

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0049.01 Ed DeCecco

HOUSE BILL 11-1002

HOUSE SPONSORSHIP

Nikkel,

SENATE SPONSORSHIP

Kopp,

House Committees

Transportation
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ON-LINE DATABASE FOR THE**
102 **DEPARTMENT OF TRANSPORTATION'S FINANCIAL INFORMATION,**
103 **AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, the state's revenues and expenditures that are included in the state's official book of record are included in a free, searchable web-based system that is known as the transparency on-line project. Only a limited number of the department of transportation's transactions are

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unam ended
May 3, 2011

SENATE
2nd Reading Unam ended
May 2, 2011

HOUSE
3rd Reading Unam ended
February 15, 2011

HOUSE
Am ended 2nd Reading
February 14, 2011

included in the state's official book of record, and, accordingly, most of its revenues and expenditures are not included in the web-based system.

The bill requires the department of transportation to develop, maintain, and make publicly available a searchable, on-line revenue and expenditure database. Specific information about each revenue and expenditure transaction is required. The web-based system is required to include a link to the on-line database.

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

2 **SECTION 1.** 24-72.4-101, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-72.4-101. Legislative declaration.** (3) (a) THE GENERAL
5 ASSEMBLY FURTHER FINDS AND DECLARES THAT:

6 (I) ONLY A LIMITED NUMBER OF THE DEPARTMENT OF
7 TRANSPORTATION'S TRANSACTIONS ARE INCLUDED IN THE STATE'S
8 OFFICIAL BOOK OF RECORD, AND, ACCORDINGLY, MOST OF ITS REVENUES
9 AND EXPENDITURES ARE NOT INCLUDED IN THE WEB-BASED SYSTEM;

10 (II) BECAUSE OF ACCOUNTING AND INFORMATION TECHNOLOGY
11 DIFFERENCES, IT IS NOT FEASIBLE TO FULLY ASSIMILATE THE DEPARTMENT
12 OF TRANSPORTATION INTO THE WEB-BASED SYSTEM; AND

13 (III) TAXPAYERS SHOULD STILL BE ABLE TO ACCESS THE DETAILS
14 OF THE DEPARTMENT OF TRANSPORTATION'S FINANCES.

15 (b) NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL
16 ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION BE REQUIRED TO
17 CREATE AND MAINTAIN A SEARCHABLE, ON-LINE REVENUE AND
18 EXPENDITURE DATABASE AND THAT SUCH INFORMATION SHOULD BE
19 ACCESSIBLE THROUGH THE WEB-BASED SYSTEM.

20 **SECTION 2.** 24-72.4-102, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SUBSECTION to read:

22 **24-72.4-102. Definitions.** As used in this article, unless the

1 context otherwise requires:

2 (1.3) "ON-LINE DATABASE" MEANS THE SEARCHABLE, ON-LINE
3 REVENUE AND EXPENDITURE DATABASE DEVELOPED, MAINTAINED, AND
4 MADE PUBLICLY AVAILABLE BY THE DEPARTMENT OF TRANSPORTATION
5 PURSUANT TO SECTION 24-72.4-105.

6 **SECTION 3.** 24-72.4-103 (1), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **24-72.4-103. Web-based system - enhancements - procedure**
9 **for challenging exclusions.** (1) The chief information officer shall
10 modify the web-based system to meet the following requirements:

11 (j) THE WEB-BASED SYSTEM SHALL INCLUDE A LINK TO THE
12 ON-LINE DATABASE.

13 **SECTION 4.** Article 72.4 of title 24, Colorado Revised Statutes,
14 is amended BY THE ADDITION OF A NEW SECTION to read:

15 **24-72.4-105. Department of transportation - revenue and**
16 **expenditure - on-line database - link to web-based system.** (1) NO
17 LATER THAN JULY 1, 2012, THE DEPARTMENT OF TRANSPORTATION SHALL
18 DEVELOP, MAINTAIN, AND MAKE PUBLICLY AVAILABLE A SEARCHABLE,
19 ON-LINE REVENUE AND EXPENDITURE DATABASE.

20 (2) THE ON-LINE DATABASE MUST:

21 (a) INCLUDE THE FOLLOWING INFORMATION FOR ALL REVENUES
22 RECEIVED BY THE DEPARTMENT OF TRANSPORTATION:

23 (I) THE AMOUNT RECEIVED;

24 (II) THE DATE OF RECEIPT;

25 (III) THE SOURCE OF THE MONEYS; EXCEPT THAT THE IDENTITY OF
26 AN INDIVIDUAL MAKING A PAYMENT TO THE DEPARTMENT OF
27 TRANSPORTATION SHOULD NOT BE INCLUDED;

1 (IV) THE REASON FOR THE PAYMENT;
2 (V) THE FUND IN WHICH THE MONEYS ARE DEPOSITED; AND
3 (VI) THE PROGRAM FOR WHICH THE MONEYS ARE RECEIVED;
4 (b) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II) OF THIS
5 PARAGRAPH (b), INCLUDE THE FOLLOWING INFORMATION FOR EACH
6 EXPENDITURE MADE BY THE DEPARTMENT OF TRANSPORTATION:
7 (A) THE AMOUNT OF MONEYS EXPENDED;
8 (B) THE DATE OF THE TRANSACTION;
9 (C) THE VENDOR THAT RECEIVED THE PAYMENT;
10 (D) THE PURCHASE CATEGORY; AND
11 (E) THE FUND FROM WHICH THE EXPENDITURE WAS MADE;
12 (II) INCLUDE ONLY THE FOLLOWING INFORMATION ABOUT
13 PAYMENTS MADE TO EACH EMPLOYEE OF THE DEPARTMENT OF
14 TRANSPORTATION:
15 (A) THE PERSONNEL AREA OF THE EMPLOYEE;
16 (B) THE EMPLOYEE'S JOB TITLE; AND
17 (C) THE GROSS YEAR-TO-DATE PAYMENTS MADE TO THE
18 EMPLOYEE;
19 (c) BE SEARCHABLE;
20 (d) BE UPDATED AT LEAST EVERY FIVE BUSINESS DAYS TO INCLUDE
21 NEW EXPENDITURE AND REVENUE DATA;
22 (e) BEGINNING ON JULY 1, 2013, INCLUDE ARCHIVED REVENUE
23 AND EXPENDITURE DATA FOR THE PRIOR STATE FISCAL YEAR ONLY.
24 (3) THE ON-LINE DATABASE MUST NOT INCLUDE:
25 (a) ANY INFORMATION THAT IS NOT A PUBLIC RECORD OR THAT IS
26 EXEMPT FROM DISCLOSURE PURSUANT TO THE "COLORADO OPEN
27 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE, OR PURSUANT TO

1 PART 3 OF ARTICLE 72 OF THIS TITLE; OR

2 (b) ANY INFORMATION THAT IS CONFIDENTIAL PURSUANT TO STATE
3 OR FEDERAL LAW.

4 (4) THE DEPARTMENT OF TRANSPORTATION MAY INCLUDE ANY
5 OTHER INFORMATION THAT THE DEPARTMENT DETERMINES WILL INCREASE
6 TRANSPARENCY.

7 **SECTION 5. Appropriation.** In addition to any other
8 appropriation, there is hereby appropriated to the Governor-Lieutenant
9 Governor-office of state planning and budgeting, for allocation to the
10 office of information technology, for the fiscal year beginning July 1,
11 2011, the sum of fifty-four thousand five hundred thirty-eight dollars
12 (\$54,538), or so much thereof as may be necessary, for computer
13 programming services related to the implementation of this act. Said sum
14 shall be from reappropriated funds received from the department of
15 transportation.

16 **SECTION 6. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part shall not take effect
23 unless approved by the people at the general election to be held in
24 November 2012 and shall take effect on the date of the official
25 declaration of the vote thereon by the governor.