

CHAPTER 404

**TRANSPORTATION**

SENATE BILL 03-049

BY SENATOR(S) Sandoval, Entz, May R., Tapia, and Taylor;  
also REPRESENTATIVE(S) Hall, Frangas, Fritz, Garcia, Hoppe, McFadyen, and Rippy.

**AN ACT**

**CONCERNING THE METHOD BY WHICH MONEYS IN THE AVIATION FUND MAY BE APPROPRIATED BY THE GENERAL ASSEMBLY.**

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

**SECTION 1.** 43-10-109 (3), Colorado Revised Statutes, is amended, and the said 43-10-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**43-10-109. Aviation fund created.** (3) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3), AS AMENDED, the moneys in the fund ~~shall be subject to annual appropriation by the general assembly, and~~ ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES AUTHORIZED BY LAW; except that, in each fiscal year, the general assembly shall appropriate an amount not to exceed five percent of the total amount of revenues credited to the fund pursuant to section 39-27-112 (2) (b), C.R.S., and subsection (2) of this section during the preceding fiscal year to be used to defray any administrative costs incurred by the division and the board in implementing and administering the provisions of this article. ~~including maintenance and operation of remote weather systems.~~ Any monetary penalties collected pursuant to section 24-46.6-103 (1) (b), C.R.S., are continuously appropriated to the division to defray any administrative expenses incurred by the division and the board in enforcing the provisions of section 24-46.6-103 (1), C.R.S. The general assembly shall also appropriate from the fund an amount to the department of revenue for the reasonable expenses incurred in administering sections 39-26-114 (1) (a) (VII) and 39-26-203 (1) (c), C.R.S., and as provided in section 39-27-112 (2) (b), C.R.S.

(4) NO LATER THAN NOVEMBER 1, 2003, AND NO LATER THAN NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF TRANSPORTATION SHALL SUBMIT A

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

REPORT TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE THAT INCLUDES, AT A MINIMUM, THE FOLLOWING INFORMATION:

(a) THE AMOUNTS, RECIPIENTS, AND PURPOSES OF MONEYS TRANSFERRED FROM THE FUND DURING THE PRIOR STATE FISCAL YEAR:

(I) FOR THE CONSTRUCTION OF REMOTE WEATHER SYSTEMS THROUGHOUT THE STATE PURSUANT TO SECTION 43-10-103 (2) (1);

(II) TO THE AIRPORT OPERATING FUND OF THE GOVERNMENTAL ENTITY OPERATING THE PUBLIC-ACCESSIBLE AIRPORT PURSUANT TO SECTION 43-10-110 (2) (a); AND

(III) FOR THE AWARDING OF STATE AVIATION SYSTEM GRANTS PURSUANT TO SECTION 43-10-108.5;

(b) THE BALANCE REMAINING IN THE FUND AS OF JUNE 30 OF EACH STATE FISCAL YEAR AND AN EXPLANATION OF ANY SUCH BALANCE; AND

(c) ANY ADDITIONAL INFORMATION PERTAINING TO THE TRANSFER OF MONEYS FROM THE FUND AS THE JOINT BUDGET COMMITTEE MAY REQUEST IN THE EXERCISE OF ITS DISCRETION.

**SECTION 2. Effective date.** This act shall take effect July 1, 2003.

**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: June 5, 2003