTION 3.** In Colorado Revised Statutes, 24-1-128.7, **add** (11)
26 as follows:

27 **24-1-128.7. Department of transportation - creation.** (11) THE

1 COLORADO ROADSIDE IMPROVEMENT AND OUTDOOR RECREATIONAL
2 INDUSTRY PROMOTIONAL ENTERPRISE, CREATED IN SECTION 43-1-1703, IS
3 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS
4 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
5 DEPARTMENT OF TRANSPORTATION.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2024 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.