

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM (2)(A)¹

TO: Statutory Revision Committee

FROM: Kristen Forrestal, Office of Legislative Legal Services

DATE: August 11, 2017

SUBJECT: Align with section 24-1-136 (11)(a)(I) Department of Transportation reports contained in sections 43-4-206 and 43-5-506, C.R.S.

Summary

This issue came to the attention of the Office of Legislative Legal Services' staff during its annual prepublication review of the statutes in preparation for publication.

Analysis

Section 24-1-136 (11)(a)(I), C.R.S., requires that any report made to the General Assembly by the executive or judicial branch expires on the day after the third anniversary of the date the first report is due.

Sections 43-4-206 (2)(b) and 43-5-506, C.R.S.², each have reporting requirements that do not reference section 24-1-136, C.R.S. Because there is no reference to section 24-1-136, C.R.S., in these sections of law, there is a conflict that needs to be addressed to avoid a conflict within existing statutes. Without a change to the current law, there is a conflict with these provisions and section 24-1-136, C.R.S.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² See **Addendum A**.

Statutory Charge³

Aligning the above-cited reports with section 24-1-136, C.R.S., will eliminate "contradictory rules of law and ... bring the law of this state into harmony with modern conditions."

Proposed Bill

If the Statutory Revision Committee directs the Office of Legislative Legal Services to prepare a bill draft to fix this section of law, the draft bill would either, at the Committee's direction, extend the date of the reports indefinitely or set a specific repeal date for each report.

³ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Addendum A

43-4-206. State allocation. (2)(b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the revenue expended by the department pursuant to subsection (2)(a) of this section and, beginning in 2018, any proceeds of lease-purchase agreements executed as required by section 24-82-1303 (2)(a) that are credited to the state highway fund pursuant to section 24-82-1303 (4)(b) and expended by the department pursuant to subsection (1)(b)(V) of this section. The department shall present the report at the joint meeting required under section 43-1-113 (9)(a), and the report shall describe for each fiscal year, if applicable:

(I) The projects on which the revenue and net proceeds are to be expended, including the estimated cost of each project, the aggregate amount of revenue actually spent on each project, and the amount of revenue allocated for each project in such fiscal year. The department of transportation shall submit a prioritized list of such projects as part of the report.

(II) The status of such projects that the department has undertaken in any previous fiscal year;

(III) The projected amounts of revenue and net proceeds that the department expects to receive under this subsection (2) and subsection (1)(b)(V) of this section during the fiscal year;

(IV) The amount of revenue and net proceeds that the department has already received under this subsection (2) and subsection (1)(b)(V) of this section during the fiscal year; and

(V) How the revenue and net proceeds expended under this subsection (2) and subsection (1)(b)(V) of this section during the fiscal year relate to the total funding of the federal aid transportation projects that are included in the strategic transportation project investment program.

43-5-506. Report. [*Editor's note: This version of this section is effective January 1, 2018.*] No later than September 1 of each year, the department of public safety shall report to the legislative audit committee and the house and senate transportation committees, or their successor committees. The report must comment on the effectiveness of the program, annual motorcycle accidents or fatalities, availability of training throughout the state, historic and current training costs, and other performance measures.

