

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0405.01 Troy Bratton

**HOUSE BILL 10-1113**

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**HOUSE SPONSORSHIP**

**McFadyen**, Sonnenberg, Vaad

**SENATE SPONSORSHIP**

**Hodge**, Kester

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE MODIFICATION OF AGENCIES THAT PERFORM**  
102 **OVERSIGHT OF THE COMMERCIAL VEHICLE INDUSTRY THROUGH**  
103 **A TRANSFER OF THE PORTS OF ENTRY SECTION IN THE**  
104 **DEPARTMENT OF REVENUE TO THE COLORADO STATE PATROL**  
105 **IN THE DEPARTMENT OF PUBLIC SAFETY BY A TYPE 2 TRANSFER,**  
106 **AND MAKING AN APPROPRIATION THEREFOR.**

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**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>.)*

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.

Currently, port of entry weigh stations are operated by the department of revenue. The bill transfers the ports of entry section by a **type 2** transfer from the department of revenue to the Colorado state patrol in the department of public safety.

The **type 2** transfer will transfer all port of entry statutory authority, powers, duties, personnel, property, funding, budgeting, purchasing, and planning from the department of revenue to the Colorado state patrol.

The motor carrier services division of the department of revenue remains responsible for personnel and facilities dealing with motor vehicle registrations, while the Colorado state patrol is responsible for enforcement-related and certain permit-related functions at port of entry weigh stations.

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

2 **SECTION 1.** 24-1-128.6 (2) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **24-1-128.6. Department of public safety - creation - repeal.**

5 (2) The department of public safety shall consist of the following  
6 divisions:

7 (a) (I) Colorado state patrol, the head of which shall be the chief  
8 of the Colorado state patrol. The Colorado state patrol and the office of  
9 chief thereof, created by part 2 of article 33.5 of this title, and their  
10 powers, duties, and functions are transferred by a **type 2** transfer to the  
11 department of public safety.

12 (II) The powers, duties, and functions of the state department of  
13 highways relating to the Colorado state patrol are transferred by a **type 2**  
14 transfer to the department of public safety and allocated to the Colorado  
15 state patrol.

16 (III) (A) THE POWERS, DUTIES, AND FUNCTIONS OF THE PORT OF  
17 ENTRY SAFETY PROGRAM AND OF THE MOTOR CARRIER SAFETY PROGRAM  
18 OF THE PORTS OF ENTRY SECTION IN THE DEPARTMENT OF REVENUE ARE

1 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC  
2 SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL; EXCEPT THAT  
3 NO PORT OF ENTRY PERSONNEL SHALL BE TRANSFERRED AND SUCH  
4 PERSONNEL SHALL REMAIN WITH THE DEPARTMENT OF REVENUE.  
5 WHENEVER ANY LAW OF THIS STATE OR ANY RULE PROMULGATED UNDER  
6 THE LAWS OF THIS STATE REFERS TO THE PORT OF ENTRY SAFETY PROGRAM  
7 OR THE MOTOR CARRIER SAFETY PROGRAM OF THE PORTS OF ENTRY  
8 SECTION OF THE DEPARTMENT OF REVENUE, SUCH LAW OR RULE SHALL BE  
9 DEEMED TO REFER TO THE DEPARTMENT OF PUBLIC SAFETY.

10 (B) THE DEPARTMENT OF PUBLIC SAFETY, IN COLLABORATION  
11 WITH THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF  
12 REVENUE, SHALL ISSUE A REQUEST FOR PROPOSAL FOR A PERFORMANCE  
13 STUDY TO BE CONDUCTED BY AN INDEPENDENT PRIVATE VENDOR. THE  
14 DEPARTMENTS SHALL WORK COOPERATIVELY TO DETERMINE THE SCOPE  
15 OF THE STUDY AND THE INDEPENDENT PRIVATE VENDOR SHALL REQUEST  
16 AND CONSIDER INPUT FROM POTENTIALLY IMPACTED PARTIES DURING THE  
17 COURSE OF THE STUDY. THE STUDY SHALL INCLUDE, BUT NOT BE LIMITED  
18 TO, AN EXAMINATION OF THE PORTS OF ENTRY OPERATIONS,  
19 INFRASTRUCTURE, MANAGEMENT, POTENTIAL COST SAVINGS OR  
20 EFFICIENCIES, AS WELL AS HOW THE PORT OF ENTRY SECTION MAY  
21 MAXIMIZE RESOURCES AND TECHNOLOGY. THE STUDY SHALL ALSO  
22 DETERMINE WHICH PRINCIPAL DEPARTMENT IS MOST APPROPRIATE FOR  
23 OPERATING THE PORTS OF ENTRY SECTION IN A COST EFFECTIVE MANNER.  
24 THE INDEPENDENT PRIVATE VENDOR SHALL COMPLETE THE PERFORMANCE  
25 REVIEW AND REPORT ITS FINDINGS TO THE TRANSPORTATION COMMITTEES  
26 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES NO LATER THAN  
27 JUNE 1, 2011.

1 (C) NO LATER THAN JULY 1, 2010, THE DEPARTMENT OF REVENUE  
2 AND THE COLORADO STATE PATROL, THROUGH THE DEPARTMENT OF  
3 PUBLIC SAFETY, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING  
4 AGREEING TO MAINTAIN, TO THE EXTENT POSSIBLE, CONSISTENCY AND  
5 UNIFORMITY IN THE APPLICATION OF ANY STATE LAWS, STATE  
6 ADMINISTRATIVE RULES, FEDERAL LAWS, OR FEDERAL REGULATIONS  
7 CONCERNING MOTOR VEHICLE SAFETY AS THOSE LAWS OR RULES RELATE  
8 TO THE PORTS OF ENTRY TO ENSURE THAT THE PORT OF ENTRY SECTION  
9 REMAINS ELIGIBLE FOR FEDERAL FUNDING.

10 **SECTION 2. Appropriation - adjustments to the 2010 long**

11 **bill.** (1) In addition to any other appropriation, there is hereby  
12 appropriated, out of any moneys in the highway users tax fund pursuant  
13 to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, not  
14 otherwise appropriated, to the department of public safety, for allocation  
15 to the Colorado state patrol, for the fiscal year beginning July 1, 2010, the  
16 sum of two hundred ninety-one thousand four hundred forty-one dollars  
17 (\$291,441) cash funds, or so much thereof as may be necessary, for the  
18 implementation of this act.

19 (2) For the implementation of this act, appropriations made in the  
20 annual general appropriation act for the fiscal year beginning July 1,  
21 2010, shall be adjusted as follows:

22 (a) The appropriation to the department of public safety, executive  
23 directors office, for centrally appropriated line items, is increased by  
24 eleven thousand dollars (\$11,000) cash funds. Said cash funds shall be  
25 from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III)  
26 (C), Colorado Revised Statutes.

27 (b) The appropriation to the department of public safety, Colorado

1 state patrol, is increased by nine hundred fifteen thousand three hundred  
2 four dollars (\$915,304) total funds and 10.0 FTE. Of said sum, thirty-five  
3 thousand one hundred sixty-six dollars (\$35,166) shall be cash funds from  
4 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),  
5 Colorado Revised Statutes, thirty-three thousand three hundred forty-four  
6 dollars (\$33,344) shall be cash funds from the nuclear materials  
7 transportation fund created in section 42-20-511, Colorado Revised  
8 Statutes, eighty-three thousand eight hundred forty-four dollars (\$83,844)  
9 shall be reappropriated funds from the motor carrier safety assistance  
10 program, and seven hundred sixty-two thousand nine hundred fifty dollars  
11 (\$762,950) shall be federal funds from the motor carrier safety assistance  
12 program grant.

13 (c) The appropriation to the department of revenue, executive  
14 directors office, for centrally appropriated line items, is decreased by  
15 eleven thousand dollars (\$11,000) cash funds. These funds shall be from  
16 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),  
17 Colorado Revised Statutes.

18 (d) The appropriation to the department of revenue, motor carrier  
19 services division, is decreased by nine hundred fifteen thousand three  
20 hundred four dollars (\$915,304) total funds and 10.0 FTE. Of said sum,  
21 thirty-five thousand one hundred sixty-six dollars (\$35,166) shall be cash  
22 funds from the highway users tax fund pursuant to section 43-4-201 (3)  
23 (a) (III) (C), Colorado Revised Statutes, thirty-three thousand three  
24 hundred forty-four dollars (\$33,344) shall be cash funds from the nuclear  
25 materials transportation fund created in section 42-20-511, Colorado  
26 Revised Statutes, eighty-three thousand eight hundred forty-four dollars  
27 (\$83,844) shall be reappropriated funds from the motor carrier safety

1 assistance program, and seven hundred sixty-two thousand nine hundred  
2 fifty dollars (\$762,950) shall be federal funds from the motor carrier  
3 safety assistance program grant.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.