

CHAPTER 91

TRANSPORTATION

SENATE BILL 01-090

BY SENATOR(S) May, Andrews, Cairns, Dyer (Arapahoe), Epps, Hernandez, McElhany, Musgrave, and Taylor;
also REPRESENTATIVE(S) Swenson, Jahn, Larson, Ragsdale, Rippey, and Williams S.

AN ACT

CONCERNING STATE HIGHWAY PROJECTS FUNDED FROM MONEYS ALLOCATED TO THE CAPITAL
CONSTRUCTION FUND.

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

SECTION 1. 2-3-1304 (1) (a.5), Colorado Revised Statutes, is amended to read:

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

(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; except that, for the 1998-99 fiscal year, the prioritized list of projects to be funded by the revenues appropriated for such year by House Bill 98-1202, as enacted at the second regular session of the sixty-first general assembly, shall consist only of state highway reconstruction, repair, maintenance, and capacity expansion projects. 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; EXCEPT THAT, IF A PROJECT ON THE LIST CANNOT BE FUNDED BECAUSE

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

AN ALTERNATIVE SOURCE OF FUNDING FOR THE PROJECT HAS BECOME AVAILABLE, A COURT ORDER HAS ENJOINED THE PROJECT, OR AN ACT OF GOD HAS MADE THE PROJECT CONSTRUCTION UNFEASIBLE, THE TRANSPORTATION COMMISSION SHALL SUBMIT THE NEXT PHASE OF THAT PROJECT OR THE NEXT PROJECT ON THAT REGIONAL PRIORITY LIST TO THE CAPITAL DEVELOPMENT COMMITTEE FOR APPROVAL AS AN ADDITION TO THE LIST IN LIEU OF THE PROJECT THAT CANNOT BE FUNDED. NO SUBSTITUTE PROJECT SUBMITTED BY THE TRANSPORTATION COMMISSION FROM THE REGIONAL PRIORITY LIST SHALL BE APPROVED BY THE CAPITAL DEVELOPMENT COMMITTEE IF FUNDING SAID PROJECT WOULD RESULT IN THE DELAY OF ANY OTHER PROJECT ON THE LIST. UPON APPROVAL OF AN AMENDED LIST, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE A COPY OF THE AMENDED LIST TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE, THE TRANSPORTATION COMMITTEE IN THE HOUSE OF REPRESENTATIVES, AND THE GOVERNMENT, VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE IN THE SENATE. Projects on the list submitted by the transportation commission by October 1 OR ON AN AMENDED LIST SUBMITTED AS PROVIDED IN THIS PARAGRAPH (a.5) 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 2. 24-75-302 (1) (a), Colorado Revised Statutes, is 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)~~ SECTIONS 2-3-1304 (1) (a.5) AND 24-30-1303.7 (1), C.R.S., 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.

SECTION 3. 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 28, 2001