

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-1233.01 Kate Meyer x4348

SENATE BILL 16-194

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

Moreno and DelGrosso,

Senate Committees

Transportation
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR STATE HIGHWAY AND REGIONAL TRANSIT**
102 **PROJECTS THAT DIRECTLY ENABLE COMMERCIAL**
103 **DEVELOPMENT IN ADJACENT AREAS THAT HAVE BEEN DEEMED**
104 **UNDEVELOPED OR UNDERDEVELOPED DUE TO INADEQUATE**
105 **STATE HIGHWAY AND TRANSPORTATION SYSTEMS, AND, IN**
106 **CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT**
107 **REVIEW OF THE IMPLEMENTATION OF THIS ACT.**

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/bills summaries>.)

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
Amended 2nd Reading
May 5, 2016

To facilitate highway and transit development in areas where the lack of such development is causing adjacent commercial property to be undeveloped or underdeveloped due to lack of adequate highway and transportation access, **section 1** of the bill creates the "Regional Transportation Development Act" (act).

The act allows a city, county, city and county, town, or contiguous grouping of such entities (local government) to apply to the state transportation commission (commission) for approval of a regional transportation development project (project), defined as a project that:

- ! Is adjacent to or within the immediate vicinity of undeveloped or underdeveloped commercial property;
- ! Involves the construction, reconstruction, expansion, or repair to allow greater utilization of any component of the state highway system or a regional transit system;
- ! Will result in greater commercial development within a regional transportation development corridor than would otherwise occur but for the completion of the project; and
- ! Is eligible to receive federal highway matching funds.

The act specifies mandatory project application components. The director of the Colorado department of transportation (CDOT) must forward an application within 60 days of receipt, with a recommendation that the commission approve, approve with conditions, or deny the application. No later than 90 days after receiving the forwarded application, the commission must hold a public hearing regarding the application, and take action on the application within 30 days of that hearing.

Any local government or combination of local governments may create an authority to exercise the functions authorized by the act. The legal character, features, powers, and organization of authorities are described. Additionally, any authority may establish a regional transportation development enterprise to conduct activities under the act. Such authorities and enterprises may fund all or a portion of a highway or transit project by issuing bonds and pledge any state sales tax increment revenues approved by the commission to repay such bonds. The act provides for a portion of the state sales tax increment revenues (i.e., the amount of the revenue derived from state sales taxes in excess of the amount of base year revenue) collected by commercial development within a project area to be allocated to the transportation project, only if it can be shown that the increased revenues are due to the improved highway or transit project.

Section 2 sets forth the duties and powers of the department of revenue (DOR) with respect to projects, including the requirement that DOR determine base year revenue for each regional transportation development corridor, appropriately allocate state sales tax increment

revenue, and promulgate rules to implement DOR's responsibilities under the act.

Section 3 contains an accountability clause, which requires the legislative service agencies of the general assembly to conduct a post-enactment review of the bill 7 years after it becomes law.

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

SECTION 1. In Colorado Revised Statutes, **add** part 11 to article 4 of title 43 as follows:

PART 11

REGIONAL TRANSPORTATION

DEVELOPMENT PROJECTS

43-4-1101. Short title. THE SHORT TITLE OF THIS PART 11 IS THE "REGIONAL TRANSPORTATION DEVELOPMENT ACT".

43-4-1102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) TARGETED INVESTMENT IN TRANSPORTATION INFRASTRUCTURE CAN BENEFIT THE STATE ECONOMY AND CREATE JOBS FOR COLORADANS BY ENCOURAGING DEVELOPMENT OF UNDEVELOPED OR UNDERDEVELOPED COMMERCIAL AREAS;

(b) AS MOTOR VEHICLES HAVE BECOME MORE FUEL EFFICIENT AND HIGHWAY CONSTRUCTION COSTS HAVE CONSISTENTLY INCREASED, THE PURCHASING POWER OF THE TRANSPORTATION-DEDICATED REVENUES GENERATED BY STATE AND FEDERAL MOTOR FUEL TAXES HAS DECREASED. AS A RESULT, THE STATE HAS STRUGGLED TO FUND STATE HIGHWAY SYSTEM AND REGIONAL TRANSIT PROJECTS.

(c) THE LACK OF ADEQUATE FUNDING FOR THESE PROJECTS HINDERS THE GROWTH OF THE STATE ECONOMY AND REDUCES THE NUMBER OF JOBS AVAILABLE FOR COLORADANS BY DISCOURAGING

1 BUSINESSSES FROM LOCATING THEIR BUSINESS OPERATIONS IN CERTAIN
2 AREAS OF THE STATE OR EVEN THE STATE AT ALL;

3 (d) THERE ARE CERTAIN COMMERCIAL ZONES IN AREAS OF THE
4 STATE THAT ARE UNDEVELOPED OR UNDERDEVELOPED DUE TO A LACK OF
5 ADEQUATE TRANSPORTATION ACCESS, AND THE CITIZENS OF THE STATE
6 ARE BEST SERVED BY PROMOTING THE INFILL OF THESE AREAS;

7 (e) IT IS THEREFORE IN THE BEST INTERESTS OF THE PEOPLE OF THE
8 STATE TO PROVIDE AN INCENTIVE TO COMMUNITIES TO FINANCE STATE
9 HIGHWAY SYSTEM AND REGIONAL TRANSIT PROJECTS THAT WILL ATTRACT
10 COMMERCIAL DEVELOPMENT TO THESE AREAS BY ALLOCATING A PORTION
11 OF THE STATE SALES TAX INCREMENT REVENUES COLLECTED BY SUCH
12 COMMERCIAL DEVELOPMENT TO THOSE HIGHWAY OR TRANSIT PROJECTS
13 WHEN LOCAL GOVERNMENTS ARE ALSO WILLING TO PROVIDE IMMEDIATE
14 FUNDING FOR SUCH PROJECTS THAT WOULD OTHERWISE NOT BE BUILT OR
15 WOULD BE DELAYED.

16 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, IN ORDER
17 TO ASSESS WHETHER THE "REGIONAL TRANSPORTATION DEVELOPMENT
18 ACT" IS ACHIEVING ITS INTENDED RESULTS AS SET FORTH IN SUBSECTION
19 (1) OF THIS SECTION, THE LEGISLATIVE SERVICE AGENCIES SHALL PERFORM
20 A POST-ENACTMENT REVIEW OF SENATE BILL 16-194, ENACTED IN 2016,
21 IN ACCORDANCE WITH SECTIONS 43-4-1108 (3) AND 2-2-1201, C.R.S.

22 **43-4-1103. Definitions.** AS USED IN THIS PART 11, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "AUTHORITY" MEANS A BODY CORPORATE AND POLITICAL
25 SUBDIVISION OF THE STATE CREATED PURSUANT TO THIS PART 11.

26 (2) "BASE YEAR REVENUE" MEANS THE STATE SALES TAX REVENUE
27 COLLECTED WITHIN A REGIONAL TRANSPORTATION DEVELOPMENT

1 CORRIDOR DURING THE TWELVE-MONTH PERIOD ENDING ON THE LAST DAY
2 OF THE MONTH IN WHICH THE REGIONAL TRANSPORTATION DEVELOPMENT
3 PROJECT APPLICATION IS SUBMITTED, AS CALCULATED BY THE
4 DEPARTMENT OF REVENUE.

5 (3) "BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

6 (4) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
7 CONTRACT, OR OTHER OBLIGATION OF AN AUTHORITY OR ENTERPRISE
8 AUTHORIZED BY THIS PART 11.

9 (5) "COMBINATION OF LOCAL GOVERNMENTS" OR "COMBINATION"
10 MEANS ANY COMBINATION OF LOCAL GOVERNMENTS, SPECIAL DISTRICTS,
11 AUTHORITIES, ENTERPRISES, OR THE STATE OF COLORADO.

12 (6) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
13 CREATED IN SECTION 43-1-106.

14 (7) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,
15 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,
16 OR RECONSTRUCTION OF REGIONAL TRANSPORTATION DEVELOPMENT
17 SYSTEMS.

18 (8) "COUNTY" MEANS ANY COUNTY ORGANIZED UNDER THE LAWS
19 OF THE STATE, INCLUDING ANY CITY AND COUNTY.

20 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
21 CREATED IN PART 1 OF ARTICLE 1 OF THIS TITLE.

22 (10) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT.

24 (11) "GOVERNMENTAL UNIT" MEANS THE STATE OR ANY POLITICAL
25 SUBDIVISION OF THE STATE, OTHER THAN A SCHOOL DISTRICT OR SPECIAL
26 PURPOSE AUTHORITY AS DEFINED IN SECTION 24-77-102 (15), C.R.S.

27 (12) (a) "GRANT" MEANS A CASH PAYMENT OF PUBLIC FUNDS

1 MADE DIRECTLY TO A REGIONAL TRANSPORTATION DEVELOPMENT
2 AUTHORITY OR AN ENTERPRISE BY A GOVERNMENTAL UNIT, WHICH CASH
3 PAYMENT IS NOT REQUIRED TO BE REPAID.

4 (b) "GRANT" DOES NOT INCLUDE THE FOLLOWING:

5 (I) PUBLIC FUNDS PAID OR ADVANCED TO A REGIONAL
6 TRANSPORTATION DEVELOPMENT AUTHORITY OR ENTERPRISE BY A
7 GOVERNMENTAL UNIT IN EXCHANGE FOR AN AGREEMENT BY THE
8 AUTHORITY OR ENTERPRISE TO PROVIDE A REGIONAL TRANSPORTATION
9 DEVELOPMENT SYSTEM OR FOR THE USE OF PROPERTY INCLUDED IN OR IN
10 CONNECTION WITH A REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM;

11 (II) REFUNDS MADE IN THE CURRENT OR NEXT FISCAL YEAR;

12 (III) GIFTS;

13 (IV) ANY PAYMENTS DIRECTLY OR INDIRECTLY FROM FEDERAL
14 FUNDS OR EARNINGS ON FEDERAL FUNDS;

15 (V) COLLECTIONS FOR ANOTHER GOVERNMENT;

16 (VI) PENSION CONTRIBUTIONS BY EMPLOYEES AND PENSION FUND
17 EARNINGS;

18 (VII) RESERVE TRANSFERS OR EXPENDITURES;

19 (VIII) DAMAGE AWARDS; OR

20 (IX) PROPERTY SALES.

21 (13) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND
22 COUNTY, TOWN, OR METROPOLITAN DISTRICT OR A GROUP OF CONTIGUOUS
23 CITIES, COUNTIES, CITY AND COUNTIES, OR TOWNS.

24 (14) "METROPOLITAN DISTRICT" MEANS A METROPOLITAN
25 DISTRICT CREATED PURSUANT TO TITLE 32, C.R.S., THE BOUNDARIES OF
26 WHICH LIE WHOLLY WITHIN AN UNINCORPORATED AREA OF A COUNTY, AND
27 WHOSE SERVICE PLAN INCLUDES ROADS.

1 (15) "MUNICIPALITY" HAS THE SAME MEANING AS PROVIDED IN
2 SECTION 31-1-101 (6), C.R.S.

3 (16) "PERSON" MEANS ANY NATURAL PERSON, CORPORATION,
4 PARTNERSHIP, ASSOCIATION, OR JOINT VENTURE, THE UNITED STATES OF
5 AMERICA, OR ANY GOVERNMENTAL UNIT.

6 (17) "REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR"
7 MEANS THE AREA DESIGNATED BY THE COMMISSION AS PART OF AN
8 APPROVED APPLICATION THAT ENCOMPASSES THE PROJECT AND THE
9 COMMERCIAL AREAS THAT HAVE BEEN SHOWN TO BE UNDEVELOPED OR
10 UNDERDEVELOPED DUE TO A LACK OF STATE HIGHWAY SYSTEM OR
11 REGIONAL TRANSIT INFRASTRUCTURE AND IS WHOLLY WITHIN THE
12 TERRITORY OF THE APPLICANT.

13 (18) "REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE" OR
14 "ENTERPRISE" MEANS ANY REGIONAL TRANSPORTATION DEVELOPMENT
15 PROJECT BUSINESS, ESTABLISHED PURSUANT TO SECTION 43-4-1106, THAT
16 IS OWNED BY AN AUTHORITY, WHICH ENTERPRISE RECEIVES LESS THAN TEN
17 PERCENT OF ITS ANNUAL REVENUES IN GRANTS FROM ALL STATE AND
18 LOCAL GOVERNMENTS WITHIN THE STATE COMBINED AND IS AUTHORIZED
19 TO ISSUE ITS OWN REVENUE BONDS PURSUANT TO THIS PART 11.

20 (19) "REGIONAL TRANSPORTATION DEVELOPMENT PROJECT" OR
21 "PROJECT" MEANS A STATE HIGHWAY SYSTEM OR REGIONAL TRANSIT
22 PROJECT THAT:

23 (a) IS ADJACENT TO OR WITHIN THE IMMEDIATE VICINITY OF
24 UNDEVELOPED OR UNDERDEVELOPED COMMERCIAL PROPERTY;

25 (b) INVOLVES CONSTRUCTION, RECONSTRUCTION, EXPANSION, OR
26 REPAIR TO ALLOW GREATER UTILIZATION OF ANY COMPONENT OF THE
27 STATE HIGHWAY SYSTEM OR A REGIONAL TRANSIT SYSTEM;

1 (c) WILL RESULT IN GREATER COMMERCIAL DEVELOPMENT WITHIN
2 A REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR THAN WOULD
3 OTHERWISE OCCUR BUT FOR THE COMPLETION OF THE PROJECT; AND

4 (d) IS ELIGIBLE TO RECEIVE FEDERAL HIGHWAY MATCHING FUNDS.

5 (20) "REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM" MEANS
6 ANY PROPERTY, IMPROVEMENT, OR SYSTEM DESIGNED TO BE COMPATIBLE
7 WITH ESTABLISHED STATE AND LOCAL TRANSPORTATION PLANS THAT
8 TRANSPORTS OR CONVEYS PEOPLE OR GOODS OR PERMITS PEOPLE OR
9 GOODS TO BE TRANSPORTED OR CONVEYED WITHIN A REGION BY ANY
10 MEANS, INCLUDING AN AUTOMOBILE, TRUCK, BUS, RAIL, AIR, OR GONDOLA.
11 THE TERM INCLUDES ANY REAL OR PERSONAL PROPERTY OR EQUIPMENT,
12 OR INTEREST THEREIN, THAT IS APPURTENANT OR RELATED TO ANY
13 PROPERTY, IMPROVEMENT, OR SYSTEM THAT TRANSPORTS OR CONVEYS
14 PEOPLE OR GOODS OR PERMITS PEOPLE OR GOODS TO BE TRANSPORTED OR
15 CONVEYED WITHIN A REGION BY ANY MEANS OR THAT IS FINANCED,
16 CONSTRUCTED, OPERATED, OR MAINTAINED IN CONNECTION WITH THE
17 FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY SUCH
18 PROPERTY, IMPROVEMENT, OR SYSTEM. THE TERM MAY ALSO INCLUDE
19 ANY HIGHWAY, ROAD, STREET, BUS SYSTEM, RAILROAD, AIRPORT,
20 GONDOLA SYSTEM, OR MASS TRANSIT SYSTEM AND ANY REAL OR
21 PERSONAL PROPERTY OR EQUIPMENT, OR INTEREST THEREIN, USED IN
22 CONNECTION THEREWITH; ANY REAL OR PERSONAL PROPERTY OR
23 EQUIPMENT, OR INTEREST THEREIN, THAT IS USED TO TRANSPORT OR
24 CONVEY GAS, ELECTRICITY, WATER, SEWAGE, OR INFORMATION OR THAT
25 IS USED IN CONNECTION WITH THE TRANSPORTATION, CONVEYANCE, OR
26 PROVISIONS OF ANY OTHER UTILITIES; AND PAVING, GRADING,
27 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,

1 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, CROSS-ROADS,
2 PARKWAYS, DRAINAGE FACILITIES, MASS TRANSIT LANES, PARK-AND-RIDE
3 FACILITIES, SERVICE AREAS, AND ADMINISTRATIVE OR MAINTENANCE
4 FACILITIES. RIGHTS-OF-WAY INCLUDED IN A REGIONAL TRANSPORTATION
5 DEVELOPMENT SYSTEM SHALL BE CONSIDERED PUBLIC RIGHTS-OF-WAY
6 FOR PURPOSES OF THE LOCATION OF UTILITIES OWNED BY PERSONS OTHER
7 THAN THE AUTHORITY.

8 (21) "REGIONAL TRANSIT" MEANS A PUBLIC BUS, RAIL, OR OTHER
9 MASS TRANSPORTATION SYSTEM.

10 (22) "REVENUES" MEANS ANY CHARGES, ASSESSMENTS, GRANTS,
11 CONTRIBUTIONS, OR OTHER INCOME AND REVENUES RECEIVED BY THE
12 AUTHORITY OR ENTERPRISE.

13 (23) "SPECIAL DISTRICT" HAS THE SAME MEANING AS PROVIDED IN
14 SECTION 32-1-103 (20), C.R.S.

15 (24) "STATE" MEANS THE STATE OF COLORADO OR ANY OF ITS
16 AGENCIES.

17 (25) "STATE HIGHWAY SYSTEM" MEANS THE FEDERAL-AID
18 PRIMARY ROADS, THE FEDERAL-AID SECONDARY ROADS, AND THE
19 INTERSTATE SYSTEM, INCLUDING EXTENSIONS THEREOF WITHIN URBAN
20 AREAS, PLUS AN AMOUNT NOT TO EXCEED FIVE PERCENT OF THE MILEAGE
21 OF SUCH SYSTEMS WHICH MAY BE DECLARED TO BE STATE HIGHWAYS BY
22 THE TRANSPORTATION COMMISSION WHILE NOT BEING ANY PART OF ANY
23 FEDERAL SYSTEM.

24 (26) "STATE SALES TAX INCREMENT REVENUE" MEANS THE
25 PORTION OF THE REVENUE DERIVED FROM STATE SALES TAXES COLLECTED
26 WITHIN A REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR IN
27 EXCESS OF THE AMOUNT OF BASE YEAR REVENUE.

1 (27) "UNDEVELOPED OR UNDERDEVELOPED COMMERCIAL
2 PROPERTY" MEANS COMMERCIAL ZONED PROPERTY THAT HAS BEEN
3 DEMONSTRATED TO BE CAPABLE OF SUPPORTING GREATER COMMERCIAL
4 DEVELOPMENT BUT WHERE SUCH DEVELOPMENT HAS NOT OCCURRED DUE
5 TO A LACK OF ADEQUATE STATE HIGHWAY SYSTEM OR REGIONAL TRANSIT
6 INFRASTRUCTURE IN THE IMMEDIATE AREA OF THE PROPERTY.

7 **43-4-1104. Regional transportation development projects.**

8 (1) A LOCAL GOVERNMENT OR COMBINATION OF LOCAL GOVERNMENTS
9 MAY APPLY TO THE COMMISSION FOR APPROVAL OF A REGIONAL
10 TRANSPORTATION DEVELOPMENT PROJECT. THE APPLICATION MUST BE IN
11 A FORM AND MANNER AS DETERMINED BY THE DEPARTMENT AND MUST
12 INCLUDE:

13 (a) A NARRATIVE DESCRIPTION OF THE PROPOSED PROJECT AND A
14 MAP OF THE REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR;

15 (b) THE ANTICIPATED COSTS AND BENEFITS OF THE PROJECT;

16 (c) A DESCRIPTION OF THE REGIONAL TRANSPORTATION
17 DEVELOPMENT CORRIDOR AND EVIDENCE THAT IT IS UNDEVELOPED OR
18 UNDERDEVELOPED DUE TO A LACK OF ADEQUATE TRANSPORTATION
19 INFRASTRUCTURE TO SUPPORT GREATER COMMERCIAL DEVELOPMENT;

20 (d) AN EXPLANATION OF HOW, BUT FOR THE PROJECT, GREATER
21 COMMERCIAL DEVELOPMENT WILL NOT OCCUR WITHIN THE REGIONAL
22 TRANSPORTATION DEVELOPMENT CORRIDOR WITHIN A REASONABLE AND
23 FORESEEABLE PERIOD OF TIME;

24 (e) THE NUMBER AND TYPE OF NEW JOBS TO BE CREATED AS A
25 RESULT OF THE PROJECT;

26 (f) THE ADDITIONAL AMOUNT OF STATE SALES TAX REVENUE
27 ANTICIPATED TO BE GENERATED IN THE PROPOSED REGIONAL

1 TRANSPORTATION DEVELOPMENT CORRIDOR AS A RESULT OF THE PROJECT;

2 (g) THE AMOUNT OF LOCAL SALES TAX, PROPERTY TAX, AND ANY
3 OTHER LOCAL TAX REVENUE ANTICIPATED TO BE GENERATED IN THE
4 PROPOSED REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR AS A
5 RESULT OF THE PROJECT;

6 (h) A DESCRIPTION OF THE PLAN FOR FUNDING THE COMPLETION OF
7 THE PROJECT, INCLUDING A STATEMENT OF THE ANTICIPATED COSTS OF
8 COMPLETING THE PROJECT AND THE AMOUNT AND PERCENTAGE OF THE
9 TOTAL FUNDING OF THE PROJECT TO BE PROVIDED BY THE APPLICANT,
10 INCLUDING THE AMOUNT TO BE FUNDED BY EACH LOCAL GOVERNMENT,
11 THE FEDERAL GOVERNMENT, AND ANY OTHER FUNDING SOURCES.

12 (2) WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION, THE
13 DIRECTOR SHALL FORWARD THE APPLICATION TO THE COMMISSION WITH
14 A RECOMMENDATION THAT THE COMMISSION APPROVE OR DENY THE
15 APPLICATION OR APPROVE THE APPLICATION WITH CONDITIONS. AN
16 APPLICANT MAY MEET WITH THE DIRECTOR PRIOR TO THE DIRECTOR
17 MAKING A RECOMMENDATION.

18 (3) NO LATER THAN NINETY DAYS AFTER THE FORWARDING OF AN
19 APPLICATION TO THE COMMISSION, THE COMMISSION SHALL HOLD A PUBLIC
20 HEARING, SUBJECT TO THE "COLORADO SUNSHINE ACT OF 1972", PART 4
21 OF ARTICLE 6 OF TITLE 24, TO REVIEW AND CONSIDER THE APPLICATION.
22 THE COMMISSION SHALL TAKE ACTION ON THE APPLICATION NO LATER
23 THAN THIRTY DAYS AFTER THE HEARING.

24 (4) THE COMMISSION SHALL APPROVE THE APPLICATION, WITH OR
25 WITHOUT CONDITIONS, IF IT DETERMINES THAT THE APPLICANT HAS MET
26 ALL OF THE APPLICATION CRITERIA SET FORTH IN SUBSECTION (1) OF THIS
27 SECTION.

1 (5) FOLLOWING THE COMMISSION'S APPROVAL OF AN APPLICATION,
2 THE COMMISSION SHALL PROMPTLY TRANSMIT WRITTEN NOTICE AND A
3 COPY OF THE APPROVAL TO THE EXECUTIVE DIRECTOR OF THE
4 DEPARTMENT OF REVENUE. THE TRANSMITTAL MUST INCLUDE ANY
5 INFORMATION REQUESTED BY THE DEPARTMENT OF REVENUE TO FULFILL
6 ITS OBLIGATIONS PURSUANT TO THIS PART 11.

7 **43-4-1105. Creation of authority - powers.** (1) ANY LOCAL
8 GOVERNMENT MAY CREATE, OR ANY COMBINATION OF LOCAL
9 GOVERNMENTS MAY CONTRACT TO CREATE, AN AUTHORITY THAT IS
10 AUTHORIZED TO EXERCISE THE FUNCTIONS CONFERRED BY THIS PART 11
11 UPON THE ISSUANCE BY THE DIRECTOR OF THE DIVISION OF LOCAL
12 GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, REFERRED TO IN
13 THIS SECTION AS THE "DIVISION", A CERTIFICATE STATING THAT THE
14 AUTHORITY HAS BEEN DULY ORGANIZED ACCORDING TO THE LAWS OF THE
15 STATE. THE COMBINATION OF LOCAL GOVERNMENTS JOINING IN THE
16 CREATION OF THE AUTHORITY SHALL PROVIDE A COPY OF THE CONTRACT
17 TO THE DEPARTMENT FOR COMMENT AND, IF THE TERRITORY OF THE
18 PROPOSED AUTHORITY INCLUDES OR BORDERS ANY TERRITORY OF THE
19 REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32,
20 C.R.S., OR INTERSECTS WITH OR IS LIKELY TO DIVERT VEHICLE TRAFFIC TO
21 OR FROM A TOLL HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY
22 ESTABLISHED UNDER PART 5 OF THIS ARTICLE, SHALL ALSO PROVIDE A
23 COPY OF THE CONTRACT TO THE DISTRICT OR THE AFFECTED PUBLIC
24 HIGHWAY AUTHORITY, AS APPLICABLE, FOR COMMENT. THE COMBINATION
25 SHALL ALSO PROVIDE A COPY OF THE CONTRACT FOR COMMENT TO EACH
26 COUNTY AND MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION
27 BUT THAT INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE

1 PROPOSED AUTHORITY. THE DIRECTOR OF THE DIVISION SHALL ISSUE THE
2 CERTIFICATE UPON THE FILING WITH THE DIRECTOR OF A COPY OF THE
3 CONTRACT BY THE COMBINATION JOINING IN THE CREATION OF THE
4 AUTHORITY. THE DIRECTOR OF THE DIVISION SHALL CAUSE THE
5 CERTIFICATE TO BE RECORDED IN THE REAL ESTATE RECORDS IN EACH
6 COUNTY HAVING TERRITORY INCLUDED IN THE BOUNDARIES OF THE
7 AUTHORITY. UPON ISSUANCE OF THE CERTIFICATE BY THE DIRECTOR, THE
8 AUTHORITY CONSTITUTES A SEPARATE BODY CORPORATE AND SHALL HAVE
9 ALL OF THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND
10 DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE AND SHALL NOT
11 BE SUBJECT TO TAXATION.

12 (2) ANY CONTRACT ESTABLISHING AN AUTHORITY SHALL SPECIFY:

13 (a) THE NAME AND PURPOSE OF THE AUTHORITY AND THE
14 REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS TO BE PROVIDED;

15 (b) THE ESTABLISHMENT AND ORGANIZATION OF THE BOARD OF
16 DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS
17 VESTED, INCLUDING:

18 (I) THE NUMBER OF DIRECTORS, WHICH MUST BE AT LEAST FIVE,
19 ALL OF WHICH, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION,
20 MUST BE ELECTED OFFICIALS FROM THE MEMBERS OF THE ENTITIES
21 FORMING THE AUTHORITY AND WHICH MUST INCLUDE AT LEAST ONE
22 ELECTED OFFICIAL FROM EACH MEMBER OF THE COMBINATION OF LOCAL
23 GOVERNMENTS;

24 (II) THE MANNER OF THE APPOINTMENT, THE QUALIFICATIONS, AND
25 THE COMPENSATION, IF ANY, OF THE DIRECTORS AND THE PROCEDURE FOR
26 FILLING VACANCIES;

27 (III) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR

1 APPOINTMENT, AND THEIR DUTIES; AND

2 (IV) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD;
3 EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE
4 CONTRACT, A MAJORITY OF THE DIRECTORS OF THE BOARD CONSTITUTES
5 A QUORUM AND A MAJORITY OF THE BOARD IS NECESSARY FOR ACTION BY
6 THE BOARD;

7 (c) THE PROVISIONS FOR THE DISTRIBUTION, DISPOSITION, OR
8 DIVISION OF THE ASSETS OF THE AUTHORITY;

9 (d) THE BOUNDARIES OF THE AUTHORITY, WHICH MAY NOT
10 INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF
11 THE COMBINATION OF LOCAL GOVERNMENTS, MAY NOT INCLUDE
12 TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A
13 MEMBER OF THE COMBINATION AS THE BOUNDARIES OF THE MUNICIPALITY
14 EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT
15 OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND MAY NOT INCLUDE
16 TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY
17 THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED
18 BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS
19 CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH
20 COUNTY;

21 (e) THE TERM OF THE CONTRACT, WHICH MAY BE FOR A DEFINITE
22 TERM OR UNTIL RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY
23 WHICH IT MAY BE TERMINATED OR RESCINDED; EXCEPT THAT THE
24 CONTRACT MAY NOT BE TERMINATED OR RESCINDED SO LONG AS THE
25 AUTHORITY HAS BONDS OUTSTANDING;

26 (f) THE PROVISIONS FOR AMENDMENT OF THE CONTRACT;

27 (g) THE LIMITATIONS, IF ANY, ON THE POWERS GRANTED BY THIS

1 PART 11 THAT MAY BE EXERCISED BY THE AUTHORITY PURSUANT TO THIS
2 PART 11; AND

3 (h) THE CONDITIONS REQUIRED WHEN ADDING OR DELETING
4 PARTIES TO THE CONTRACT.

5 (3) NO MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT SHALL ENTER
6 INTO A CONTRACT ESTABLISHING AN AUTHORITY WITHOUT HOLDING AT
7 LEAST ONE PUBLIC HEARING THEREON IN ADDITION TO OTHER
8 REQUIREMENTS IMPOSED BY LAW FOR PUBLIC NOTICE. THE MUNICIPALITY,
9 COUNTY, OR SPECIAL DISTRICT SHALL GIVE NOTICE OF THE TIME, PLACE,
10 AND PURPOSE OF THE PUBLIC HEARING BY PUBLICATION IN A NEWSPAPER
11 OF GENERAL CIRCULATION IN THE MUNICIPALITY, COUNTY, OR SPECIAL
12 DISTRICT, AS THE CASE MAY BE, AT LEAST TEN DAYS PRIOR TO THE DATE
13 OF THE PUBLIC HEARING.

14 (4) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE
15 AUTHORITY PURSUANT TO THIS PART 11, THE AUTHORITY HAS THE
16 FOLLOWING POWERS:

17 (a) TO HAVE PERPETUAL EXISTENCE, EXCEPT AS OTHERWISE
18 PROVIDED IN THE CONTRACT CREATING THE AUTHORITY;

19 (b) TO SUE AND BE SUED;

20 (c) TO ENTER INTO CONTRACTS AND AGREEMENTS AFFECTING THE
21 AFFAIRS OF THE AUTHORITY;

22 (d) TO PLEDGE ALL OR ANY PORTION OF THE REVENUES TO THE
23 PAYMENT OF BONDS OF THE AUTHORITY;

24 (e) TO FINANCE, CONSTRUCT, OPERATE, OR MAINTAIN REGIONAL
25 TRANSPORTATION DEVELOPMENT SYSTEMS WITHIN OR WITHOUT THE
26 BOUNDARIES OF THE AUTHORITY; EXCEPT THAT THE AUTHORITY SHALL
27 NOT CONSTRUCT REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS IN

1 ANY TERRITORY LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY
2 AND WITHIN THE BOUNDARIES OF A MUNICIPALITY AS THE BOUNDARIES OF
3 THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED
4 WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY;
5 OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE
6 UNINCORPORATED BOUNDARIES OF A COUNTY AS THE UNINCORPORATED
7 BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS
8 CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE
9 COUNTY; OR INSIDE OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY IF
10 THE REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS WOULD ALTER
11 THE STATE HIGHWAY SYSTEM OR THE INTERSTATE SYSTEM, AS DEFINED IN
12 SECTION 43-2-101 (2), EXCEPT AS AUTHORIZED BY AN
13 INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY THE MEMBERS OF
14 THE COMBINATION OF LOCAL GOVERNMENTS THAT CREATED THE
15 AUTHORITY AND THE DEPARTMENT.

16 (f) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
17 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, AND ENCUMBER REAL
18 OR PERSONAL PROPERTY AND ANY INTEREST THEREIN, INCLUDING
19 EASEMENTS AND RIGHTS-OF-WAY; AND

20 (g) TO ACCEPT REAL OR PERSONAL PROPERTY FOR THE USE OF THE
21 AUTHORITY OR ENTERPRISE AND TO ACCEPT GIFTS AND CONVEYANCES
22 UPON THE TERMS AND CONDITIONS AS THE BOARD MAY APPROVE.

23 (5) THE STATE, ACTING BY AND THROUGH THE TRANSPORTATION
24 COMMISSION AND UPON THE APPROVAL OF THE GOVERNOR, MAY JOIN IN
25 THE CONTRACT CREATING THE AUTHORITY. THE NUMBER OF DIRECTORS
26 OF THE BOARD TO WHICH THE STATE IS ENTITLED SHALL BE ESTABLISHED
27 IN THE CONTRACT, BUT IN NO CASE SHALL THE STATE BE ENTITLED TO

1 FEWER THAN ONE DIRECTOR. THE GOVERNOR SHALL APPOINT THE
2 DIRECTOR OR DIRECTORS REPRESENTING THE STATE ON THE BOARD, WITH
3 THE CONSENT OF THE SENATE, FOR SUCH TERM AS ESTABLISHED BY THE
4 GOVERNOR.

5 **43-4-1106. Establishment of regional transportation**
6 **development enterprises.** (1) (a) ANY AUTHORITY MAY ESTABLISH
7 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISES FOR THE
8 PURPOSE OF PURSUING OR CONTINUING ACTIVITIES AUTHORIZED BY THIS
9 PART 11. ANY ENTERPRISE ESTABLISHED OR MAINTAINED PURSUANT TO
10 THIS PART 11 IS NOT SUBJECT TO THE PROVISIONS OF SECTION 20 OF
11 ARTICLE X OF THE STATE CONSTITUTION.

12 (b) THE GOVERNING BODY OF A REGIONAL TRANSPORTATION
13 DEVELOPMENT ENTERPRISE IS THE BOARD OF THE AUTHORITY THAT OWNS
14 THE ENTERPRISE.

15 (2) (a) EACH REGIONAL TRANSPORTATION DEVELOPMENT
16 ENTERPRISE MUST BE WHOLLY OWNED BY A SINGLE AUTHORITY AND
17 SHALL NOT BE COMBINED WITH ANY REGIONAL TRANSPORTATION
18 DEVELOPMENT ENTERPRISE OWNED BY ANOTHER AUTHORITY. EACH
19 AUTHORITY MAY ESTABLISH MORE THAN ONE REGIONAL TRANSPORTATION
20 DEVELOPMENT ENTERPRISE AND EACH REGIONAL TRANSPORTATION
21 DEVELOPMENT ENTERPRISE MAY CONDUCT OR CONTINUE TO CONDUCT ONE
22 OR MORE ACTIVITIES AUTHORIZED BY THIS PART 11 AS MAY BE
23 DETERMINED BY THE GOVERNING BODY OF THE ENTERPRISE.

24 (b) THIS SUBSECTION (2) DOES NOT LIMIT THE AUTHORITY OF A
25 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE TO CONTRACT
26 WITH ANY OTHER PERSON OR ENTITY, INCLUDING OTHER AUTHORITIES,
27 OTHER STATE OR LOCAL GOVERNMENTS, OR OTHER REGIONAL

1 TRANSPORTATION DEVELOPMENT ENTERPRISES.

2 (3) THE GOVERNING BODY FOR EACH REGIONAL TRANSPORTATION
3 DEVELOPMENT ENTERPRISE MAY EXERCISE THE AUTHORITY'S LEGAL
4 AUTHORITY RELATING TO ACTIVITIES AUTHORIZED BY THIS PART 11, BUT
5 NO REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE MAY LEVY A
6 TAX THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 20 (4) OF
7 ARTICLE X OF THE STATE CONSTITUTION.

8 (4) AN AUTHORITY OR EACH REGIONAL TRANSPORTATION
9 DEVELOPMENT ENTERPRISE, THROUGH ITS GOVERNING BODY, MAY ISSUE
10 OR REISSUE REVENUE BONDS IN ACCORDANCE WITH SECTION 43-4-1111.
11 EACH BOND ISSUED UNDER THIS SUBSECTION (4) MUST RECITE IN
12 SUBSTANCE THAT THE BOND, INCLUDING THE INTEREST THEREON, IS
13 PAYABLE FROM THE REVENUES AND OTHER AVAILABLE FUNDS OF THE
14 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE PLEDGED FOR THE
15 PAYMENT THEREOF. BONDS ISSUED UNDER THIS SECTION ARE DECLARED
16 TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE
17 AND, TOGETHER WITH INTEREST THEREON OR INCOME THEREFROM, ARE
18 EXEMPTED FROM ALL TAXES.

19 (5) THE POWERS PROVIDED IN THIS SECTION FOR REGIONAL
20 TRANSPORTATION DEVELOPMENT ENTERPRISES DO NOT MODIFY, LIMIT, OR
21 AFFECT THE POWERS CONFERRED BY ANY OTHER LAW, EITHER DIRECTLY
22 OR INDIRECTLY.

23 (6) AN AUTHORITY OR ITS REGIONAL TRANSPORTATION
24 DEVELOPMENT ENTERPRISE MAY CONTRACT WITH ANY OTHER
25 GOVERNMENTAL OR PRIVATE SOURCE OF FUNDING FOR LOANS AND GRANTS
26 RELATED TO REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE
27 FUNCTIONS.

1 (7) (a) LOAN AGREEMENTS SUBJECT TO REPAYMENT OR
2 CONTRACTS TO PROVIDE REGIONAL TRANSPORTATION DEVELOPMENT
3 SYSTEMS OR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH
4 A REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM, WHICH INVOLVE
5 THE PAYMENT OF FUNDS FOR SUCH SYSTEMS OR THE USE OF THE PROPERTY
6 TO AN AUTHORITY OR ITS REGIONAL TRANSPORTATION DEVELOPMENT
7 ENTERPRISE BY A STATE OR LOCAL GOVERNMENT OR BY ANOTHER
8 AUTHORITY OR REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE,
9 ARE NOT GRANTS FOR PURPOSES OF THE DEFINITION OF ENTERPRISE UNDER
10 SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

11 (b) REVENUES COLLECTED OR SPENT BY AN AUTHORITY FOR
12 REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS OR THE USE OF
13 PROPERTY INCLUDED IN OR IN CONNECTION WITH A REGIONAL
14 TRANSPORTATION DEVELOPMENT SYSTEM RENDERED OR PROVIDED BY A
15 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE OWNED BY THE
16 AUTHORITY ARE NOT SUBJECT TO SECTION 20 (4) AND (7) OF ARTICLE X OF
17 THE STATE CONSTITUTION.

18 (8) THE AUTHORITY GRANTED TO A REGIONAL TRANSPORTATION
19 DEVELOPMENT ENTERPRISE UNDER THIS SECTION IS IN ADDITION TO ALL
20 OTHER AUTHORITY PROVIDED BY LAW. NOTHING CONTAINED IN THIS PART
21 11 REQUIRES THE ESTABLISHMENT, OPERATION, OR CONTINUATION OF A
22 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE OR TO LIMIT THE
23 AUTHORITY OF ANY STATE OR LOCAL GOVERNMENT TO UTILIZE OTHER
24 POLICIES AND PROCEDURES FOR ESTABLISHING, OPERATING, OR
25 CONTINUING ANY ENTERPRISE FOR ANY LAWFUL PURPOSE.

26 **43-4-1107. State sales tax increment revenue.** (1) IN ORDER TO
27 IMPLEMENT THE COLLECTION AND DISTRIBUTION OF STATE SALES TAX

1 INCREMENT REVENUES TO THE LOCAL GOVERNMENT OR COMBINATION OF
2 LOCAL GOVERNMENTS FOR WHICH THE COMMISSION HAS APPROVED A
3 PROJECT, THE DEPARTMENT OF REVENUE SHALL ALLOCATE STATE SALES
4 TAX REVENUE GENERATED WITHIN THE APPROVED REGIONAL
5 TRANSPORTATION DEVELOPMENT CORRIDOR AS FOLLOWS:

6 (a) AN AMOUNT COLLECTED WITHIN THE REGIONAL
7 TRANSPORTATION DEVELOPMENT CORRIDOR EQUAL TO THE BASE YEAR
8 REVENUE WITHIN THE CORRIDOR PLUS THE PERCENTAGE OF STATE SALES
9 TAX INCREMENT REVENUE NOT ALLOCATED ACCORDING TO PARAGRAPH
10 (b) OF THIS SUBSECTION (1), WHICH AMOUNT SHALL BE PAID INTO THE
11 STATE TREASURY AS SUCH STATE SALES TAXES ARE NORMALLY
12 COLLECTED AND PAID; EXCEPT THAT, ONCE ALLOCATIONS REQUIRED BY
13 PARAGRAPH (b) OF THIS SUBSECTION (1) END, ALL STATE SALES TAX
14 REVENUE COLLECTED WITHIN THE CORRIDOR SHALL BE PAID INTO THE
15 STATE TREASURY AS SUCH STATE SALES TAXES ARE NORMALLY
16 COLLECTED AND PAID; AND

17 (b) THE AMOUNT ALLOCATED TO AN APPLICANT PURSUANT TO AN
18 APPROVED PROJECT UNTIL ALL BONDS ISSUED FOR THE PROJECT HAVE
19 BEEN PAID IN FULL OR THIRTY YEARS HAVE PASSED SINCE THE LAST DAY
20 OF THE MONTH IN WHICH THE PROJECT WAS APPROVED BY THE
21 COMMISSION, WHICHEVER OCCURS FIRST. IF THE APPLICANT IS A
22 COMBINATION OF LOCAL GOVERNMENTS, THE STATE SALES TAX REVENUES
23 ALLOCATED TO THE COMBINATION SHALL BE SUBALLOCATED TO EACH
24 POLITICAL SUBDIVISION AS REQUESTED IN THE APPLICANT'S APPLICATION
25 FOR APPROVAL OF A PROJECT. UPON COMPLETION OF A PROJECT, THE
26 APPLICANT SHALL DISCLOSE TO THE DEPARTMENT OF REVENUE THE
27 AMOUNT OF FUNDING THAT IT PROVIDED FOR THE PROJECT SO THAT THE

1 DEPARTMENT CAN END THE ALLOCATION OF STATE SALES TAX INCREMENT
2 REVENUE TO THE COMBINATION AT THE TIME REQUIRED BY THIS
3 PARAGRAPH (b).

4 (2) IN ORDER TO REDUCE THE ADMINISTRATIVE BURDEN OF
5 ACCURATELY IDENTIFYING AND ALLOCATING THE STATE SALES TAX
6 REVENUE COLLECTED WITHIN THE CORRIDOR, THE DEPARTMENT OF
7 REVENUE MAY REQUIRE AN APPLICANT TO PROVIDE A LISTING BY ADDRESS
8 OF THE BUSINESSES LOCATED WITHIN THE CORRIDOR AND ANY OTHER
9 INFORMATION NEEDED TO DETERMINE THE CORRECT ALLOCATION BY THE
10 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE MAY ALSO
11 REQUIRE ANY BUSINESS LOCATED WITHIN THE CORRIDOR THAT COLLECTS
12 SALES TAX TO FILE SALES TAX FORMS ELECTRONICALLY IF:

13 (a) THE AMOUNT OF INFORMATION THAT THE BUSINESS IS
14 REQUIRED TO INCLUDE ON THE SALES TAX FORMS EXCEEDS THE SPACE
15 AVAILABLE ON THE HARD COPY SALES TAX FORMS;

16 (b) INCREASING THE AMOUNT OF SPACE AVAILABLE ON THE HARD
17 COPY SALES TAX FORMS WOULD BE ADMINISTRATIVELY BURDENSOME OR
18 EXPENSIVE TO THE DEPARTMENT OF REVENUE; AND

19 (c) MANDATORY ELECTRONIC FILING WOULD NOT IMPOSE A
20 SIGNIFICANT ADMINISTRATIVE BURDEN OR EXPENSE ON THE BUSINESS.

21 (3) STATE SALES TAX INCREMENT REVENUE, AND ANY INTEREST OR
22 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SUCH REVENUE,
23 SHALL BE CONSTRUED AND TREATED FOR ALL PURPOSES AS BEING
24 ALLOCATED TO THE LOCAL GOVERNMENT OR COMBINATION OF LOCAL
25 GOVERNMENTS AND SHALL NOT BE CONSTRUED FOR ANY PURPOSE AS
26 REVENUE OR PROPERTY OF THE STATE.

27 (4) ANY LOCAL GOVERNMENT OR COMBINATION OF LOCAL

1 GOVERNMENTS FOR WHICH THE COMMISSION APPROVES PROJECTS SHALL
2 BEAR THE ACTUAL DIRECT COSTS INCURRED BY THE DEPARTMENT OF
3 REVENUE IN IMPLEMENTING THIS PART 11, INCLUDING ANY COSTS TO
4 MODIFY THE STATE'S TAX ADMINISTRATION SOFTWARE.

5 **43-4-1108. Annual report - post-enactment review - repeal.**

6 (1) WITHIN NINETY DAYS OF THE END OF THE FIRST FULL STATE FISCAL
7 YEAR AFTER THE COMMISSION APPROVES A PROJECT AND ON THE SAME
8 DATE EACH YEAR THEREAFTER, THE APPLICANT FOR WHICH THE
9 COMMISSION APPROVED THE PROJECT SHALL PREPARE AND SUBMIT TO THE
10 COMMISSION AN ANNUAL REPORT DETAILING THE TOTAL AMOUNT OF
11 STATE SALES TAX INCREMENT REVENUE THAT THE PROJECT HAS
12 COLLECTED OVER THE PAST YEAR, THE AMOUNT OF PROJECTED REVENUE
13 FOR THE REMAINDER OF THE PERIOD FOR WHICH REVENUE IS TO BE
14 ALLOCATED TO THE LOCAL GOVERNMENT OR COMBINATION OF LOCAL
15 GOVERNMENTS, A SUMMARY OF THE STATUS OF CONSTRUCTION OF THE
16 PROJECT, AND ANY OTHER INFORMATION REASONABLY REQUIRED BY THE
17 COMMISSION. IF ANY INFORMATION PROVIDED IN THE ANNUAL REPORT IS
18 A TRADE SECRET, PROPRIETARY, OR OTHERWISE ENTITLED TO PROTECTION
19 PURSUANT TO ARTICLE 72 OF TITLE 24, IT SHALL BE SO DESIGNATED AND
20 SHALL BE KEPT CONFIDENTIAL BY THE STATE. THE GOVERNING BODY OR
21 BODIES OF THE APPLICANTS SHALL ATTEST TO THE ACCURACY OF THE
22 INFORMATION PROVIDED IN THE ANNUAL REPORT.

23 (2) NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., THE
24 DEPARTMENT AND THE DEPARTMENT OF REVENUE SHALL EACH INCLUDE,
25 IN THEIR PRESENTATIONS MADE ANNUALLY TO THE FINANCE AND
26 TRANSPORTATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
27 SENATE, OR ANY SUCCESSOR COMMITTEES, INFORMATION ON ALL STATE

1 SALES TAX INCREMENT REVENUES ALLOCATED TO PROJECTS PURSUANT TO
2 THIS PART 11 DURING THE PRIOR FISCAL YEAR.

3 (3) (a) NOTWITHSTANDING SECTION 2-2-1201 (3), C.R.S., THE
4 LEGISLATIVE SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY
5 SHALL CONDUCT A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF
6 THIS PART 11 NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
7 SEVEN-YEAR ANNIVERSARY OF THE ENACTMENT OF SENATE BILL 16-194,
8 ENACTED IN 2016.

9 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2025.

10 **43-4-1109. Transportation project - commencement of work.**

11 FOR ANY PROJECT APPROVED BY THE COMMISSION PURSUANT TO THIS
12 PART 11 THAT WILL BE CONSTRUCTED BY THE DEPARTMENT, THE
13 DEPARTMENT SHALL BEGIN THE DESIGN AND CONSTRUCTION OF THE
14 PROJECT IMMEDIATELY AFTER THE LOCAL GOVERNMENT FUNDING,
15 FEDERAL FUNDING, AND ANY OTHER PROJECT FUNDING REQUIRED FOR THE
16 COMPLETION OF THE PROJECT IS COMMITTED.

17 **43-4-1110. Borrowing by a local government - agreement by**
18 **the state not to limit or alter rights of obligees.** (1) IN ACCORDANCE
19 WITH ALL APPLICABLE LAWS AND CONSTITUTIONAL PROVISIONS, A LOCAL
20 GOVERNMENT MAY ISSUE BONDS DIRECTLY OR THROUGH A CONDUIT
21 ISSUER OR OTHERWISE BORROW MONEYS FOR THE PURPOSE OF RAISING ALL
22 OR A PORTION OF ITS SHARE OF THE FUNDING FOR A PROJECT AND MAY
23 PLEDGE THE STATE SALES TAX INCREMENT REVENUES ALLOCATED TO IT
24 PURSUANT TO AN APPROVED PROJECT TO THE REPAYMENT OF THE BONDS
25 OR OTHER BORROWING.

26 (2) THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS
27 OF ANY BONDS ISSUED BY A LOCAL GOVERNMENT FOR THE PURPOSE OF

1 RAISING ALL OR A PORTION OF ITS SHARE OF THE FUNDING FOR A PROJECT
2 APPROVED PURSUANT TO THIS PART 11 THAT THE STATE WILL NOT LIMIT,
3 ALTER, RESTRICT, OR IMPAIR THE RIGHT OF THE LOCAL GOVERNMENT TO
4 RECEIVE STATE SALES TAX INCREMENT REVENUES AS PROVIDED IN THIS
5 PART 11 AND IN THE RESOLUTION OF THE COMMISSION APPROVING THE
6 PROJECT OR THE ABILITY OF ANY PERSON WITH WHICH A LOCAL
7 GOVERNMENT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS
8 MADE PURSUANT TO THIS PART 11. THE STATE FURTHER PLEDGES AND
9 AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS OR REMEDIES
10 OF THE HOLDERS OF ANY SUCH BONDS UNTIL THE BONDS HAVE BEEN PAID
11 OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. A LOCAL
12 GOVERNMENT MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THE
13 STATE IN ITS BONDS.

14 **43-4-1111. Bonds.** (1) A REGIONAL TRANSPORTATION
15 DEVELOPMENT AUTHORITY OR ENTERPRISE MAY, FROM TIME TO TIME,
16 ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE
17 ISSUED PURSUANT TO RESOLUTION OF THE APPLICABLE BOARD AND SHALL
18 BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE
19 REVENUES AS DESIGNATED BY THE BOARD.

20 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE AUTHORITY
21 OR ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND
22 DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE
23 SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY
24 WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR
25 BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY
26 BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH
27 INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING THIRTY YEARS FROM

1 THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES
2 WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH
3 RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING
4 TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE
5 AUTHORITY OR ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY
6 INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE,
7 MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE
8 AUTHORITY OR ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY
9 BE EXECUTED BY SUCH OFFICERS OF THE AUTHORITY OR ENTERPRISE,
10 INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS
11 AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY
12 BE EITHER OF AN OFFICER OF THE AUTHORITY OR ENTERPRISE OR OF AN
13 AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON
14 BONDS WHICH HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL
15 OR FACSIMILE SIGNATURE OF AN OFFICER OF THE AUTHORITY OR
16 ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT
17 WITH THIS PART 11, ALL AS PROVIDED IN THE RESOLUTION OF THE
18 AUTHORITY OR ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED
19 TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE
20 AUTHORITY OR ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST
21 COMPANY HAVING FULL TRUST POWERS.

22 (3) THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH
23 PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED
24 BY THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND
25 COMMISSIONS WHICH IT DEEMS NECESSARY OR ADVANTAGEOUS IN
26 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE
27 OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND

1 SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
2 NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN
3 OFFICER OR AGENT OF THE AUTHORITY. ANY OUTSTANDING BONDS MAY
4 BE REFUNDED BY THE AUTHORITY PURSUANT TO ARTICLE 56 OF TITLE 11,
5 C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO
6 ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

7 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
8 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE
9 REVENUES OF THE AUTHORITY OR ENTERPRISE, MAY CONTAIN SUCH
10 PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES
11 OF HOLDERS OF ANY OF THE BONDS AS THE AUTHORITY OR ENTERPRISE
12 DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
13 HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE
14 AUTHORITY OR ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF
15 THE HOLDERS OF THE BONDS, INCLUDING PROVISIONS FOR LETTERS OF
16 CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF
17 CREDIT INSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE
18 REDEMPTION PRICE OR THE PURCHASE PRICE.

19 (5) ANY PLEDGE OF REVENUES OR PROPERTY MADE BY THE
20 AUTHORITY OR ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT
21 WITH WHICH THE AUTHORITY OR ENTERPRISE CONTRACTS SHALL BE VALID
22 AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE REVENUES OR
23 PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF
24 SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND
25 THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL
26 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
27 AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH

1 CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH
2 THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

3 (6) NEITHER THE MEMBERS OF THE BOARD, EMPLOYEES OF THE
4 AUTHORITY OR ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS
5 SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY
6 PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE
7 THEREOF.

8 (7) THE AUTHORITY OR ENTERPRISE MAY PURCHASE ITS BONDS
9 OUT OF ANY AVAILABLE FUNDS AND MAY HOLD, PLEDGE, CANCEL, OR
10 RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS
11 WITH THE HOLDERS THEREOF.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 24-35-118.5 as
13 follows:

14 **24-35-118.5. Regional transportation development projects -**
15 **authority of director - rules.** (1) IN ADDITION TO THE OTHER FUNCTIONS
16 AND POWERS OF THE DEPARTMENT OF REVENUE AND THE EXECUTIVE
17 DIRECTOR OF THE DEPARTMENT PURSUANT TO THIS PART 1, THE
18 DEPARTMENT SHALL ESTABLISH AND DETERMINE, PURSUANT TO PART 11
19 OF ARTICLE 4 OF TITLE 43, C.R.S., THE BASE YEAR REVENUE FOR EACH
20 REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR; SHALL COLLECT,
21 ACCOUNT FOR, AND REMIT TO THE APPLICABLE LOCAL GOVERNMENT,
22 COMBINATION OF LOCAL GOVERNMENTS, AUTHORITY, OR ENTERPRISE, ALL
23 STATE SALES TAX INCREMENT REVENUE GENERATED WITHIN EACH
24 REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR; AND SHALL
25 OTHERWISE PERFORM SUCH FUNCTIONS AS ARE REQUIRED OF THE
26 DEPARTMENT WITH RESPECT TO ANY LOCAL GOVERNMENT OR
27 COMBINATION AND ANY REGIONAL TRANSPORTATION DEVELOPMENT

1 CORRIDOR DESIGNATED IN THE WRITTEN NOTICE THEREOF TO BE PROVIDED
2 TO THE DIRECTOR PURSUANT TO ARTICLE 4 OF TITLE 43, C.R.S.

3 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
4 HAS THE AUTHORITY TO CREATE FORMS AND PROMULGATE RULES AS
5 DEEMED NECESSARY OR CONVENIENT TO IMPLEMENT THE DEPARTMENT'S
6 RESPONSIBILITIES WITH RESPECT TO THE DETERMINATION OF BASE YEAR
7 REVENUE, COLLECTION AND DISBURSEMENT OF STATE SALES TAX
8 INCREMENT REVENUE, AND OTHER FUNCTIONS OF THE DEPARTMENT
9 PURSUANT TO PART 11 OF ARTICLE 4 OF TITLE 43, C.R.S. THE DIRECTOR IS
10 AUTHORIZED TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS
11 PURSUANT TO PART 11 OF ARTICLE 4 OF TITLE 43, C.R.S., REGARDING THE
12 PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS IN IMPLEMENTING PART
13 11 OF ARTICLE 4 OF TITLE 43, C.R.S., AND TO ESTABLISH AN
14 ADMINISTRATIVE FEE FOR SUCH SERVICES IN THE MANNER PROVIDED FOR
15 IN SECTION 24-35-111, WITH THE AMOUNT THEREOF TO BE REASONABLY
16 CALCULATED TO OFFSET THE DEPARTMENT'S ACTUAL DIRECT COSTS AND
17 EXPENSES, INCLUDING ANY COSTS INCURRED IN MODIFYING THE STATE'S
18 TAX ADMINISTRATION SOFTWARE AS NECESSARY TO IMPLEMENT PART 11
19 OF ARTICLE 4 OF TITLE 43, C.R.S., IN PERFORMING SUCH COLLECTION AND
20 DISBURSEMENT FUNCTIONS.

21 (3) ALL STATE SALES TAX INCREMENT REVENUE COLLECTED BY
22 THE DEPARTMENT OF REVENUE ON BEHALF OF A LOCAL GOVERNMENT
23 SHALL BE ALLOCATED TO THE APPLICABLE LOCAL GOVERNMENT,
24 COMBINATION OF LOCAL GOVERNMENTS, AUTHORITY, OR ENTERPRISE AND
25 SHALL NOT BE CONSTRUED OR TREATED FOR ANY PURPOSE AS REVENUE OR
26 PROPERTY OF THE STATE. IN COLLECTING AND DISBURSING STATE SALES
27 TAX INCREMENT REVENUE AS PROVIDED IN THIS SECTION AND OTHERWISE

1 PERFORMING ITS RESPONSIBILITIES PURSUANT TO PART 11 OF ARTICLE 4 OF
2 TITLE 43, C.R.S., THE DEPARTMENT SHALL ACT SOLELY AS A COLLECTING
3 AGENT FOR THE LOCAL GOVERNMENT, COMBINATION OF LOCAL
4 GOVERNMENTS, AUTHORITY, OR ENTERPRISE AND SHALL SEGREGATE IN A
5 SEPARATE FUND ANY PORTION OF STATE SALES TAX INCREMENT REVENUE
6 THAT IS DEDICATED TO THE LOCAL GOVERNMENT, COMBINATION,
7 AUTHORITY, OR ENTERPRISE BUT WILL NOT BE REMITTED TO THE LOCAL
8 GOVERNMENT, COMBINATION, AUTHORITY, OR ENTERPRISE IN THE
9 IMMEDIATE FUTURE.

10 **SECTION 3. Accountability.** Seven years after this act becomes
11 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
12 the legislative service agencies of the Colorado general assembly shall
13 conduct a post-enactment review of the implementation of this act
14 utilizing the information contained in the legislative declaration set forth
15 in section 1 of this act.

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