

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 2, 2023  
Date

Committee on Energy & Environment.

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

HB23-1101 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2           **"SECTION 1. Legislative declaration.** (1) The general  
3 assembly finds and declares that transit systems, including those  
4 maintained by regional transportation authorities, are essential to the  
5 health and welfare of the citizens of the state because:

6           (a) Ridership of transit systems decreases the number of  
7 automobiles on state highways and other roadways within the state,  
8 resulting in reductions in both harmful emissions and traffic-related  
9 problems caused by such automobiles; and

10           (b) The complexity of modern transit systems necessitates  
11 long-term planning for such systems, which in turn requires that transit  
12 agencies, including regional transportation authorities, possess tools to  
13 provide the funding necessary to maintain and expand such systems.

14           (2) The general assembly further finds and declares that current  
15 funding options available to regional transportation authorities are  
16 inadequate and can be enhanced to provide for current and future funding  
17 need because:

18           (a) Current law authorizes a regional transportation authority to  
19 seek voter approval for a uniform mill levy of up to 5 mills on all taxable  
20 property within its territory, but the authorization to seek such voter  
21 approval is scheduled to sunset as of January 1, 2029, leaving regional  
22 transportation authorities without the ability after that date to present  
23 voters with the choice to empower the authority to impose or increase this  
24 vital funding source; and

25           (b) Current law also authorizes regional transportation authorities  
26 to seek voter approval for a sales or use tax, or both, upon every  
27 transaction or other incident with respect to which a sales or use tax is

1 levied by the state, but limits the maximum rate of the tax for which such  
2 voter approval may be sought to one percent, thereby potentially  
3 preventing regional transportation authorities from imposing a higher rate  
4 that may nevertheless be supported by voters.

5 (3) It is the general assembly's intent, through the enactment of  
6 section 5 of this act, to preserve and enhance funding options for regional  
7 transportation authorities by enabling regional transportation authorities  
8 to:

9 (a) Retain the authority to seek voter approval of a mill levy after  
10 January 1, 2029; and

11 (b) Seek voter approval for a sales tax, use tax, or both, up to a  
12 rate of two percent.

13 4) Nothing in this section is intended to abridge or otherwise  
14 adversely impact the right or power of any regional transportation  
15 authority to continue to annually levy any mill levy, or to continue to levy  
16 any sales tax, use tax, or both, that was authorized by voter approval prior  
17 to the effective date of this act."

18 Renumber succeeding sections accordingly.

19 Page 3, line 7, after "(4)" insert "(a)".

20 Page 3, strike line 13 and substitute "regional transportation district;  
21 EXCEPT THAT:

22 (I) IF THE OFFICE AWARDS A GRANT FOR A YEAR TO A TRANSIT  
23 ASSOCIATION IN AN AMOUNT LESS THAN THREE MILLION DOLLARS, THEN  
24 THE MAXIMUM AMOUNT OF THE GRANT THAT THE OFFICE MAY AWARD TO  
25 THE TRANSIT ASSOCIATION FOR THE NEXT YEAR IS THREE MILLION  
26 DOLLARS PLUS AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THREE  
27 MILLION DOLLARS AND THE AMOUNT OF THE GRANT AWARDED TO THE  
28 TRANSIT ASSOCIATION FOR THE PRIOR YEAR; AND

29 (II) IF THE OFFICE AWARDS A GRANT FOR A YEAR TO THE REGIONAL  
30 TRANSPORTATION DISTRICT IN AN AMOUNT LESS THAN ELEVEN MILLION  
31 DOLLARS, THEN THE MAXIMUM AMOUNT OF THE GRANT THAT THE OFFICE  
32 MAY AWARD TO THE REGIONAL TRANSPORTATION DISTRICT FOR THE NEXT  
33 YEAR IS ELEVEN MILLION DOLLARS PLUS AN AMOUNT EQUAL TO THE  
34 DIFFERENCE BETWEEN ELEVEN MILLION DOLLARS AND THE AMOUNT OF  
35 THE GRANT AWARDED TO THE REGIONAL TRANSPORTATION DISTRICT FOR  
36 THE PRIOR YEAR.

37 (b) A TRANSIT ASSOCIATION, THE REGIONAL".

38 Page 6, after line 20 insert:

1           **"SECTION 5.** In Colorado Revised Statutes, 43-4-605, **amend**  
2 (1)(j)(I); and **repeal** (1)(j.5)(II) as follows:  
3           **43-4-605. Powers of the authority - inclusion or exclusion of**  
4 **property - determination of regional transportation system alignment**  
5 **- fund created - repeal.** (1) In addition to any other powers granted to  
6 an authority pursuant to this part 6, an authority has the following powers:  
7           (j) (I) Subject to the provisions of section 43-4-612, to levy, in all  
8 or any designated portion of the members of the combination or of the  
9 members of the transportation planning organization exercising the  
10 powers of an authority as authorized by section 43-4-622, a sales or use  
11 tax, or both, at a rate not to exceed ~~one~~ TWO percent upon every  
12 transaction or other incident with respect to which a sales or use tax is  
13 levied by the state; except that, if the authority includes territory that is  
14 within the regional transportation district created and existing pursuant to  
15 article 9 of title 32, a designated portion of the members of the  
16 combination or of the members of the transportation planning  
17 organization in which a new tax is levied must be composed of entire  
18 territories of members of the combination or of the members of the  
19 transportation planning organization so that the rate of tax imposed  
20 pursuant to this part 6 within the territory of any single member of the  
21 combination or of the members of the transportation planning  
22 organization is uniform and except that the authority shall not levy a sales  
23 or use tax on any transaction or other incident occurring in any territory  
24 located outside the boundaries of the authority and within the boundaries  
25 of a municipality as the boundaries of the municipality exist on the date  
26 the authority is created without the consent of the governing body of the  
27 municipality or outside the boundaries of the authority and within the  
28 unincorporated boundaries of a county as the unincorporated boundaries  
29 exist on the date the authority is created without the consent of the  
30 governing body of the county. Subject to the provisions of section  
31 43-4-612, the authority may elect to levy any such sales or use tax at  
32 different rates in different designated portions of the members of the  
33 combination or of the members of the transportation planning  
34 organization; except that, if the authority includes territory that is within  
35 the regional transportation district, a designated portion of the members  
36 of the combination or of the members of the transportation planning  
37 organization in which a new tax is levied must be composed of entire  
38 territories of members of the combination or of the members of the  
39 transportation planning organization so that the rate of tax imposed  
40 pursuant to this part 6 within the territory of any single member of the  
41 combination or of the transportation planning organization is uniform. If  
42 the authority so elects, it shall submit a single ballot question that lists all  
43 of the different rates to the registered electors of all designated portions

1 of the members of the combination or of the transportation planning  
2 organization in which the proposed sales or use tax is to be levied. The  
3 tax imposed pursuant to this subsection (1)(j) is in addition to any other  
4 sales or use tax imposed pursuant to law. If a member of the combination  
5 or of the transportation planning organization is located within more than  
6 one authority, the sales or use tax, or both, authorized by this subsection  
7 (1)(j) shall not exceed ~~one~~ TWO percent upon every transaction or other  
8 incident with respect to which a sales or use tax is levied by the state. The  
9 executive director of the department of revenue shall collect, administer,  
10 and enforce the sales or use tax, to the extent feasible, in the manner  
11 provided in section 29-2-106. The director shall make monthly  
12 distributions of the tax collections to the authority, which shall apply the  
13 proceeds solely to the financing, construction, operation, or maintenance  
14 of regional transportation systems. The department shall retain an amount  
15 not to exceed the total cost of the collection, administration, and  
16 enforcement and shall transmit the amount to the state treasurer, who  
17 shall credit the same to the regional transportation authority sales tax  
18 fund, which fund is hereby created. The amounts so retained are hereby  
19 appropriated annually from the fund to the department to the extent  
20 necessary for the department's collection, administration, and enforcement  
21 of this part 6. Any money remaining in the fund attributable to taxes  
22 collected in the prior fiscal year shall be transmitted to the authority;  
23 except that, prior to the transmission to the authority of such money, any  
24 money appropriated from the general fund to the department for the  
25 collection, administration, and enforcement of the tax for the prior fiscal  
26 year shall be repaid.

27 (j.5) (II) ~~This subsection (1)(j.5) is repealed, effective January 1,~~  
28 ~~2029."~~

29 Renumber succeeding section accordingly.

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