

CHAPTER 78

**GENERAL ASSEMBLY**

SENATE BILL 05-020

BY SENATOR(S) Owen;  
also REPRESENTATIVE(S) Coleman, Benefield, Berens, Cerbo, Frangas, Garcia, Kerr, Marshall, Paccione, Pommer, and Schultheis.

**AN ACT**

CONCERNING THE ELIMINATION OF OBSOLETE PROVISIONS OF LAW.

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

**SECTION 1.** 2-5-113 (1), Colorado Revised Statutes, is amended to read:

**2-5-113. Effect of enactment of Colorado Revised Statutes 1973 - legislative construction not based on editorial matters.** (1) Colorado Revised Statutes 1973 was enacted as a repeal and reenactment of Colorado Revised Statutes 1963 and the supplements thereto, as provided for in section 2-5-122, AS SAID SECTION EXISTED UPON ITS REPEAL.

**SECTION 2. Repeal.** 2-5-121, Colorado Revised Statutes, is repealed as follows:

**2-5-121. Report deposited - 1973 supplement to Colorado Revised Statutes 1963.** ~~(1) The report of the committee on legal services submitted to the 1974 general assembly, correcting, harmonizing, collating, editing, revising, and compiling the statutes of Colorado of a general and permanent nature as Colorado Revised Statutes 1973, made pursuant to this article and so certified by said committee, has been received by the general assembly in due course and is hereby approved and adopted. Such report is hereby designated and declared to be the "Official Report of the Committee on Legal Services". A copy of said official report, so certified, was deposited by the secretary of the senate and the chief clerk of the house of representatives with the secretary of state as part of the records of his office.~~

~~(2) The statutes of the state of Colorado of a general and permanent nature enacted by the forty-eighth general assembly at its second regular session (1972) and enacted~~

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

by the forty-ninth general assembly at its first regular session (1973), as corrected, harmonized, collated, edited, revised, and compiled in such certified official report of the committee on legal services, are enacted as the positive statutory law of a general and permanent nature of the state of Colorado, with the same legal force and effect and as part of Colorado Revised Statutes 1963. Said 1973 supplement shall not be published separately in pocket parts or in a single bound volume, but publication thereof shall be by inclusion in Colorado Revised Statutes 1973.

**SECTION 3. Repeal.** 2-5-122, Colorado Revised Statutes, is repealed as follows:

**2-5-122. Enactment.** The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in the certified official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado as follows: The printed text of statutory law which is included in the printed and certified official report provided in section 2-5-121, and which is appended hereto, is incorporated in full in this article and is designated as "Colorado Revised Statutes 1973". The printed text of statutory law being in the hands of each member of the general assembly for the use of each such member, in due procedural course, it is hereby ordered that further printing of said printed text of statutory law be dispensed with and that such text not be engrossed or printed in the session laws.

**SECTION 4. Repeal.** 2-5-123, Colorado Revised Statutes, is repealed as follows:

**2-5-123. Publishing - publication - effective date.** The committee on legal services has caused Colorado Revised Statutes 1973, together with annotations and index and all other matters authorized by this article, to be printed and published, and, upon total completion of such publication, the committee on legal services has deposited with the secretary of state a complete set of the volumes so printed and published and at the same time has certified the same to be Colorado Revised Statutes 1973 as authorized and enacted by this article. The effective and operative date of Colorado Revised Statutes 1973, including the 1973 supplement to Colorado Revised Statutes 1963, was fixed as the fortieth calendar day after the deposit of Colorado Revised Statutes 1973 with the secretary of state.

**SECTION 5. Repeal.** 23-1-102 (1), Colorado Revised Statutes, is repealed as follows:

**23-1-102. Commission established - terms of office.** (1) Effective June 30, 1985, the Colorado commission on higher education is abolished, and the terms of members of the commission serving as such immediately prior to June 30, 1985, are terminated.

**SECTION 6. Repeal.** 23-1-106.5 (7) (a), Colorado Revised Statutes, is repealed as follows:

**23-1-106.5. Duties and powers of the commission with regard to advanced technology - fund created.** (7) (a) On July 1, 1999, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the

~~Colorado advanced technology institute and the Colorado advanced technology commission are transferred to the Colorado commission on higher education.~~

**SECTION 7.** 23-1-110 (2) (b), Colorado Revised Statutes, is amended to read:

**23-1-110. Organization, meetings, and staff.** (2) (b) On July 1, 1999, certain employees of the Colorado advanced technology institute prior to said date shall be transferred to and become employees of the commission. Any such employees who are classified employees in the state personnel system at the time of the transfer shall retain all rights to the personnel system and retirement benefits pursuant to the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and regulations. ~~The transfer of employees pursuant to this paragraph (b) shall be made in accordance with the provisions of section 12 of House Bill 99-1359, enacted at the first regular session of the sixty-second general assembly.~~

**SECTION 8.** 23-20-117.5 (3), Colorado Revised Statutes, is amended to read:

**23-20-117.5. University of Colorado fund - creation - control - use.** (3) Moneys in the university of Colorado fund may be invested by the state treasurer in investments authorized by sections 24-36-109, 24-36-112, and 24-36-113, C.R.S., any public-private initiatives with the department of transportation, as defined in section 43-1-1201 (3), C.R.S., AND bonds issued for turnpikes in accordance with part 2 of article 3 of title 43, C.R.S. ~~and anticipation warrants issued for toll tunnels in accordance with part 4 of article 3 of title 43, C.R.S.~~ The board shall determine the amount of moneys to be credited in the fund. Until the board of regents withdraws the moneys from the fund, the state treasurer shall invest the moneys on behalf of the board of regents.

**SECTION 9.** 24-30-202 (25) (a), Colorado Revised Statutes, is amended to read:

**24-30-202. Procedures - vouchers and warrants - rules - penalties.** (25) (a) ~~Prior to July 1, 1985, the controller shall assess a fifteen-dollar penalty against any person who issues a check returned for insufficient funds to any state department, institution, or agency in payment of fees, fines, or other moneys due the state.~~

**SECTION 10.** 24-35-204 (3) (1), Colorado Revised Statutes, is amended to read:

**24-35-204. Director - qualifications - powers and duties.** (3) The director, as administrative head of the division, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon the director elsewhere in this part 2, it shall be the director's duty:

(1) To annually prepare and submit to the commission, for its approval, a proposed budget for the ensuing fiscal year, which budget shall present a complete financial plan setting forth all proposed expenditures and anticipated revenues of the division. The fiscal year of the division shall commence on July 1 and end on June 30 of each year. ~~For the fiscal year commencing July 1, 1982, the director shall prepare a proposed budget and shall submit it to the commission for approval by the~~

commission at the earliest feasible time.

**SECTION 11.** 24-35-210 (2), (4.1) (b) (I), (10) (a) (I), and (10) (a) (II), Colorado Revised Statutes, are amended to read:

**24-35-210. Lottery fund.** (2) ~~In addition to the initial appropriation to the division, all moneys paid into the lottery fund through June 30, 1983, shall be available immediately, without further appropriation, for the purposes of said fund. After June 30, 1983, Expenses of the division shall be paid from the lottery fund only as appropriated by the general assembly.~~

(4.1) (b) (I) ~~From the fourth quarter of fiscal year 1992-93 through the fourth quarter of fiscal year 1997-98, the general assembly shall annually appropriate ten percent of the net proceeds of the lottery to the division of parks and outdoor recreation in the department of natural resources to be used for the purposes provided in paragraph (c) of this subsection (4.1). Beginning with the first quarter of fiscal year 1998-99 and each fiscal year thereafter, distributions of net lottery proceeds to the division of parks and outdoor recreation shall be made in accordance with the provisions of paragraph (b) of subsection (1) of section 33-60-104, C.R.S.~~

(10) (a) (I) ~~The state treasurer shall distribute the net lottery proceeds in the lottery fund which are attributable to the 1988-89 fiscal year on September 1, 1989, in accordance with subsection (4) of this section. Distributions from the lottery fund for the 1989-90 fiscal year through the third quarter of fiscal year 1992-93 shall be on a quarterly basis, with the distribution of net lottery proceeds for the first quarter occurring on December 1 of such fiscal year, distribution of net lottery proceeds for the second quarter occurring on March 1 of such fiscal year, distribution of net lottery proceeds for the third quarter occurring on June 1 of such fiscal year, and distribution of net lottery proceeds for the fourth quarter occurring on September 1 following the close of such fiscal year.~~

(II) ~~Beginning with the proceeds from the fourth quarter of fiscal year 1992-93 through the fourth quarter of fiscal year 1997-98, distributions shall be made in the manner provided in section 33-60-103, C.R.S. Net lottery proceeds to be distributed to the conservation trust fund, as computed pursuant to this section, shall be transferred to the conservation trust subaccount of the lottery fund, which subaccount is hereby created, once each month. Such transfers shall be made from net lottery proceeds reflected in the monthly statement required to be filed pursuant to section 24-35-204 (3) (k) for the period ending sixty days prior to each monthly distribution. The state treasurer shall invest all moneys in the conservation trust subaccount in investments permitted by state law. Notwithstanding subsection (6) of this section, interest or any other return on such investments shall be distributed to the conservation trust fund with other moneys in the conservation trust subaccount pursuant to section 33-60-103, C.R.S.~~

**SECTION 12. Repeal.** 25-3-102.5 (1) (a.5) (IV), Colorado Revised Statutes, is repealed as follows:

**25-3-102.5. Nursing facilities - consumer satisfaction survey - pilot survey.** (1) (a.5) (IV) ~~The department shall commence implementation of the pilot survey on or before July 1, 2002, and report the results of such pilot survey to the general~~

~~assembly by April 15, 2003.~~

**SECTION 13.** 25-3.5-603 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

**25-3.5-603. Emergency medical services account - creation - allocation of funds.** (1) (b) All moneys in and state FTE funded by the emergency medical services account shall be subject to annual appropriation by the general assembly. ~~for the purposes set forth in subsection (2) of this section.~~

(2) From July 1, 2000, to June 30, 2002, moneys in the emergency medical services account shall be appropriated as follows:

~~(a) (I) At least sixty percent of the moneys appropriated shall be appropriated to the department for distribution as grants to local emergency medical and trauma service providers pursuant to the emergency medical services (EMTS) grant program set forth in section 25-3.5-604.~~

~~(II) Of the sixty percent which is appropriated for grants:~~

~~(A) One hundred thousand dollars shall remain in the account for unexpected emergencies that arise after the deadline for grant applications has passed. The department and the council shall promulgate any rules necessary to define the expenditures of such emergency funds.~~

~~(B) A minimum of one hundred fifty thousand dollars shall be awarded to offset the training costs of emergency medical technicians, emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel who provide emergency medical services. No less than eighty percent of the one hundred fifty thousand dollars appropriated to offset training costs shall be used in the training of emergency medical technicians.~~

~~(b) At least twenty percent of the moneys appropriated shall be appropriated to the department for distribution to counties in accordance with the provisions of section 25-3.5-605 for planning and, to the extent possible, coordination of emergency medical and trauma services in the county and between counties, when it would provide for better service geographically.~~

~~(c) The remaining moneys appropriated from the emergency medical services account shall be appropriated for the direct and indirect costs of planning, developing, implementing, maintaining, and improving the statewide emergency medical and trauma services system. Such costs shall include:~~

~~(I) The actual direct and indirect costs incurred by the department in issuing emergency medical technician certificates and renewals pursuant to section 25-3.5-203 (1) and certificates of successful completion of a training program as provided for in section 25-3.5-201 (2);~~

~~(II) Providing technical assistance and support to local governments and local emergency medical and trauma service providers, operating a statewide data collection system, coordinating local and state programs, providing assistance in~~

selection and purchasing of medical and communication equipment, and administering the EMTS grant program; and

~~(H) The costs of the department of revenue in collecting the additional motor vehicle registration fee pursuant to section 42-3-134 (28), C.R.S.~~

**SECTION 14.** 25-3.5-605 (1), Colorado Revised Statutes, is amended to read:

**25-3.5-605. Improvement of county emergency medical and trauma services - eligibility for county funding - manner of distributing funds.** (1) ~~Beginning January 1, 1991, and each January 1 thereafter, until July 1, 2002, moneys in the emergency medical services account that are appropriated for distribution to counties for planning and, to the extent possible, coordination of emergency medical and trauma services in and between the counties, shall be apportioned equally among the counties that satisfy the criteria set forth in subsection (2) of this section. After July 1, 2002, Moneys in the emergency medical services account shall be apportioned pursuant to subsection (2.5) of this section.~~

**SECTION 15.** The introductory portion to 25-3.5-704 (2) (d), Colorado Revised Statutes, is amended to read:

**25-3.5-704. Statewide emergency medical and trauma care system - development and implementation - duties of the department - rules adopted by board.** (2) The board shall adopt rules for the statewide emergency medical and trauma care system, including but not limited to the following:

(d) **Designation of facilities.** The designation rules shall provide that ~~on and after July 1, 1997,~~ every facility in this state required to be licensed in accordance with article 3 of this title and that receives ambulance patients shall participate in the statewide emergency medical and trauma care system. ~~On or after July 1, 1997, and no later than January 1, 1998,~~ Each such facility shall submit an application to the department requesting designation as a specific level trauma facility or requesting nondesignation status. A facility that is given nondesignated status shall not represent that it is a designated facility, as prohibited in section 25-3.5-707. The board shall include provisions for the following:

**SECTION 16.** 25-4-405 (1), Colorado Revised Statutes, is amended to read:

**25-4-405. Examination of persons confined.** (1) All persons who are confined, detained, or imprisoned in any state, county, or city hospital for the ~~insane~~ MENTALLY ILL, any institution for the mentally deficient, the Mount View school or Lookout Mountain school, any home for dependent children, any reformatory or prison, or any private or charitable institution where any person may be confined, detained, or imprisoned by order of court in this state shall be examined for and, if infected, treated for venereal diseases by the health authorities having jurisdiction. The managing authorities of any such institutions are directed to make available to the health authorities such portion of their respective institutions as may be necessary for a clinic or hospital, wherein all persons who may be confined or detained or imprisoned in any such institution and who are infected with venereal diseases may be treated in a manner as prescribed by the director of the agency within the department of public health and environment responsible for control of venereal

diseases.

**SECTION 17.** 25-7-104 (2), Colorado Revised Statutes, is amended to read:

**25-7-104. Air quality control commission created.** (2) Appointments to the commission shall be made so as to include persons with appropriate scientific, technical, industrial, labor, agricultural, and legal training or with experience on the commission; although no specific number of its members shall be required to be so trained or experienced, ~~but effective January 1, 1987,~~ three members shall have appropriate private sector, technical, or industrial employment experience. No more than five commissioners shall be members of one political party.

**SECTION 18. Repeal.** 25-7-105 (11) (g), Colorado Revised Statutes, is repealed as follows:

**25-7-105. Duties of commission.** (11) The commission shall promulgate regulations concerning CFC's and ozone depleting compounds as follows:

(g) ~~Regulations concerning training and certification requirements established under paragraph (f) of this subsection (11) shall be repealed, effective July 1, 1996. Prior to such repeal, such regulations shall be reviewed as provided for in section 24-34-104, C.R.S.~~

**SECTION 19. Repeal.** 25-7-124 (2), Colorado Revised Statutes, is repealed as follows:

**25-7-124. Relationship with the federal government, regional agencies, and other states.** (2) ~~As promptly as possible the commission shall hold a public hearing and adopt ambient air quality standards for the Denver air quality control region which has been designated by the federal government prior to April 10, 1970.~~

**SECTION 20.** 25-7-138 (2) and (3), Colorado Revised Statutes, are amended to read:

**25-7-138. Housed commercial swine feeding operations - waste impoundments - odor emissions.** (2) ~~On or before July 1, 1999,~~ All existing anaerobic process wastewater vessels and impoundments, including, but not limited to, aeration tanks and treatment or storage lagoons, owned or operated for use in connection with a housed commercial swine feeding operation as defined in section 25-8-501.1 (2) (b) shall be covered so as to capture, recover, incinerate, or otherwise manage odorous gases to minimize, to the greatest extent practicable, the emission of such gases into the atmosphere. ~~By July 1, 1999,~~ All existing aerobic impoundments shall employ technologies to ensure maintenance of aerobic conditions or otherwise to minimize the emission of odorous gases to the greatest extent practicable.

(3) The commission shall by rules promulgated on or before March 1, 1999, require that all housed commercial swine feeding operations ~~by July 1, 1999,~~ employ technology to minimize to the greatest extent practicable off-site odor emissions from all aspects of its operations, including odor from its swine confinement structures, manure and composting storage sites, and odor and aerosol drift from land application

equipment and sites.

**SECTION 21.** 25-7-139 (3) (a) (I) and (3) (b), Colorado Revised Statutes, are amended to read:

**25-7-139. Methyl tertiary butyl ether - prohibition - phase-out - civil penalty.**

(3) (a) (I) Except as otherwise provided in this paragraph (a), ~~and in paragraph (b) of this subsection (3)~~; a person may not sell, offer for sale, or store any fuel product containing or treated with MTBE.

~~(b) Any person who, as of March 1, 2000, is selling or offering to sell or storing any fuel product containing or treated with MTBE shall phase out the sale, offer for sale, and storage thereof on or before April 30, 2002.~~

**SECTION 22. Repeal.** 25-7-404 (4), Colorado Revised Statutes, is repealed as follows:

**25-7-404. Wood stove testing program established.** (4) ~~A new wood stove may be certified at the conclusion of an evaluation and before January 1, 1987, if:~~

~~(a) The air quality control division finds that the emission levels of the new wood stove comply with the emission performance standards established by the commission; and~~

~~(b) The wood stove manufacturer or dealer submits the fee established by the executive director of the department of health pursuant to section 25-7-403.~~

**SECTION 23. Repeal.** 25-7-502 (8) (c), Colorado Revised Statutes, is repealed as follows:

**25-7-502. Definitions.** As used in this part 5, unless the context otherwise requires:

~~(8) (c) The department of human services shall file a report with the capital development committee prior to July 1, 1989, detailing their plan for asbestos abatement.~~

**SECTION 24. Repeal.** 25-8-201 (1) (b), Colorado Revised Statutes, is repealed as follows:

**25-8-201. Water quality control commission created.** (1) (b) ~~Only commission members appointed by the governor and serving on July 1, 1981, shall continue to serve the remainder of their terms. On and after July 1, 1981, appointments shall be made in accordance with the provisions of this subsection (1).~~

**SECTION 25.** 25-8-202 (4), Colorado Revised Statutes, is amended to read:

**25-8-202. Duties of the commission.** (4) The commission shall employ an administrator and shall delegate to such administrator such duties and responsibilities as it may deem necessary, including acting as a hearing officer for the commission; but no authority shall be delegated to such administrator to promulgate standards or



regulations, or to make determinations, or to issue or countermand orders of the commission. Such administrator shall have appropriate practical, educational, and administrative experience related to water quality control and shall be employed pursuant to section 13 of article XII of the state constitution. ~~The individual employed as technical secretary pursuant to subsection (3) of this section, as that section existed prior to July 1, 1981, shall be employed as the initial administrator under this subsection (4).~~

**SECTION 26. Repeal.** 25-8-309, Colorado Revised Statutes, is repealed as follows:

~~**25-8-309. Study of classification and standard issues.** (1) The division shall undertake a study to examine whether the state water quality control program standard-setting and classification process established under this article should be modified to reasonably accommodate the unique attributes of Colorado's water bodies. As part of such study, the division shall review and consider the results of the arid west water quality research project. In completing such study, the division shall take into account the following:~~

~~(a) The physical, chemical, flow, and habitat characteristics associated with water bodies, including the ephemeral or effluent-dependent nature of many water bodies;~~

~~(b) The potential need for refined designated uses and additional site-specific standards;~~

~~(c) The benefit of maintaining the functions of constructed water conveyance and storage facilities;~~

~~(d) The nature of the current use attainability analysis process and any necessary adjustments thereto; and~~

~~(e) The benefits associated with maintaining downstream ecosystems that are dependent, at least in part, upon the continuation of effluent discharges.~~

~~(2) On or before December 1, 2003, the division shall prepare and submit to the general assembly a report that identifies its findings upon the topics identified in subsection (1) of this section and makes any recommendations for changes in state law, rules, or policy that it believes may be necessary to implement any modifications that the study determines are needed.~~

~~(3) The division shall inform and seek input from the commission at least once every six months on the study efforts. The study process shall be open to the public, with participation and comment to be solicited from all interested parties.~~

**SECTION 27. Repeal.** 25-8-506 (4) (b), Colorado Revised Statutes, is repealed as follows:

~~**25-8-506. Nuclear and radioactive wastes.** (4) (b) All applications for permits filed pursuant to said section 25-8-505 pending on July 1, 1981, shall be deemed an application for a permit pursuant to this section and shall be processed, at the option of the applicant, according to regulations in existence prior to July 1, 1981.~~

**SECTION 28.** 25-15-206 (1), Colorado Revised Statutes, is amended to read:

**25-15-206. Substantial change in ownership, design, or operation.** (1) A substantial change in the ownership of a hazardous waste disposal site, including an assignment or a transfer of the certificate of designation therefor, or in the design or operation of a hazardous waste disposal site, as "substantial change" is defined in rules and regulations of the commission, shall be submitted to the board of county commissioners or the governing body of the municipality for its approval before such change shall become effective; except that, in the case of a hazardous waste disposal site which was designated by the council pursuant to section 25-15-217, AS SAID SECTION EXISTED UPON ITS REPEAL, such change shall be subject to approval by the council until January 1, 1986, and, thereafter, by the department.

**SECTION 29.** 25-15-207 (2), Colorado Revised Statutes, is amended to read:

**25-15-207. Judicial review.** (2) In the case of any action or decision of the council or department pursuant to section 25-15-206, ~~or 25-15-217~~, judicial review shall be in the district court for the judicial district within which the hazardous waste disposal site is or may be located and shall be in accordance with section 24-4-106, C.R.S.

**SECTION 30. Repeal.** 25-15-217, Colorado Revised Statutes, is repealed as follows:

**25-15-217. Circumstances allowing state designation of a hazardous waste disposal site - conditions and limitations.** ~~(1) The department shall determine by May 1, 1984, the status of all applications for a certificate of designation made to any county or municipality since July 1, 1981, under this part 2:~~

~~(2) If the department finds that the counties or municipalities have approved one or more hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually, whichever is less, the department shall so notify, in writing, the general assembly and the governor, specifying in such notice the certificate or certificates of designation approved and other relevant information and stating that the department has found that the counties or municipalities have approved one or more hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually, whichever is less.~~

~~(3) If the department finds that the counties or municipalities have not approved one or more hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually, whichever is less, the department shall so notify, in writing, the general assembly and the governor, and the department shall prepare a notice of a moratorium on further filing of applications for a certificate of designation with a county or municipality. The moratorium shall be effective May 1, 1984. The notice of the moratorium shall be published in a newspaper of statewide circulation and transmitted to the clerk and recorder of each county, who shall notify the board of~~

~~county commissioners of the county and the governing body of each municipality within the county. No county or municipality shall accept an application for a certificate of designation between May 1, 1984, and the date the moratorium is rescinded by the department pursuant to subsection (6) of this section or November 1, 1985, whichever occurs first.~~

~~(4) By August 1, 1984, the department shall complete the findings of fact and recommendation pursuant to section 25-15-202 (4) on all applications made with any county or municipality between July 1, 1981, and May 1, 1984.~~

~~(5) On May 1, 1985, the department shall determine the status of all applications for a certificate of designation made to any county or municipality between July 1, 1981, and May 1, 1984, pursuant to this part 2.~~

~~(6) If the department finds that the counties or municipalities have approved one or more hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually; whichever is less, the department shall so notify, in writing, the general assembly and the governor, specifying in such notice the certificate or certificates of designation approved and other relevant information and stating that the department has found that the counties and municipalities have approved one or more hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually, whichever is less. Upon such finding, the department shall rescind the moratorium established pursuant to subsection (3) of this section.~~

~~(7) If the department finds that the counties and municipalities have not approved one or more of the applications described in subsection (5) of this section for hazardous waste disposal sites which are sufficient to manage the hazardous waste generated in Colorado that is suitable for land disposal or which are capable of disposing of a minimum of forty thousand tons of hazardous waste annually; whichever is less, the department shall so notify, in writing, the general assembly and the governor, and the department shall prepare a notice of its continued moratorium on the filing of applications and of a moratorium on the processing of applications by any county or municipality for a hazardous waste disposal site. The moratorium shall be effective May 1, 1985. The notice of the moratorium shall be published in a newspaper of statewide circulation and transmitted to the clerk and recorder of each county, who shall notify the board of county commissioners of the county and the governing body of each municipality within the county. No county or municipality shall accept or process an application for a certificate of designation between May 1, 1985, and November 1, 1985.~~

~~(8) to (11) Repealed.~~

**SECTION 31. Repeal.** 25-15-220, Colorado Revised Statutes, is repealed as follows:

**25-15-220. Effect of 1983 amendments.** ~~Any application for a certificate of designation or for approval of a substantial change of ownership, design, or operation~~

which is pending on June 3, 1983, shall be subject to the provisions of law in effect on and after said date, and no new application or fee shall be required. If, prior to June 3, 1983, the department has issued a finding of fact in accordance with section 25-15-202 (4) as it existed prior to said date, such finding of fact shall be deemed to be the recommendation required by section 25-15-202 (4) as in effect on or after said date.

**SECTION 32.** 25-15-315, Colorado Revised Statutes, is amended to read:

**25-15-315. Hazardous waste commission fund - creation.** There is hereby established in the state treasury a fund to be known as the hazardous waste commission fund, which shall consist of moneys collected pursuant to the provisions of section 25-15-314. All moneys in such fund shall be subject to annual appropriation by the general assembly to the department for the purpose of covering the reasonable costs actually associated with the operation of the hazardous waste commission. All moneys in the hazardous waste commission fund that are not appropriated shall remain in such fund and shall not be transferred or revert to the general fund at the end of any fiscal year. ~~All interest derived from the deposit and investment of moneys in the hazardous waste commission fund during fiscal years 1992-93 and 1993-94 shall remain in such fund and shall not be credited to the general fund.~~ In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the hazardous waste commission fund during fiscal year 1994-95 and any subsequent fiscal year shall be credited to the general fund.

**SECTION 33. Repeal.** 25-16-104.7 (2), Colorado Revised Statutes, is repealed as follows:

**25-16-104.7. Natural resource damage recoveries - fund created.** (2) ~~No later than June 30, 1990, there shall be credited to the natural resource damage recovery fund, in addition to the moneys described in subsection (1) of this section, the unexpended and unencumbered balance of all moneys in the CERCLA recovery fund as of the repeal of section 25-16-201 (1) on January 1, 1990.~~

**SECTION 34.** 25-16.5-104 (1), Colorado Revised Statutes, is amended to read:

**25-16.5-104. Pollution prevention advisory board - creation.** (1) There is hereby created in the department of public health and environment a pollution prevention advisory board for the purposes of providing overall policy guidance, coordination, and advice to the department on pollution prevention activities and for carrying out the duties specified in section 25-16.5-105. The advisory board shall consist of fifteen members to be appointed by the governor. ~~no later than July 1, 1992.~~ The members appointed shall include representatives of businesses, agriculture, environmental groups, academic institutions of higher education, community groups, and local governments. In addition, the governor shall appoint two representatives from state agencies to serve as ex-officio members of the advisory board, with at least one of such appointees to be from the department of public health and environment. In making the appointments, the governor shall provide for geographic diversity. The board shall elect its own chairperson. Members of the advisory board shall serve without compensation.

**SECTION 35.** 25-17-202 (1) (a) (I), (1) (a) (II), and (1) (a) (III) (A), Colorado Revised Statutes, are amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.**

(1) (a) (I) On and after ~~January 1, 1994, and prior to~~ July 1, 2000, a recycling development fee of ~~one dollar~~ SEVENTY-FIVE CENTS shall be collected on any waste motor vehicle tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, such fee shall be collected on truck tires, including truck tractor, trailer, and semitrailer, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. The fee authorized by this section shall be collected only at such time as the owner of the tire delivers or transfers the waste tire to a retailer of new tires for disposal.

(II) ~~On and after July 1, 2000, the recycling development fee described in subparagraph (I) of this paragraph (a) shall be seventy-five cents.~~

(III) (A) The recycling development fee in subparagraphs ~~(I) and (II)~~ SUBPARAGRAPH (I) of this paragraph (a) shall include, in addition to the seventy-five cent fee, a surcharge of twenty-five cents, which shall be credited to the processors and end users of waste tires cash fund created in section 25-17-202.5.

**SECTION 36. Repeal.** 25-20.5-202 (3) (b), Colorado Revised Statutes, is repealed as follows:

**25-20.5-202. Tony Grampas youth services board - members - duties - student dropout prevention and intervention fund - creation.**

(3) (b) ~~Notwithstanding the timelines adopted by the board pursuant to paragraph (a) of this subsection (3), the board shall not solicit or accept grant applications for fiscal year 2000-01. Any grants in place for fiscal year 1999-2000 shall continue for the 2000-01 fiscal year, subject to review pursuant to the provisions of this article.~~

**SECTION 37. Repeal.** 25-23-103 (7), Colorado Revised Statutes, is repealed as follows:

**25-23-103. State loan repayment program for dentists and dental hygienists serving underserved populations - creation - conditions.**

(7) ~~The department shall report to the health, environment, welfare, and institutions committees of the house and the senate on the status of the program not later than October 1, 2004. Such report shall address the success of this program including the number of dental professionals participating in the program, the cost-effectiveness of the program, the appropriateness of the funding source, and the impact of the program on the availability of dental care to underserved populations.~~

**SECTION 38. Repeal.** 25.5-1-515, Colorado Revised Statutes, is repealed as follows:

**25.5-1-515. Repeal of board functions.** ~~(1) Before the functions of the cooperative health care agreements board as set forth in section 25.5-1-505 (1), (2), and (3) are terminated on July 1, 1998, as provided in section 25.5-1-505 (5), and no later than July 1, 1997, the department of health care policy and financing shall~~

complete an analysis and evaluation of the performance of the cooperative health care agreements board. In conducting its analysis and evaluation, the department shall take into consideration, but need not be limited to considering, the factors listed in section 24-34-104 (9) (b), C.R.S. The department shall submit a report to the general assembly no later than July 1, 1997, with such supporting materials as may be requested, for review by a standing committee, and a copy of the report shall be made available to each member of the general assembly. Such report shall include the department's findings and recommendations, including whether the board should be terminated, continued, or reestablished or whether its functions should be terminated, continued, revised, or reestablished, and, if it deems advisable, may include proposed bills to carry out its recommendations.

(2) Prior to the termination, continuation, reestablishment, or revision of the board or its functions, a committee of reference in each house of the general assembly shall hold a public hearing to consider the report provided by the department of health care policy and financing, which hearing shall include the factors and testimony set forth in section 24-34-104 (9) (b), C.R.S.

**SECTION 39. Repeal.** 31-30-1113 (3) (c), Colorado Revised Statutes, is repealed as follows:

**31-30-1113. Fund investments.** (3) Notwithstanding subsection (1) of this section, the board may invest all or any part of fund moneys in the name of the board's treasurer or in the name of a custodian or custodians appointed by the board under this section in one or more of the following:

(c) Anticipation warrants issued for toll tunnels in accordance with part 4 of article 3 of title 43, C.R.S.; or

**SECTION 40. Repeal.** 40-1-104 (9) (c), Colorado Revised Statutes, is repealed as follows:

**40-1-104. Securities - issuance.** (9) Notwithstanding any provision of law to the contrary, the commission may approve a petition from a public utility proposing an investment in any of the following if the commission determines that such investment is not otherwise inconsistent with the public interest or that such investment is not otherwise inconsistent with this section:

(c) Anticipation warrants issued for toll tunnels in accordance with part 4 of article 3 of title 43, C.R.S.; or

**SECTION 41. Repeal.** 40-9.5-116 (1) (c), Colorado Revised Statutes, is repealed as follows:

**40-9.5-116. Investment in public-private transportation facilities.** (1) Notwithstanding any provision of law to the contrary, the board of directors of a cooperative electric association may consider investing in one or more of the following:

(c) Anticipation warrants issued for toll tunnels in accordance with part 4 of article 3 of title 43, C.R.S.; or

**SECTION 42. Repeal.** 40-20-102 (1) (h) (III), Colorado Revised Statutes, is repealed as follows:

**40-20-102. Powers of corporation.** (1) Every such corporation, in addition to the powers conferred in articles 101 to 117 of title 7, C.R.S., has the power:

(h) Notwithstanding any provision of law to the contrary, to invest in any of the following if such investment is consistent with sound investment policy:

(III) ~~Anticipation warrants issued for toll tunnels in accordance with part 4 of article 3 of title 43, C.R.S.; or~~

**SECTION 43. Repeal.** 43-1-113 (2) (c) (VI) (B), (6) (b), and (8) (b), Colorado Revised Statutes, are repealed as follows:

**43-1-113. Funds - budgets - fiscal year - reports and publications.** (2) Annually on or before December 15, the commission shall adopt and the department of transportation shall submit to the joint budget committee, the house transportation and energy committee, the senate transportation committee, and the governor a proposed budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1 of the succeeding year. The plan shall be submitted in a format determined by the joint budget committee and shall include, but not be limited to, the following information:

(c) Allocation of spending, by the following categories of expenditure:

(VI) (B) ~~This subparagraph (VI) is effective July 1, 1992.~~

(6) (b) ~~This subsection (6) is effective July 1, 1992.~~

(8) (b) ~~This subsection (8) is effective July 1, 1992.~~

**SECTION 44.** 43-1-219, Colorado Revised Statutes, is amended to read:

**43-1-219. Funds created.** There are hereby created two separate funds, one to be known as the state highway fund and the other to be known as the state highway supplementary fund. All moneys paid into either of said funds shall be available immediately, without further appropriation, for the purposes of such fund as provided by law. Any sums paid into the state treasury, which by law belong to the state highway fund or to the state highway supplementary fund, shall be immediately placed by the state treasurer to the credit of the appropriate fund. Upon request of the commission or of the chief engineer, it is the duty of the state treasurer to report to the commission or to the chief engineer the amount of money on hand in each of said two funds and the amounts derived from each source from which each such fund is accumulated. All accounts and expenditures from each of said two funds shall be certified by the chief engineer and paid by the state treasurer upon warrants drawn by the controller. The controller is authorized as directed to draw warrants payable out of the specified fund upon such vouchers properly certified and audited. Nothing in this part 2 shall operate to alter the manner of the execution and issuance of ~~highway anticipation warrants provided in part 3 of article 4 of this title or~~ transportation revenue anticipation notes provided in part 7 of article 4 of this title.

**SECTION 45.** 43-1-1001 (2), Colorado Revised Statutes, is amended to read:

**43-1-1001. Urban mass transportation grants.** (2) The authority contained in subsection (1) of this section shall not apply to federal grant funds where there exists a designated recipient for such funds, and funds made available under section 3 of the federal "Urban Mass Transportation Act of 1964" within the Denver regional transportation district, and funds for other projects in urbanized areas with populations in excess of two hundred thousand persons, except as provided in sections 43-1-601 and 43-1-901. ~~except that, if an intergovernmental agreement between the Denver regional transportation district and the department concerning the southeast corridor intermodal transportation project is not signed by October 15, 1999, then the provisions of subsection (1) of this section shall apply to all federal grant funds.~~

**SECTION 46.** 43-2-102, Colorado Revised Statutes, is amended to read:

**43-2-102. Department maintain system.** ~~After December 31, 1953,~~ The department of transportation shall construct and maintain all roads comprising the state highway system as provided by this part 1.

**SECTION 47. Repeal.** 43-2-145 (1.6) and (1.8), Colorado Revised Statutes, are repealed as follows:

**43-2-145. Transportation legislation review - committee.** (1.6) ~~By June 30, 1991, the committee shall review the operation of House Bill No. 1246, enacted by the second regular session of the fifty-sixth general assembly, to determine its effects on the administration of public highways in the state and recommend any necessary changes necessitated by the committee's findings.~~

(1.8) ~~The committee shall examine methods to increase the rate of compliance with regulations applicable to vehicles with a gross vehicle weight in excess of ten thousand pounds. Such analysis shall include an evaluation of the current penalties to determine whether such penalties are collected and whether a different level of penalties would be more effective. The committee shall make recommendations to the general assembly regarding its study no later than February 1, 1990.~~

**SECTION 48. Repeal.** 43-3-404, Colorado Revised Statutes, is repealed as follows:

**43-3-404. Anticipation warrants.** (1) ~~For the purpose of defraying the cost of the construction of such tunnels and all expenses incident thereto, the commission may, from time to time, upon an affirmative majority vote of the members thereof and with the approval of the governor, apply for and receive funds from the federal government or private investors and may issue therefor revenue anticipation warrants payable solely from the net income of the tunnels, from the state highway fund, and from the fund which is created and is designated as the tunnel highway anticipation warrant fund. Public entities, as defined in section 24-75-601 (1), C.R.S., may invest public funds in such warrants only if said warrants satisfy the investment requirements established in part 6 of article 75 of title 24, C.R.S.~~

(2) ~~Such warrants shall not be issued in an aggregate amount in excess of eighteen million dollars. The authority for the issuance of anticipation warrants provided in~~



this part 4 shall terminate at the expiration of five years from March 13, 1957, and only one series of such warrants shall be issued:

~~(3) The findings by the governor and the transportation commission as a condition precedent to the construction of any tunnels shall be conclusive whenever any warrants to be issued to defray all or any part of the cost thereof are offered for sale, but no warrants shall be offered for sale prior to the expiration of thirty days.~~

**SECTION 49. Repeal.** 43-3-405, Colorado Revised Statutes, is repealed as follows:

**43-3-405. Interest - terms - public sale.** ~~(1) All anticipation warrants issued under the provisions of section 43-3-404 shall bear interest at a rate not exceeding three and three-quarters percent per annum and shall be executed in such manner so as to be payable serially in annual installments, beginning not later than five years and extending not more than thirty years from the date thereof and at the place or places designated therein.~~

~~(2) All such warrants, unless sold to the federal government or any corporation, institution, or agency thereof, or to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivision of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state, as provided in this section, shall be sold only at public sale. Notice of the intention to sell any such warrants, and requesting bids therefor, shall be published in the name of the transportation commission in one or more newspapers of general circulation within the city and county of Denver at least once, not less than twenty days nor more than sixty days prior to the sale date, and shall also be published in like manner in some recognized financial journal published in the city of New York, New York. Such notice shall set forth the intention of the transportation commission to sell such warrants, or a specified part thereof, and require bidders to submit bids specifying the lowest rate of interest and premium, if any, at which the bidders will purchase such warrants, and shall require each bid to be accompanied by a certified or cashier's check made payable to the transportation commission in an amount equaling two percent of the principal amount of the warrants being offered for sale, which certified or cashier's check shall be returned to any such bidder if his bid is not accepted, and which certified or cashier's check of any successful bidder who fails, neglects, or refuses to accept the warrants so sold, and to complete and pay therefor in accordance with the terms of such successful bid within thirty days following the acceptance thereof, shall be forfeited to the transportation commission.~~

~~(3) Such notice shall state the maximum rate of interest which such warrants may legally bear and that none of the warrants will be sold for less than par and accrued interest to the date of delivery thereof, and shall specify the place and designate the day and hour, respectively, as the place where and the time prior to which any sealed bids shall be received for the purchase of such warrants. At the time and place so specified in such notice, the transportation commission shall meet in public special or regular meeting for the purpose of considering such bids, awarding the warrants, or rejecting any bids therefor. At such meeting or at any adjournment thereof, the warrants shall be sold to the bidder making the best bid therefor, subject as aforesaid to the right of the transportation commission to reject any bids and readvertise any~~

~~such warrants for sale in the manner described in this section until said warrants have been sold. No discount or commission shall be allowed or paid on or for any such sale to any purchaser or bidder directly or indirectly, but the transportation commission may employ expert legal or other expert services in connection with the authorization, issuance, and sale of such warrants as in the judgment of the transportation commission and the attorney general will be to the financial interest of the state so to do.~~

~~(4) Prior to the publication of the notice of sale, the transportation commission may in its discretion negotiate a private sale of any or all of such warrants to the federal government or any corporation, institution, or agency thereof, or to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivision of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state.~~

~~(5) After the publication of such notice of sale, the transportation commission shall not sell any of the warrants described in said notice at private sale unless the commission receives no bids at any such public sale or unless the commission determines at the time of such public sale to reject all bids submitted for any or all of the warrants so offered at such public sale, in which event the commission may then negotiate a private sale of said warrants at not less than par and accrued interest to date of delivery and bearing interest at a rate not exceeding three and three-quarters percent per annum or may readvertise such warrants for sale as provided in this section. In addition to the notices provided for in this section, the chairman of the transportation commission is authorized to give such other notice of the sale of said warrants as he may deem proper, including a notice to the federal government or any corporation, institution, or agency thereof, or to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivision of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state of the intention of the transportation commission to sell all or a part of said warrants.~~

**SECTION 50. Repeal.** 43-3-406, Colorado Revised Statutes, is repealed as follows:

~~**43-3-406. Warrants lawful investments.** It is lawful that the anticipation warrants issued in pursuance of the provisions of this part 4 may be purchased by any public entity, as defined in section 24-75-601 (1), C.R.S., if such warrants satisfy the investment requirements established in part 6 of article 75 of title 24, C.R.S.~~

**SECTION 51. Repeal.** 43-3-407, Colorado Revised Statutes, is repealed as follows:

~~**43-3-407. Cessation in office not to affect signature.** No revenue anticipation warrant or coupon attached thereto shall be rendered invalid by reason of the cessation in office of any person whose proper signature appears on such warrant or coupon.~~

**SECTION 52. Repeal.** 43-3-408, Colorado Revised Statutes, is repealed as follows:

**43-3-408. Sinking fund and transfer from state highway fund.** ~~At or before the issuance of any such revenue anticipation warrants, the transportation commission shall by resolution create a sinking fund for the payment of such warrants, the interest thereon, and necessary fiscal agency charges, and shall pledge or set aside a sufficient amount of the net income of the tunnel and the state highway fund into said sinking fund at intervals determined by the commission prior to the issuance of such warrants for payment of interest to become due, necessary fiscal agency charges, and the warrants as they become due.~~

**SECTION 53. Repeal.** 43-3-409, Colorado Revised Statutes, is repealed as follows:

**43-3-409. Redemption procedures.** ~~In addition to retirement by serially paid annual installments, anticipation warrants issued under the provisions of this part 4 may be redeemed in inverse numerical order or called and redeemed in full on any interest payment date at such time and on such terms, including the payment of premium, as may be determined by the transportation commission.~~

**SECTION 54. Repeal.** 43-3-410, Colorado Revised Statutes, is repealed as follows:

**43-3-410. Highway revenue law not amended or repealed - when - rank of lien.** ~~On and after the date the transportation commission has created obligations by contract or otherwise, as provided in this part 4, the laws of Colorado relating to taxes levied and fees charged for the purposes of construction, improvement, reconstruction, and maintenance of the state system of highways shall not be repealed or amended so that the aggregate of revenue for such purposes is insufficient to pay the annual installments of principal and interest and retire revenue anticipation warrants issued under the provisions of this part 4 as the same become due and payable. With the exception of the obligations incurred prior to March 13, 1957, in connection with the Boulder turnpike, under the provisions of part 2 of article 3 of this title, and obligations incurred prior to March 13, 1957, and authorized to be incurred under the provisions of sections 43-4-301 to 43-4-314, relating to highway anticipation warrants, the obligations incurred under the provisions of this part 4 shall constitute a first lien upon all revenues derived for such purposes, under the provisions of such tax and fee laws until the obligations so created are fully paid and discharged; except that nothing in this part 4 shall be construed as impairing any obligations of the department of transportation incurred prior to March 13, 1957, under the provisions of sections 43-1-211 to 43-1-215.~~

**SECTION 55. Repeal.** 43-3-411, Colorado Revised Statutes, is repealed as follows:

**43-3-411. Warrants - obligations limited to highway fund - not state indebtedness.** ~~Nothing in this part 4 shall be so construed as to authorize or permit the transportation commission to incur any obligation of any kind or nature except such as is payable solely from the net income of the tunnel and from revenues accruing to the highway fund, and it shall be plainly stated on the face of each warrant that it has been issued under the provisions of this part 4 and that it does not constitute an indebtedness of the state within the meaning of any constitutional provision or limitation.~~

**SECTION 56. Repeal.** 43-3-412, Colorado Revised Statutes, is repealed as follows:

~~43-3-412. No derogation of powers. The authority given in this part 4 is in addition to and not in derogation of any existing power vested in the transportation commission under any statutory or constitutional provisions which it may adopt or have granted to it.~~

**SECTION 57.** 43-3-413 (1), Colorado Revised Statutes, is amended to read:

**43-3-413. Fees, fares, tolls, contracts.** (1) Upon the completion of the construction of such toll or free tunnel, the transportation commission has the power to establish and collect fees, fares, and tolls for the privilege of traveling through such tunnel and over the approaches thereto, and to credit all such fees, fares, and tolls and all income, however derived therefrom, to the payment of the maintenance and operation of said tunnel. ~~and to credit and pledge the net income therefrom to the payment of the principal of and interest on anticipation warrants authorized to be issued.~~

**SECTION 58.** 43-3-414, Colorado Revised Statutes, is amended to read:

**43-3-414. Vesting powers in transportation commission.** This part 4 shall, without reference to any other statute, be deemed full authority for the construction of a tunnel under contract with, pursuant to design ordered or prepared by and under the sole direction of the transportation commission. ~~and for the issuance and sale of revenue anticipation warrants by this part 4 authorized with approval by the governor, and shall be construed as an additional and alternative method therefor and for the financing thereof. None of the present restrictions, requirements, conditions, or limitations of law applicable to the issuance of bonds by governmental agencies of this state shall apply to the issuance and sale of warrants under this part 4, and no proceedings shall be required for the issuance of such warrants other than those provided and required in this part 4.~~ All the powers necessary to be exercised by the transportation commission in order to carry out the provisions of this part 4 are conferred by this article.

**SECTION 59. Repeal.** 43-3-415, Colorado Revised Statutes, is repealed as follows:

~~43-3-415. Transfer of assets. Chapter 6, Session Laws of Colorado, First Extraordinary Session, 1956, is repealed, and all moneys, accounts receivable, and real and personal property now owned by the tunnel highway anticipation warrant fund created thereby are transferred to the tunnel highway anticipation warrant fund created by this part 4.~~

**SECTION 60. Repeal.** 43-3-416, Colorado Revised Statutes, is repealed as follows:

~~43-3-416. Notice of investment opportunity. (1) The department or the private entity responsible for issuing anticipation warrants under this part 4 may forward a copy of the anticipation warrants and a description of the investment opportunity for such anticipation warrants to any of the following for consideration under their~~

respective statutory authority:

~~(a) The board of trustees of the public employees' retirement association created under section 24-51-202, C.R.S.;~~

~~(b) The state deferred compensation committee and the administrator, as defined in section 24-52-101, C.R.S.;~~

~~(c) The board of directors of the fire and police pension association, as defined in section 31-31-102 (2), C.R.S.;~~

~~(d) The boards of trustees of the firefighters' and police officers' old hire pension funds, as defined in section 31-30.5-102 (1), C.R.S.;~~

~~(e) The board of trustees of the volunteer firefighter pension fund, as defined in section 31-30-1102 (1), C.R.S.;~~

~~(f) The boards of education of school districts, as described in section 22-64-112, C.R.S.;~~

~~(g) The board of directors of the university of Colorado hospital authority, as defined in section 23-21-502 (2), C.R.S.;~~

~~(h) The state treasurer for consideration under section 23-20-117.5, C.R.S.;~~

~~(i) The county boards of retirement, as described in section 24-54-107, C.R.S.;~~

~~(j) The governing boards of state colleges and universities, as defined in sections 24-54.5-102 (5) and 24-54.6-102 (4), C.R.S., and~~

~~(k) Any employer who has established a defined contribution plan.~~

**SECTION 61.** 43-4-205 (6.5) (a) and (6.5) (c), Colorado Revised Statutes, are amended to read:

**43-4-205. Allocation of fund.** (6.5) (a) Except as provided in paragraphs (c) and PARAGRAPH (d) of this subsection (6.5), the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted during the second regular session of the sixty-third general assembly, shall be paid to the state highway fund for allocation to the department of transportation and shall be expended as provided in section 43-4-206 (2).

~~(c) For the state fiscal year 2001-2002, of the revenues appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted during the second regular session of the sixty-third general assembly, sixty-seven thousand dollars shall be allocated as follows:~~

~~(f) Sixty-five percent of such revenue shall be paid to the state highway fund and shall be expended as provided in section 43-4-206;~~

~~(H) Twenty-six percent of such revenue shall be paid to the county treasurers of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in section 43-4-207, and~~

~~(H) Nine percent of such revenue shall be paid to the cities and incorporated towns, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in section 43-4-208 (2) and (6).~~

**SECTION 62.** 43-4-206 (1) (a) and (1) (b) (V.7) (B), Colorado Revised Statutes, are amended to read:

**43-4-206. State allocation.** (1) Except as otherwise provided in subsection (2) of this section, after paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, sixty-five percent of the balance of the highway users tax fund shall be paid to the state highway fund and shall be expended for the following purposes:

(a) The state highway fund shall be ~~available first for the creation and maintenance of the highway anticipation fund or the sinking fund provided for in part 3 of this article and shall also be~~ subject to the sinking fund and bond lien provided by part 2 of article 3 of this title.

(b) Except as otherwise provided in subsection (2) of this section, all moneys in the state highway fund not required for the creation, maintenance, and application of such highway anticipation or sinking fund and all moneys in the state highway supplementary fund shall be available to pay for:

(V.7) (B) ~~This subparagraph (V.7) is effective July 1, 1992.~~

**SECTION 63. Repeal.** 43-4-303, Colorado Revised Statutes, is repealed as follows:

~~**43-4-303. Anticipation warrants - issuance - sale - fund.** For the purpose of defraying the cost of such construction, improvement, and reconstruction and all other expenses incident thereto, the transportation commission may, from time to time, upon an affirmative majority vote of the members thereof and with the approval of the governor, apply for and receive funds from the federal government, the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state or from private investors and issue therefor revenue anticipation warrants payable solely from a fund which is hereby created and is designated as the highway anticipation fund; except that such warrants shall not be issued in an aggregate amount in excess of thirty-five million dollars, that no more than eight million dollars shall be issued in any one fiscal year, and that the authority for the issuance of anticipation warrants provided in sections 43-4-301 to 43-4-314 shall terminate at the expiration of five years after April 15, 1955.~~

**SECTION 64. Repeal.** 43-4-304, Colorado Revised Statutes, is repealed as follows:

**43-4-304. Interest - terms - public sale.** ~~(1) All anticipation warrants issued under the provisions of sections 43-4-301 to 43-4-314 shall bear interest at a rate not exceeding three and three-quarters percent per annum and shall be executed in such manner so as to be payable serially in annual installments, beginning not later than five years and extending not more than twenty years after the date thereof and at the places designated therein. All such warrants, unless sold to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state, as provided in this section, shall be sold only at public sale.~~

~~(2) Notice of the intention to sell any such warrants, and requesting bids therefor, shall be published in the name of the transportation commission in one or more newspapers of general circulation within the city and county of Denver at least once, not less than twenty days nor more than sixty days prior to the sale date, and shall also be published in like manner in some recognized financial journal published in the city of New York, New York. Such notice shall set forth the intention of the transportation commission to sell such warrants, or a specified part thereof, and require bidders to submit bids specifying the lowest rate of interest and premium, if any, at which the bidders will purchase such warrants and shall require each bid to be accompanied by a certified or cashier's check made payable to the transportation commission in an amount equaling two percent of the principal amount of the warrants being offered for sale, which certified or cashier's check shall be returned to any such bidder if his bid is not accepted; and the amount of the certified or cashier's check of any successful bidder who fails, neglects, or refuses to accept the warrants so sold and to complete and pay therefor in accordance with the terms of such successful bid within thirty days following the acceptance thereof shall be forfeited to the transportation commission.~~

~~(3) Such notice shall state the maximum rate of interest which such warrants may legally bear and that none of the warrants will be sold for less than par and accrued interest to the date of delivery thereof and shall specify the place and designate the day and hour, respectively, as the place where and the time prior to which any sealed bids shall be received for the purchase of such warrants. At the time and place so specified in such notice, the transportation commission shall meet in public special or regular meeting for the purpose of considering such bids, awarding the warrants, or rejecting any and all bids therefor. At such meeting or at any adjournment thereof, the warrants shall be sold to the bidder making the best bid therefor, subject to the right of the transportation commission to reject any and all bids and to readvertise any such warrants for sale in the manner described in this section until said warrants have been sold. No discount or commission shall be allowed or paid on or for any sale to any purchaser or bidder directly or indirectly. The transportation commission may employ expert legal or other expert services in connection with the authorization, issuance, and sale of such warrants if in the judgment of the transportation commission and the attorney general it will be to the financial interest of the state to do so.~~

~~(4) Prior to the publication of the notice of sale, the transportation commission may in its discretion negotiate a private sale of any or all of such warrants to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or~~

~~instrumentality thereof, or any political or public corporation of the state.~~

~~(5) After the publication of such notice of sale, the transportation commission shall not sell any of the warrants described in said notice at private sale unless the commission receives no bids at any such public sale or unless the commission determines at the time of such public sale to reject all bids submitted for any or all of the warrants so offered at such public sale, in which event the commission may then negotiate a private sale of said warrants at not less than par and accrued interest to date of delivery and bearing interest at a rate not exceeding three and three-quarters percent per annum or may readvertise such warrants for sale as provided in this section. In addition to the notices provided for in this section, the chairman of the transportation commission is authorized to give such other notice of the sale of said warrants as he may deem proper, including a notice to the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state of the intention of the transportation commission to sell all or a part of said warrants.~~

**SECTION 65. Repeal.** 43-4-305, Colorado Revised Statutes, is repealed as follows:

~~**43-4-305. Warrants legal investments.** It is lawful for the anticipation warrants issued in pursuance of the provisions of sections 43-4-301 to 43-4-314 to be purchased by the state of Colorado and any of its institutions and agencies, counties, municipalities, districts, and any other political subdivisions of the state, and any department, agency, or instrumentality thereof, or any political or public corporation of the state.~~

**SECTION 66. Repeal.** 43-4-306, Colorado Revised Statutes, is repealed as follows:

~~**43-4-306. Signatures validated.** No revenue anticipation warrant or coupon attached thereto shall be rendered invalid by reason of the cessation in office of any person whose proper signature appears on such warrant or coupon.~~

**SECTION 67. Repeal.** 43-4-307, Colorado Revised Statutes, is repealed as follows:

~~**43-4-307. Sinking fund.** At or before the issuance of any such revenue anticipation warrants, the transportation commission shall by resolution create a sinking fund for the payment of such warrants, the interest thereon, and necessary fiscal agency charges and shall pledge or set aside a sufficient amount of the state highway fund into said sinking fund at intervals to be determined by the commission prior to the issuance of such warrants for payment of interest to become due, necessary fiscal agency charges, and the warrants as they become due.~~

**SECTION 68. Repeal.** 43-4-308, Colorado Revised Statutes, is repealed as follows:

~~**43-4-308. Redemption.** In addition to retirement by serially paid annual installments, anticipation warrants issued after March 28, 1957, under the provisions~~



of sections 43-4-301 to 43-4-314 may be redeemed prior to maturity if so provided by the transportation commission in the resolution authorizing their issuance, such redemption to be made in inverse numerical order on any interest payment date, upon such terms and upon the payment of such premium, if any, not exceeding three and three-quarters percent of the principal amount of the bonds to be redeemed as may be determined by the transportation commission.

**SECTION 69. Repeal.** 43-4-309, Colorado Revised Statutes, is repealed as follows:

**43-4-309. Warrant obligations.** ~~On and after the date the transportation commission creates obligations by contract or otherwise, as provided in sections 43-4-301 to 43-4-314, the laws of Colorado relating to taxes levied and fees charged for the purpose of construction, improvement, reconstruction, and maintenance of the state's system of highways shall not be repealed or amended so that the aggregate of revenues for such purposes will be insufficient to pay the annual installments of principal and interest and retire revenue anticipation warrants issued under the provisions of sections 43-4-301 to 43-4-314 as the same become due and payable; and, with the exception of the obligations incurred prior to April 15, 1955, pursuant to the provisions of part 2 of article 3 of this title, the obligations incurred under the provisions of sections 43-4-301 to 43-4-314 constitutes a first lien upon all revenues derived for such purposes, under the provisions of such tax and fee laws or otherwise, until the obligations so created are fully paid and discharged.~~

**SECTION 70. Repeal.** 43-4-310, Colorado Revised Statutes, is repealed as follows:

**43-4-310. Obligation only from highway fund.** ~~Nothing in sections 43-4-301 to 43-4-314 shall be so construed as to authorize or permit the transportation commission to incur any obligation of any kind or nature except such as shall be payable solely from revenues accruing to the highway fund, and it shall be plainly stated on the face of each warrant that it has been issued under the provisions of sections 43-4-301 to 43-4-314 and that it does not constitute an indebtedness of the state within the meaning of any constitutional provisions or limitation.~~

**SECTION 71. Repeal.** 43-4-311, Colorado Revised Statutes, is repealed as follows:

**43-4-311. Authority not in derogation of existing powers.** ~~The authority given by this part 3 is in addition to and not in derogation of any existing power now vested in the transportation commission under any statutory or constitutional provisions which it may adopt or have granted to it.~~

**SECTION 72. Repeal.** 43-4-312, Colorado Revised Statutes, is repealed as follows:

**43-4-312. Full authority.** ~~Sections 43-4-301 to 43-4-314 shall, without reference to any other statute, be deemed full authority for the construction, improvement, and reconstruction of public highways and bridges under contract with, pursuant to design ordered or prepared by, and under the sole direction of the transportation commission, and for the issuance and sale of revenue anticipation warrants by sections 43-4-301~~

to ~~43-4-314~~ authorized with approval by the governor, and shall be construed as an additional and alternative method therefor and for the financing thereof. None of the present restrictions, requirements, conditions, or limitations of law applicable to the issuance of bonds by governmental agencies of this state shall apply to the issuance and sale of warrants under sections ~~43-4-301 to 43-4-314~~, and no proceedings shall be required for the issuance of such warrants other than those provided and required in sections ~~43-4-301 to 43-4-314~~; and all the powers necessary to be exercised by the transportation commission in order to carry out the provisions of sections ~~43-4-301 to 43-4-314~~ are hereby conferred.

**SECTION 73. Repeal.** ~~43-4-313~~, Colorado Revised Statutes, is repealed as follows:

~~**43-4-313. Authorization.** The transportation commission is authorized to issue said state highway fund revenue anticipation warrants in accordance with the provisions of sections ~~43-4-301 to 43-4-314~~.~~

**SECTION 74. Repeal.** ~~43-4-314~~, Colorado Revised Statutes, is repealed as follows:

~~**43-4-314. Highway building fund obligations unaffected.** Nothing in sections ~~43-4-301 to 43-4-314~~ shall be construed as impairing any obligation of the department of transportation incurred under the provisions of sections ~~43-1-211 to 43-1-215~~ prior to April 15, 1955.~~

**SECTION 75. Repeal.** ~~43-4-315~~, Colorado Revised Statutes, is repealed as follows:

~~**43-4-315. Legislative declaration.** It is declared that by granting to the transportation commission the additional powers set forth in section ~~43-4-316~~, obligations issued pursuant to the provisions of this part 3 prior to April 15, 1963, may be refunded to the great advantage of the state of Colorado.~~

**SECTION 76. Repeal.** ~~43-4-316~~, Colorado Revised Statutes, is repealed as follows:

~~**43-4-316. Additional powers.** (1) In addition to the powers conferred upon it, the transportation commission has the power:~~

~~(a) To refund all of the state of Colorado state highway fund revenue anticipation warrants issued pursuant to this part 3 outstanding on April 15, 1963, but the transportation commission shall determine that such refunding is in all respects to the best interests of the state of Colorado. The terms, conditions, form, and provisions for payment of the refunding bonds shall be as provided by resolution of the transportation commission subject only to the following limitations: That the principal amount of the refunding bonds shall not exceed the principal amount of the state highway fund revenue anticipation warrants so refunded; that the maturities of the refunding bonds shall not extend beyond January 1, 1975.~~

~~(b) To create a sinking fund for the payment of such refunding bonds and the interest thereon and to pledge a sufficient amount of the state highway fund into said~~

sinking fund at intervals to be determined by the transportation commission prior to the issuance of such refunding bonds for payment of interest to become due and the refunding bonds as they become due;

~~(c) To establish escrow accounts in any bank within the state of Colorado which is a member of the federal deposit insurance corporation under protective agreements in amounts sufficient to ensure the payment of any bonds refunded under the provisions of sections 43-4-315 to 43-4-318. Any of the accounts so established may be invested in direct obligations of the United States with appropriate maturities and yields to insure such payment. Upon the establishment of such escrow accounts, all of said refunding bonds shall constitute a first closed lien on all net revenue derived by the transportation commission from the imposition of any excise tax on motor fuel, annual registration fees on drivers, motor vehicles, trailers and semitrailers, and passenger-mile taxes upon vehicles or any fee or payment substituted therefor.~~

~~(d) To prescribe the terms, conditions, and manner in which such refunding bonds will be issued and sold and to provide for the payment of the costs of such refunding, including the fees of fiscal agents and attorneys and the charges of banks acting as escrow depositaries;~~

~~(e) To do and perform all other things and acts to effect a refunding of said obligations. Nothing in sections 43-4-315 to 43-4-318 shall be construed as authorizing the impairment of the obligation of contract.~~

**SECTION 77. Repeal.** 43-4-317, Colorado Revised Statutes, is repealed as follows:

~~**43-4-317. Execution.** Said refunding bonds may be executed in accordance with article 55 of title 11, C.R.S.~~

**SECTION 78. Repeal.** 43-4-318, Colorado Revised Statutes, is repealed as follows:

~~**43-4-318. Legal investments.** It is lawful for any public entity, as defined in section 24-75-601 (1), C.R.S., to invest its funds in the refunding bonds authorized by sections 43-4-315 to 43-4-318 if such bonds satisfy the investment requirements established in part 6 of article 75 of title 24, C.R.S.~~

**SECTION 79. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 14, 2005