

CHAPTER 85

TRANSPORTATION

HOUSE BILL 00-1164

BY REPRESENTATIVES Berry, Saliman, Tool, Gagliardi, Hefley, Tochtrop, and S. Williams;
also SENATORS Tanner, Lacy, Owen, and Hernandez.

AN ACT

CONCERNING THE FUNDING OF TRANSPORTATION PROGRAMS THROUGH THE ALLOCATION OF MONEYS
BY THE TRANSPORTATION COMMISSION IN LIEU OF APPROPRIATIONS BY THE GENERAL ASSEMBLY.

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

SECTION 1. 24-42-104, Colorado Revised Statutes, is amended to read:

24-42-104. Transfer. Effective July 1, 1991, such officers and employees who were engaged prior to said date in the performance of the powers, duties, and functions of the division of highway safety in the state department of highways and who, in the opinion of the executive director of the department of transportation, are necessary to perform the powers, duties, and functions of the office of transportation safety shall become officers and employees of the office of transportation safety and shall retain all their rights to state personnel system and retirement benefits under the laws of the state, and their service shall be deemed to have been continuous. The office of transportation safety shall succeed to all property and records which were used for or pertain to the performance of the powers, duties, and functions of the coordinator of highway safety. All appropriations made to the division of highway safety in the state department of highways for the fiscal year beginning July 1, 1991, or remaining to the credit thereof and not revertible by law to the general fund on July 1, 1991, shall be transferred to the office of transportation safety. ~~In subsequent years, the general assembly~~ THE TRANSPORTATION COMMISSION shall appropriate BUDGET AND ALLOCATE all funds MONEYS to be expended by or allocated to the office of transportation safety IN ACCORDANCE WITH SECTION 43-1-113, C.R.S.

SECTION 2. 43-1-601, Colorado Revised Statutes, is amended to read:

43-1-601. Transportation services for the elderly and for persons with disabilities. The department of transportation and the executive director thereof are

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

designated and authorized to take all steps and adopt all proceedings necessary to make and enter into such contracts or agreements as may be necessary for state application and administration of section 16 (b) (2) of the federal "Urban Mass Transportation Act of 1964" (Public Law 88-365, 49 U.S.C. sec. 1601, et seq.), or any amendment thereof or successor legislation thereto, specifically designed for state operations including grant programs for the purpose of assisting nonprofit corporations, associations, and public bodies in making available appropriate highway transportation services for the elderly and for persons with disabilities. In performing this work, the said department shall consult with concerned local authorities for a productive statewide coordinated effort and shall prepare a statewide survey showing the transportation needs of elderly and of persons with disabilities in priority order. The ~~general assembly~~ COMMISSION shall ~~determine~~ BUDGET AND ALLOCATE the amounts to be expended for such purposes ~~and shall appropriate such amounts from the highway users tax fund~~ IN ACCORDANCE WITH SECTION 43-1-113.

SECTION 3. 43-4-402 (2), Colorado Revised Statutes, is amended to read:

43-4-402. Source of revenues - allocation of moneys. (2) The general assembly shall make an annual appropriation out of the moneys in the fund to the department of public health and environment in an amount sufficient to pay for the costs of laboratory services and implied consent specialists, which costs were previously paid out of the highway users tax fund. Of the moneys remaining in the fund, eighty percent shall be ~~appropriated by the general assembly~~ DEPOSITED IN A SPECIAL DRUNKEN DRIVING ACCOUNT WITHIN THE FUND, WHICH ACCOUNT IS HEREBY CREATED, AND SHALL BE AVAILABLE IMMEDIATELY, WITHOUT FURTHER APPROPRIATION, FOR ALLOCATION BY THE TRANSPORTATION COMMISSION to the office of transportation safety, which shall allocate such moneys in accordance with the provisions of section 43-4-404 (1) and (2). The remaining twenty percent shall be appropriated BY THE GENERAL ASSEMBLY to the division of alcohol and drug abuse in the department of human services which shall use such moneys for the purposes stated in section 43-4-404 (3). The office of transportation safety and the division of alcohol and drug abuse may use such amounts from the moneys ALLOCATED OR appropriated to them by this subsection (2) as may be necessary for the purpose of paying the costs incurred by ~~said divisions~~ THE OFFICE AND THE DIVISION in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor the division of alcohol and drug abuse may use for such purpose an amount which exceeds eight percent of the moneys ALLOCATED OR appropriated. ~~to either division.~~

SECTION 4. 43-4-404 (1) and (2), Colorado Revised Statutes, are amended to read:

43-4-404. Formula for allocation of moneys. (1) The office of transportation safety shall allocate not less than thirty percent and not more than fifty percent of the moneys ~~appropriated~~ ALLOCATED to the ~~division~~ OFFICE pursuant to section 43-4-402 (2) to counties ~~which~~ THAT have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner ~~which~~ THAT will improve enforcement of drunken driving laws. To this end, rules ~~and regulations~~ for the distribution of these moneys shall be developed by the office of transportation safety. The ~~division~~ OFFICE shall report annually to the general assembly on the distribution and expenditure of these

funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by counties and not for statewide programs.

(2) The office of transportation safety shall allocate not less than fifty percent and not more than seventy percent of the moneys to municipalities and city and counties ~~which~~ THAT have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner ~~which~~ THAT will improve enforcement of drunken driving laws. To this end, rules ~~and regulations~~ for the distribution of these moneys shall be developed by the office of transportation safety. The ~~division~~ OFFICE shall report annually to the general assembly on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by municipalities and city and counties and not for statewide programs.

SECTION 5. 43-5-504, Colorado Revised Statutes, is amended to read:

43-5-504. Motorcycle operator safety training fund. There is hereby created in the state treasury a motorcycle operator safety training fund which shall consist of moneys collected pursuant to sections 42-2-114 (2) (b) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-134 (5), C.R.S. ~~The general assembly shall make annual appropriations from~~ MONEYS IN the fund SHALL BE AVAILABLE IMMEDIATELY, WITHOUT FURTHER APPROPRIATION, FOR ALLOCATION BY THE TRANSPORTATION COMMISSION TO THE OFFICE OF TRANSPORTATION SAFETY TO BE USED for the implementation and administration of the program. Moneys credited to the fund shall remain therein at the end of each fiscal year and shall not be transferred to ~~the highway users tax fund or~~ any other fund.

SECTION 6. Effective date. This act shall take effect July 1, 2000.

SECTION 7. 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: March 31, 2000