

CHAPTER 146

TRANSPORTATION

HOUSE BILL 06-1244

BY REPRESENTATIVE(S) Hall, Plant, Buescher, Borodkin, and McFadyen;
also SENATOR(S) Owen, Tapia, Keller, Entz, and Taylor.

AN ACT

CONCERNING A GRANT OF AUTHORITY TO THE TRANSPORTATION COMMISSION TO ALLOCATE MONEYS FROM THE AVIATION FUND FOR THE ADMINISTRATIVE COSTS OF THE AERONAUTICS DIVISION IN THE DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. 43-1-106 (8) (h), Colorado Revised Statutes, is amended to read:

43-1-106. Transportation commission - powers and duties. (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(h) To promulgate and adopt all department budgets, subject to section 43-1-113, and state transportation programs, including construction priorities and the approval of extensions or abandonments of the state highway system and including a capital construction request, based on the statewide transportation improvement programs, for state highway reconstruction, repair, and maintenance projects to be funded from the capital construction fund as provided in section 2-3-1304 (1) (a.5), C.R.S. The provisions of this paragraph (h) shall not apply to the budget of the aeronautics division; EXCEPT THAT THE COMMISSION HAS THE AUTHORITY TO ADOPT THE PORTION OF THE DIVISION'S BUDGET PERTAINING TO ITS ADMINISTRATIVE COSTS AND TO MAKE AN ALLOCATION THEREFOR.

SECTION 2. 43-10-105 (1) (f), Colorado Revised Statutes, is amended to read:

43-10-105. Duties of the board. (1) The board has the following duties:

(f) To set and adopt on an annual basis, a budget for the division, INCLUDING RECOMMENDATIONS TO THE TRANSPORTATION COMMISSION FOR THE AMOUNT TO BE

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

ALLOCATED FOR ADMINISTRATIVE COSTS;

SECTION 3. 43-10-109 (3), Colorado Revised Statutes, is amended to read:

43-10-109. Aviation fund created. (3) ~~On and after July 1, 2003,~~ The moneys in the fund are hereby continuously appropriated to the division for the purposes authorized by law. ~~except that, In each fiscal year, the general assembly shall appropriate~~ TRANSPORTATION COMMISSION SHALL BUDGET AND ALLOCATE 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. THE BOARD SHALL RECOMMEND TO THE COMMISSION AN AMOUNT TO BE ALLOCATED BY THE COMMISSION FOR ADMINISTRATIVE COSTS. 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 section 39-26-715 (1) (a) (I) and (2) (a), C.R.S., and as provided in section 39-27-112 (2) (b), C.R.S.

SECTION 4. 43-10-110 (3), Colorado Revised Statutes, is amended to read:

43-10-110. Revenues in aviation fund - disbursements. (3) Moneys in the fund not transferred to governmental entities operating public-accessible airports as provided in subsection (2) of this section and not ~~appropriated~~ ALLOCATED for administrative expenses shall be used by the board exclusively for aviation purposes, including the awarding of grants pursuant to the state aviation system grant program established by the general assembly pursuant to the provisions of section 43-10-108.5 and including the awarding of contracts as authorized in this article.

SECTION 5. 43-10-115, Colorado Revised Statutes, is amended to read:

43-10-115. Submittal of budget for recommendations. The board shall submit annually the proposed budget for the division to the TRANSPORTATION commission for the commission's review AND, WITH RESPECT TO MONEYS THAT ARE TO BE ALLOCATED FOR ADMINISTRATIVE COSTS, THE COMMISSION'S APPROVAL AND ALLOCATION. The commission shall examine the division's proposed budget and make recommendations based on the comprehensive statewide transportation plan formed by the commission pursuant to the provisions of section 43-1-1103 (5). EXCEPT FOR THE PORTION OF THE BUDGET THAT PERTAINS TO ADMINISTRATIVE COSTS THAT ARE ALLOCATED BY THE COMMISSION, the commission shall have no authority to reject or to alter any portion of the division's proposed budget.

SECTION 6. Effective date. This act shall take effect July 1, 2006.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 24, 2006