

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 28, 2005
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB05-1342 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 4, after line 12, insert the following:
 - 2 **"7-45-101.5. Deadline to commence work - maintenance of**
 - 3 **effort requirement.** A CORPORATION INCORPORATED IN ACCORDANCE
 - 4 WITH THE PROVISIONS OF SECTION 7-45-101 SHALL COMMENCE WORK ON
 - 5 THE TOLL ROAD OR TOLL HIGHWAY PROPOSED IN THE CERTIFICATE OF
 - 6 INCORPORATION WITHIN THREE YEARS AFTER THE FILING OF THE
 - 7 CERTIFICATE AND SHALL CONTINUE THE WORK FROM DAY TO DAY UNTIL
 - 8 AT LEAST FIVE HUNDRED THOUSAND DOLLARS HAS BEEN EXPENDED ON THE
 - 9 TOLL ROAD OR TOLL HIGHWAY. IF THE CORPORATION FAILS TO PERFORM
 - 10 THE REQUIRED WORK, IT SHALL FORFEIT ALL RIGHTS ACQUIRED UNDER ITS
 - 11 CERTIFICATE OF INCORPORATION AND BE ADMINISTRATIVELY DISSOLVED.";
- 12 line 18, after "BEFORE", insert "CONDEMNING LAND FOR OR".
- 13 Page 7, line 23, strike "BECAUSE" and substitute "AND THAT".
- 14 Page 9, strike lines 6 through 8.
- 15 Renumber succeeding subsections accordingly.
- 16 Page 9, line 12, strike "RAILROAD";
- 17 line 13, strike "FACILITIES, RAIL CROSSINGS,";

1 line 15, after "SERVICE AREAS,", insert "WHICH SHALL BE LIMITED TO GAS
2 STATIONS, RESTAURANTS, AND TRAVEL-RELATED SERVICES THAT SERVE
3 MOTORISTS USING THE TOLL ROAD OR TOLL HIGHWAY,";

4 line 20, strike "THEREIN," and substitute "THEREIN NECESSARY TO FULFILL
5 THE REQUIREMENTS OF THIS ACT,";

6 line 22, after "HIGHWAY.", add "NOTHING IN THIS ARTICLE SHALL BE
7 CONSTRUED TO AFFECT ANY COMMON CARRIER, AS DEFINED IN SECTION
8 40-1-102 (3), C.R.S., INCLUDING, BUT NOT LIMITED TO, ANY RAILROAD.";

9 line 24, strike "THAT";

10 strike lines 25 and 26.

11 Page 10, after line 3, insert the following:

12 **"7-45-106. Sale of corporation or assets - land to be used only**
13 **for a toll road or toll highway.** IF A CORPORATION FORMED UNDER THIS
14 ARTICLE IS SOLD OR SELLS ITS INTEREST IN A TOLL ROAD OR TOLL
15 HIGHWAY OR REAL PROPERTY OBTAINED FOR THE PURPOSE OF
16 CONSTRUCTING OR OPERATING A TOLL ROAD OR TOLL HIGHWAY, THE
17 PURCHASER SHALL USE ANY REAL PROPERTY PURCHASED ONLY FOR THE
18 PURPOSE OF CONSTRUCTING OR OPERATING A TOLL ROAD OR TOLL
19 HIGHWAY.";

20 line 11, strike "RAILROAD FACILITIES,";

21 line 12, strike "RAIL CROSSINGS,";

22 line 14, after "SERVICE AREAS,", insert "WHICH SHALL BE LIMITED TO GAS
23 STATIONS, RESTAURANTS, AND TRAVEL-RELATED SERVICES THAT SERVE
24 MOTORISTS USING THE TOLL ROAD OR TOLL HIGHWAY,";

25 line 19, strike "THEREIN," and substitute "THEREIN NECESSARY TO FULFILL
26 THE REQUIREMENTS OF THIS ACT,";

27 line 20, after "HIGHWAY.", add "NOTHING IN THIS PART 3 SHALL BE
28 CONSTRUED TO AFFECT ANY COMMON CARRIER, AS DEFINED IN SECTION
29 40-1-102 (3), C.R.S., INCLUDING, BUT NOT LIMITED TO, ANY RAILROAD.".

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