

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0200.04 Jason Gelender x4330

HOUSE BILL 17-1242

HOUSE SPONSORSHIP

Duran and Mitsch Bush,

SENATE SPONSORSHIP

Grantham and Baumgardner,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TRANSPORTATION FUNDING, AND IN CONNECTION
102 THEREWITH, MAKING AN APPROPRIATION.

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://leg.colorado.gov>.)

Section 15 of the bill requires a ballot question to be submitted to the voters of the state at the November 2017 statewide election that seeks approval for the state to temporarily increase the rate of the state sales and use tax for 20 years beginning in 2018. If the voters approve the temporary sales and use tax rate increase, the new revenue generated is allocated solely for transportation infrastructure funding purposes, with

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.

HOUSE
Amended 2nd Reading
March 30, 2017

specific projects to be funded required to be included in the 2017 ballot information booklet provided to the voters of the state, as follows:

- ! \$300 million annually to the state highway fund for use by the department of transportation (CDOT); and
- ! Of the remaining new revenue:
 - ! 70% to counties and municipalities in equal total amounts; and
 - ! 30% to a newly created multimodal transportation options fund (fund).

If the voters approve the temporary state sales and use tax rate increase:

- ! CDOT may issue up to a specified amount of transportation revenue anticipation notes (TRANs) for the purpose of funding transportation projects that are part of CDOT's strategic transportation investment program and are on CDOT's priority list for funding and the transportation commission must covenant that amounts it allocates on an annual basis to pay TRANs shall be paid: First, from \$50 million from any legally available money under its control other than the new sales and use tax revenue; next, from the new sales and use tax revenue; and last, if necessary, from any other legally available money under its control any amount needed for payment of the TRANs until the TRANs are fully repaid;
- ! The revenue allocations to counties and municipalities are further allocated to each county and municipality in accordance with certain existing statutory formulas used to allocate highway users tax fund (HUTF) money to each county and municipality;
- ! The existing statutory requirement that at least 10% of the sales and use tax net revenue and other general fund revenue that may be transferred or appropriated to the HUTF and subsequently credited to the state highway fund must be expended for transit purposes of transit-related capital improvements is repealed;
- ! A transportation options account and a pedestrian and active transportation account are created in the fund and the transportation commission is required to designate the percentages of fund revenue to be credited to each account subject to the limitations that for any given fiscal year no more than 75% of the revenue may be credited to the transportation options account and at least 25% of the revenue must be credited to the pedestrian and active transportation account;
- ! A multimodal transportation options committee of

gubernatorial appointees representing transit agencies, transportation planning organizations, local governments, and CDOT is created as a **type 1** agency within CDOT for the purpose of allocating the money in the transportation options account of the fund for transportation options projects throughout the state. Under the supervision and guidance of the committee, the transit and rail division of CDOT is required to solicit, receive, and evaluate proposed transportation options projects and propose funding for interregional transportation options projects. Any transportation options project receiving funding from the transportation options account of the fund must also be funded by at least an equal total amount of local government, regional transportation authority, or transit agency funding.

- ! CDOT is required to allocate the money in the pedestrian and active transportation account of the fund for projects for transportation infrastructure that is designed for users of nonmotorized mobility-enhancing equipment;
- ! Transfers of 2% of general fund revenue to the HUTF that are scheduled under current law to be made for state fiscal years 2017-18, 2018-19, and 2019-20 are eliminated;
- ! The state road safety surcharges imposed on motor vehicles weighing 10,000 pounds or less are reduced for the same period during which the rates of the state sales and use taxes are increased. The resulting reduction in state fee revenue is taken entirely from the share of such fee revenue that is kept by the state so that county and municipal allocations of such revenue are not reduced.
- ! CDOT must annually report to the joint budget committee, legislative audit committee, house transportation and energy committee, and senate transportation committee regarding its use of TRANs proceeds and must post the reports and certain user-friendly project-specific information on its website; and
- ! The transportation revenue anticipation notes citizen oversight committee is created to provide oversight of the expenditure by the department of the proceeds of additional TRANs. The committee must annually report to the transportation legislation review committee regarding its activities and findings.

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

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 hereby finds and declares that:

3 (a) It is critical to construct, improve, and maintain transportation
4 infrastructure throughout the state in order to meet the demands created
5 by both current and future statewide economic expansion and population
6 growth;

7 (b) Sufficient, sustainable, steady, and dedicated funding streams
8 are needed to fund the critical transportation infrastructure construction,
9 improvement, and maintenance that will allow the statewide
10 transportation system to meet both current and future demands;

11 (c) Current sources of dedicated transportation funding are not
12 generating enough revenue to fund current and future transportation
13 infrastructure needs throughout the state. The state last increased the rates
14 of the taxes on gasoline and special fuel, the largest source of dedicated
15 transportation funding, in the early 1990s, and these taxes do not increase
16 with inflation. As a result, the declining purchasing power of the revenue
17 generated by these taxes has prevented the state's transportation budget
18 from keeping pace with the growing transportation infrastructure needs
19 throughout the state.

20 (d) An additional source of voter-approved funding for
21 transportation is needed to meet statewide transportation infrastructure
22 funding needs.

23 (2) The general assembly further finds and declares that all new
24 voter-approved transportation funding will be spent throughout the state
25 to:

26 (a) Address poor road and bridge conditions like potholes and
27 rough pavement that damage vehicles, require vehicle owners to pay for

- 1 expensive vehicle repairs, and increase costs for Colorado families;
- 2 (b) Reconstruct and rehabilitate state highways to better maintain
- 3 them and prevent and avoid costly future repairs;
- 4 (c) Support local government efforts to fund local transportation
- 5 projects that are critical for their communities;
- 6 (d) Improve highways to increase their capacity and accommodate
- 7 population growth;
- 8 (e) Provide additional seasonal maintenance on state highways;
- 9 (f) Address increased traffic congestion through multimodal
- 10 transportation options;
- 11 (g) Allow the state's growing population of seniors to age in place
- 12 and provide greater mobility for persons with disabilities; and
- 13 (h) Invest in the economic future of the state by providing a
- 14 modern multimodal statewide transportation system that will support and
- 15 strengthen the economy of the state and attract more businesses and
- 16 employers to the state.

17 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.7, **add** (8)

18 as follows:

19 **24-1-128.7. Department of transportation - creation - repeal.**

20 (8) THE MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN

21 SECTION 43-4-1104 (1) SHALL EXERCISE ITS POWERS AND PERFORM ITS

22 DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE**

23 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF

24 TRANSPORTATION.

25 **SECTION 3.** In Colorado Revised Statutes, 24-75-219, **amend**

26 (2)(c) introductory portion, (3)(b), and (4)(a) introductory portion; and

27 **repeal** (1)(c) and (2)(c)(I) as follows:

1 **24-75-219. Transfers - transportation - capital construction -**

2 **definitions.** (1) As used in this section, unless the context otherwise
3 requires:

4 (c) ~~"Funds" means the highway users tax fund and the capital~~
5 ~~construction fund.~~

6 (2) (c) For each state fiscal year from state fiscal year 2017-18
7 through ~~the~~ state fiscal year 2019-20, the state treasurer shall transfer
8 from the general fund to the:

9 (I) ~~Highway users tax fund, an amount equal to two percent of the~~
10 ~~total general fund revenues for the state fiscal year in which the transfer~~
11 ~~is made; and~~


12 (3) (b) Except as otherwise ~~set forth~~ PROVIDED in subsection (4)
13 of this section, the transfers required pursuant to ~~paragraph (c) of~~
14 ~~subsection (2)~~ SUBSECTION (2)(c)(II) of this section ~~shall~~ MUST be made
15 as follows:

16 (I) On the fifteenth day of the first month of each quarter of each
17 state fiscal year in which the transfers are required, an amount equal to
18 twenty percent of the total ~~amounts that are~~ AMOUNT THAT IS required to
19 be transferred to ~~the highway users tax fund and the capital construction~~
20 ~~fund for such~~ THE state fiscal year, which ~~amounts shall~~ AMOUNT MUST
21 be based on the most recent revenue estimate prepared by legislative
22 council staff that is available at the time of the ~~transfers~~ TRANSFER, shall
23 be transferred to the ~~respective funds~~ FUND.

24 (II) On the date during the state fiscal year on which the state
25 controller distributes the comprehensive annual financial report of the
26 state, the state treasurer shall transfer an amount equal to the ~~differences~~
27 DIFFERENCE between the actual ~~amounts~~ AMOUNT required to be

1 transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND and the TOTAL OF
2 THE estimated amounts previously transferred pursuant to ~~subparagraph~~
3 ~~(I) of this paragraph (b)~~ SUBSECTION (3)(b)(I) of this section.

4 (4) (a) For any state fiscal year for which there are excess state
5 revenues that are required to be refunded pursuant to section 20 of article
6 X of the state constitution, the quarterly and year-end amounts that are
7 required to be transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND
8 pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this
9 section shall:

10 
11 **SECTION 4.** In Colorado Revised Statutes, 39-26-105, **amend**
12 (1)(a)(I)(A) as follows:

13 **39-26-105. Vendor liable for tax - repeal.** (1) (a) (I) (A) Except
14 as provided in ~~sub-subparagraph (B) of this subparagraph (I) and in~~
15 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I)(B) AND
16 (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the
17 provisions of section 39-26-106, be liable and responsible for the
18 payment of an amount equivalent to two and ninety one-hundredths
19 percent of all sales made on or after January 1, 2001, BUT BEFORE
20 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, AND AN AMOUNT
21 EQUAL TO THREE AND FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL
22 SALES MADE ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
23 2038, by the retailer of commodities or services as specified in section
24 39-26-104.

25 **SECTION 5.** In Colorado Revised Statutes, 39-26-106, **amend**
26 (1) as follows:

27 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise

1 provided in subparagraph (II) of this paragraph (a), SUBSECTION (1)(a)(II)
2 OF THIS SECTION, there is imposed upon all sales of commodities and
3 services specified in section 39-26-104 a tax at the rate of ~~three~~ TWO AND
4 NINETY ONE-HUNDREDTHS percent of the amount of the sale, to be
5 computed in accordance with schedules or systems approved by the
6 executive director of the department of revenue. ~~Said~~ THE schedules or
7 systems shall be designed so that no ~~such~~ tax is charged on any sale of
8 seventeen cents or less.

9 (II) On and after ~~January 1, 2001~~ JANUARY 1, 2018, BUT BEFORE
10 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION
11 (1)(a)(I) OF THIS SECTION, there is imposed upon all sales of commodities
12 and services specified in section 39-26-104 a tax at the rate of ~~two and~~
13 ~~ninety~~ SIXTY-TWO one-hundredths percent of the amount of the sale to be
14 computed in accordance with schedules or systems approved by the
15 executive director of the department of ~~revenue. Said~~ REVENUE; EXCEPT
16 THAT THE TAX IS NOT IMPOSED ON SALES OF AVIATION FUELS USED IN
17 TURBO-PROPELLER OR JET ENGINE AIRCRAFT. THE schedules or systems
18 shall be designed so that no ~~such~~ tax is charged on any sale of seventeen
19 cents or less.

20 (b) ~~Notwithstanding the three percent rate provisions of paragraph~~
21 ~~(a) of this subsection (1), for the period May 1, 1983, through July 31,~~
22 ~~1984, the rate of the tax imposed pursuant to this subsection (1) shall be~~
23 ~~three and one-half percent.~~

24 **SECTION 6.** In Colorado Revised Statutes, **amend** 39-26-112 as
25 follows:

26 **39-26-112. Excess tax - remittance.** If ~~any~~ A vendor, during any
27 reporting period, collects as a tax an amount in excess of ~~three percent of~~

1 ~~all taxable sales made prior to January 1, 2001, and~~ two and ninety
2 one-hundredths percent of all taxable sales made on or after January 1,
3 2001, ~~such~~ BUT BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY
4 1, 2038, OR COLLECTS AS A TAX AN AMOUNT IN EXCESS OF THREE AND
5 FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON
6 OR AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, THE vendor
7 shall remit to the executive director of the department of revenue the full
8 net amount of the tax imposed in this part 1 and also ~~such~~ THE excess.
9 The retention by the retailer or vendor of any excess of tax collections
10 over the ~~said~~ APPLICABLE percentage of the total taxable sales of ~~such~~ THE
11 retailer or vendor or the intentional failure to remit punctually to the
12 executive director the full amount required to be remitted by the
13 provisions of this part 1 is ~~declared to be~~ unlawful and constitutes a
14 misdemeanor.

15 **SECTION 7.** In Colorado Revised Statutes, 39-26-123, **amend**
16 (3); and **add** (7) as follows:

17 **39-26-123. Receipts - disposition - transfers of general fund**
18 **surplus - sales tax holding fund - creation - definitions.** (3) EXCEPT AS
19 OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, for any state
20 fiscal year commencing on or after July 1, 2013, the state treasurer shall
21 credit eighty-five percent of all net revenue collected under the provisions
22 of this ~~article~~ ARTICLE 26 to the old age pension fund created in section
23 1 of article XXIV of the state constitution. The state treasurer shall credit
24 to the general fund the remaining fifteen percent of the net revenue, less
25 ten million dollars, which the state treasurer shall credit to the older
26 Coloradans cash fund created in section 26-11-205.5 (5). ~~C.R.S.~~

27 (7) (a) THE STATE TREASURER SHALL CREDIT NET REVENUE

1 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS
2 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
3 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AS
4 FOLLOWS:

5 (I) THE STATE TREASURER SHALL CREDIT THE FIRST THREE
6 HUNDRED SEVENTY-FIVE MILLION DOLLARS OF THE NET REVENUE PLUS
7 SEVENTY PERCENT OF THE REMAINDER OF THE NET REVENUE COLLECTED
8 DURING EACH STATE FISCAL YEAR TO THE HIGHWAY USERS TAX FUND FOR
9 ALLOCATION TO THE STATE, COUNTIES, AND MUNICIPALITIES AS SPECIFIED
10 IN SECTIONS 43-4-206 (4), 43-4-207 (1) AND (2)(b), AND 43-4-208 (1) AND
11 (6)(a); AND

12 (II) THE STATE TREASURER SHALL CREDIT THE REMAINING THIRTY
13 PERCENT OF THE REMAINDER OF THE NET REVENUE COLLECTED DURING
14 EACH STATE FISCAL YEAR TO THE MULTIMODAL TRANSPORTATION OPTIONS
15 FUND, AND SPECIFICALLY TO THE TRANSPORTATION OPTIONS ACCOUNT
16 AND THE PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE
17 FUND IN THE PERCENTAGES DESIGNATED BY THE TRANSPORTATION
18 COMMISSION PURSUANT TO SECTION 43-4-1103 (2), FOR USE AS
19 AUTHORIZED BY PART 11 OF ARTICLE 4 OF TITLE 43.

20 (b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
21 BECAUSE THE SALES AND USE TAX REVENUE GENERATED BY THE SALES
22 AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(I) AND
23 39-26-202 (1)(a) IS SUFFICIENT TO FULLY FUND THE OLD AGE PENSION
24 FUND AS REQUIRED BY ARTICLE XXIV OF THE STATE CONSTITUTION, THE
25 STATE MAY CONSTITUTIONALLY CREDIT ALL REVENUE GENERATED BY THE
26 ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS
27 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) TO THE HIGHWAY USERS TAX

1 FUND AND THE MULTIMODAL TRANSPORTATION OPTIONS FUND IN THE
2 MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

3 **SECTION 8.** In Colorado Revised Statutes, 39-26-202, **amend**
4 (1)(a) and (1)(b); and **repeal** (2) as follows:

5 **39-26-202. Authorization of tax.** (1) (a) Except as otherwise
6 provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~
7 SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be
8 collected from every person in this state a tax or excise at the rate of ~~three~~
9 TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition
10 charges or costs for the privilege of storing, using, or consuming in this
11 state any articles of tangible personal property purchased at retail.

12 (b) On and after ~~January 1, 2001~~ JANUARY 1, 2018, BUT BEFORE
13 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION
14 (1)(a) OF THIS SECTION, there is imposed and shall be collected from every
15 person in this state a tax or excise at the rate of ~~two and ninety~~ SIXTY-TWO
16 one-hundredths percent of storage or acquisition charges or costs for the
17 privilege of storing, using, or consuming in this state any articles of
18 tangible personal property purchased at ~~retail~~ RETAIL; EXCEPT THAT THE
19 TAX OR EXCISE IS NOT IMPOSED ON STORAGE OR ACQUISITION CHARGES OR
20 COSTS FOR THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THIS
21 STATE ANY AVIATION FUELS USED IN TURBO-PROPELLER OR JET ENGINE
22 AIRCRAFT PURCHASED AT RETAIL.

23 (2) ~~Notwithstanding the three percent rate provisions of~~
24 ~~subsection (1) of this section, for the period May 1, 1983, through July~~
25 ~~31, 1984, the rate of the tax imposed pursuant to this section shall be three~~
26 ~~and one-half percent.~~

27 **SECTION 9.** In Colorado Revised Statutes, 39-28.8-501, **amend**

1 (1) as follows:

2 **39-28.8-501. Marijuana tax cash fund - creation - distribution**

3 **- legislative declaration.** (1) The marijuana tax cash fund, referred to in
4 this part 5 as the "fund", is created in the state treasury. The fund consists
5 of any applicable retail marijuana sales tax transferred pursuant to section
6 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE
7 transferred to the fund from any sales tax imposed pursuant to ~~section~~
8 ~~39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products
9 under articles 43.3 and 43.4 of title 12. ~~C.R.S.~~

10 **SECTION 10.** In Colorado Revised Statutes, **repeal** 42-3-112.

11 **SECTION 11.** In Colorado Revised Statutes, 43-1-117.5, **amend**
12 (3)(a) introductory portion, (3)(a)(VI), and (3)(a)(VII); and **add**
13 (3)(a)(VIII) as follows:

14 **43-1-117.5. Transit and rail division - created - powers and**

15 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the
16 planning, development, operation, and integration of transit and rail,
17 including, where appropriate, advanced guideway systems, into the
18 statewide transportation system AND shall, in coordination with other
19 transit and rail providers, plan, promote, and implement investments in
20 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS
21 the following specific powers and duties:

22 (VI) To support the department in representing the state with
23 respect to the development of intercity rail facilities, including but not
24 limited to submission of applications to the United States department of
25 transportation for approval and funding of high-speed rail projects,
26 commissioning of any necessary studies, and coordination with other
27 states to facilitate such applications; ~~and~~

1 (VII) To coordinate and cooperate with regional transportation
2 authorities created pursuant to part 6 of article 4 of this ~~title~~ TITLE 43 and
3 other regional or corridor-specific entities concerned with the planning,
4 development, operation, and integration of transit, passenger rail, or
5 advanced guideway systems in the statewide transportation system; AND

6 (VIII) AS DIRECTED BY AND UNDER THE SUPERVISION OF THE
7 MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN SECTION
8 43-4-1104 (1), TO ASSIST THE COMMITTEE IN DETERMINING THE
9 ALLOCATION OF MONEY IN THE TRANSPORTATION OPTIONS ACCOUNT OF
10 THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION
11 43-4-1103 (2) BY SOLICITING, RECEIVING, AND EVALUATING APPLICATIONS
12 FOR TRANSPORTATION OPTIONS PROJECT FUNDING FROM LOCAL
13 GOVERNMENTS AND TRANSIT AGENCIES THROUGHOUT THE STATE AND
14 PROPOSING FUNDING FOR INTERREGIONAL TRANSPORTATION OPTIONS
15 PROJECTS.

16 **SECTION 12.** In Colorado Revised Statutes, **add** 43-1-125 as
17 follows:

18 **43-1-125. Study of high-occupancy vehicle (HOV) and**
19 **high-occupancy toll (HOT) lanes - report required.** (1) NO LATER
20 THAN AUGUST 1, 2018, THE DEPARTMENT SHALL PREPARE AND PRESENT
21 TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN
22 SECTION 43-2-145 (1) A REPORT CONCERNING THE DEPARTMENT'S
23 EVALUATION OF OPTIONS FOR MORE FLEXIBLE USE OF HIGH-OCCUPANCY
24 VEHICLE AND HIGH-OCCUPANCY TOLL LANES. THE REPORT SHALL
25 INCLUDE, AT A MINIMUM, THE RESULTS OF THE DEPARTMENT'S
26 EVALUATION OF OPTIONS FOR:

27 (a) CONVERSION OF HIGH-OCCUPANCY VEHICLE AND

1 HIGH-OCCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE
2 REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS, INCLUDING THE
3 DRIVER, TO FREE USE BY VEHICLES OCCUPIED BY TWO OR MORE
4 INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE INDIVIDUAL; AND
5 (b) MORE FLEXIBLE USE OF HIGH-OCCUPANCY VEHICLE AND
6 HIGH-OCCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE
7 GENERALLY REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS,
8 INCLUDING THE DRIVER, TO ALLOW FREE USE BY VEHICLES OCCUPIED BY
9 TWO OR MORE INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE
10 INDIVIDUAL, AT CERTAIN TIMES, ON THE BASIS OF CERTAIN TRAFFIC
11 CONDITIONS, OR ON OTHER APPROPRIATE GROUNDS.

12 **SECTION 13.** In Colorado Revised Statutes, 43-4-205, **amend**
13 (6.3) as follows:

14 **43-4-205. Allocation of fund.** (6.3) (a) ~~Revenues~~ BEFORE
15 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, REVENUE FROM
16 the surcharges, fees, and fines credited to the highway users tax fund
17 pursuant to section 43-4-804 (1) shall be allocated and expended in
18 accordance with the formula specified in ~~paragraph (b) of subsection (6)~~
19 SUBSECTION (6)(b) of this section.

20 (b) ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
21 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO
22 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804
23 (1)(a)(I)(D), (1)(a)(I)(E), (1)(b), (1)(c), (1)(d), AND (1)(e) SHALL BE
24 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA
25 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND REVENUE FROM THE
26 ROAD SAFETY SURCHARGE CREDITED TO THE HIGHWAY USERS TAX FUND
27 PURSUANT TO SECTION 43-4-804 (1)(a)(I)(A), (1)(a)(I)(B), AND

1 (1)(a)(I)(C) SHALL BE ALLOCATED AND EXPENDED AS FOLLOWS:

2 (I) FIFTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
3 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
4 APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED
5 AND EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

6 (II) FORTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
7 CITIES AND INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION
8 BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED AND EXPENDED
9 AS PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

10 **SECTION 14.** In Colorado Revised Statutes, 43-4-206, **amend**
11 (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) and (5) as
12 follows:

13 **43-4-206. State allocation.** (1) Except as otherwise provided in
14 ~~subsection (2)~~ SUBSECTIONS (2), (3), AND (4) of this section, ~~after~~
15 ~~paying the costs of the Colorado state patrol and such ANY other costs of~~
16 ~~the department, exclusive of highway construction, highway~~
17 ~~improvements, or highway maintenance, as THAT are appropriated by the~~
18 ~~general assembly, sixty-five percent of the balance of MONEY IN the~~
19 ~~highway users tax fund shall be paid to the state highway fund IN~~
20 ~~ACCORDANCE WITH SECTION 43-4-205 and shall be expended for the~~
21 ~~following purposes:~~

22 (2) (a) ~~Notwithstanding the provisions of subsection (1) of this~~
23 ~~section, the revenues~~ REVENUE accrued to and transferred to the highway
24 users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, ~~C.R.S.~~,
25 or appropriated to the highway users tax fund pursuant to House Bill
26 02-1389, enacted at the second regular session of the sixty-third general
27 assembly, and credited to the state highway fund pursuant to section

1 43-4-205 (6.5) shall be expended by the department of transportation for
2 the implementation of the strategic transportation project investment
3 program. ~~in the following manner:~~

4 ~~(I) No more than ninety percent of such revenues shall be~~
5 ~~expended for highway purposes or highway-related capital improvements,~~
6 ~~including, but not limited to, high occupancy vehicle lanes, park-and-ride~~
7 ~~facilities, and transportation management systems, and at least ten percent~~
8 ~~of such revenues shall be expended for transit purposes or for~~
9 ~~transit-related capital improvements.~~

10 ~~(II) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June~~
11 ~~1, 2000.)~~

12 (b) Beginning in 1998, the department of transportation shall
13 report annually to the transportation committee of the senate and the
14 transportation and energy committee of the house of representatives
15 concerning the ~~revenues~~ REVENUE expended by the department pursuant
16 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION
17 AND, BEGINNING IN 2018, SUBSECTION (4) OF THIS SECTION. The
18 DEPARTMENT SHALL PRESENT THE report ~~shall be presented~~ at the joint
19 meeting required under section 43-1-113 (9)(a) and THE REPORT shall
20 describe for each fiscal year, if applicable:

21 (I) The projects on which the ~~revenues~~ REVENUE credited to the
22 state highway fund pursuant to ~~paragraph (a) of this subsection (2)~~ are
23 SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including
24 the estimated cost of each project, the aggregate amount of revenue
25 actually spent on each project, and the amount of revenue allocated for
26 each project in such fiscal year. The department of transportation shall
27 submit a prioritized list of such projects as part of the report.

1 (II) The status of such projects that the department has undertaken
2 in any previous fiscal year;

3 (III) The projected amount of revenue that the department expects
4 to receive under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
5 during ~~such~~ THE fiscal year;

6 (IV) The amount of revenue that the department has already
7 received under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
8 during ~~such~~ THE fiscal year; and

9 (V) How the ~~revenues~~ REVENUE expended under this subsection
10 (2) during ~~such~~ THE fiscal year ~~relate~~ RELATES to the total funding of the
11 FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL
12 CAPITAL PROJECTS, THAT ARE INCLUDED IN THE strategic transportation
13 project investment program.

14 (3) ~~Notwithstanding the provisions of subsection (1) of this~~
15 ~~section, the revenues~~ THE REVENUE credited to the highway users tax fund
16 pursuant to section 43-4-205 (6.3) shall be expended by the department
17 of transportation only for road safety projects, as defined in section
18 43-4-803 (21); except that the department shall, in furtherance of its duty
19 to supervise state highways and as a consequence in compliance with
20 section 43-4-810, expend ten million dollars per year of the revenues for
21 the planning, designing, engineering, acquisition, installation,
22 construction, repair, reconstruction, maintenance, operation, or
23 administration of transit-related projects, including, but not limited to,
24 designated bicycle or pedestrian lanes of highway and infrastructure
25 needed to integrate different transportation modes within a multimodal
26 transportation system, that enhance the safety of state highways for transit
27 users.

1 (4) SUBJECT TO THE LIMITATION SPECIFIED IN SUBSECTION (5) OF
2 THIS SECTION, THREE HUNDRED SEVENTY-FIVE MILLION DOLLARS PER
3 YEAR OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL
4 SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106
5 (1)(a)(II) AND 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS
6 TO THE HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123
7 (7)(a) SHALL BE PAID TO THE STATE HIGHWAY FUND AND EXPENDED BY
8 THE DEPARTMENT OF TRANSPORTATION AS FOLLOWS:

9 (a) AS MUCH OF THE REVENUE AS IS NEEDED TO MAKE FULL
10 PAYMENTS OF AMOUNTS ALLOCATED BY THE TRANSPORTATION
11 COMMISSION ON AN ANNUAL BASIS PURSUANT TO SECTION 43-1-113 SHALL
12 BE EXPENDED TO MAKE PAYMENTS ON REVENUE ANTICIPATION NOTES
13 ISSUED PURSUANT TO SECTION 43-4-705 (13)(b); AND

14
15 (b) ANY REMAINING REVENUE MAY BE EXPENDED ONLY FOR
16 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING
17 MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1
18 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
19 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST, UNTIL ALL OF
20 THE PROJECTS HAVE BEEN FUNDED IN WHOLE OR IN PART WITH SUCH
21 REVENUE AND ALL OF THE PROJECTS ARE FULLY FUNDED, FOR TIER 2
22 FUNDING FOR SUCH PROJECTS THEREAFTER, AND FOR MAINTENANCE,
23 INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE HIGHWAYS.

24 (5) THE DEPARTMENT OF TRANSPORTATION SHALL NOT EXPEND
25 NET REVENUE THAT IS CREDITED TO THE STATE HIGHWAY FUND PURSUANT
26 TO SUBSECTION (4) OF THIS SECTION TO SUPPORT TOLL HIGHWAYS. THE
27 DEPARTMENT SHALL NOT EXPEND SUCH NET REVENUE TO SUPPORT TOLL

1 LANE CONSTRUCTION OR MAINTENANCE UNLESS:

2 (a) (I) A FEDERAL RECORD OF DECISION HAS BEEN ISSUED AS OF
3 THE EFFECTIVE DATE OF THIS SUBSECTION (5)(a)(I); AND

4 (II) THE RECORD OF DECISION INCLUDED PLANNING STAGES IN
5 WHICH THE DEPARTMENT SOLICITED AND RECEIVED MEANINGFUL PUBLIC
6 PARTICIPATION AND INPUT; OR

7 (b) TOLL REVENUE IS NOT COLLECTED FOR THE SINGULAR OR
8 PRIMARY PURPOSE OF REVENUE GENERATION;

9 (c) TOLL REVENUE COLLECTION IS UTILIZED AS A MECHANISM TO
10 INCREASE TRAVEL TIME RELIABILITY AND MITIGATE CONGESTION;

11 (d) THE PROJECT CONTAINS ONE OR MORE MULTIMODAL OR
12 ALTERNATIVE MODES OF TRAVEL FOR NONTOLL PAYING PERSONS,
13 INCLUDING BUS RAPID TRANSIT, INTERREGIONAL BUS SERVICE, LOCAL BUS
14 SERVICE, OR HIGH-OCCUPANCY PASSENGER VEHICLES;

15 (e) TOLL REVENUE REMAINS ON THE CORRIDOR IN WHICH IT WAS
16 RAISED AND IS EXPENDED BY THE DEPARTMENT ONLY FOR MAINTENANCE,
17 OPERATIONS, OR CONSTRUCTION OF MOBILITY IMPROVEMENTS; AND

18 (f) THE TOLL LANE IS CONSTRUCTED ADJACENT TO ONE OR MORE
19 UNTOLLED LANES, AND THE ADDITION OF THE TOLL LANE WILL RESULT IN
20 DEMONSTRABLY LOWER CONGESTION IN THE UNTOLLED LANES.

21 **SECTION 15.** In Colorado Revised Statutes, 43-4-207, **amend**
22 (1), (2) introductory portion, and (2)(b) introductory portion as follows:

23 **43-4-207. County allocation.** (1) After paying the costs of the
24 Colorado state patrol and ~~such~~ ANY other costs of the department,
25 exclusive of highway construction, highway improvements, or highway
26 maintenance, ~~as~~ THAT are appropriated by the general assembly,
27 ~~twenty-six percent of the balance of the highway users tax fund~~ THE

1 REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY
2 USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE
3 COUNTIES AND FIFTY PERCENT OF THE NET REVENUE THAT IS
4 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
5 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT
6 THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS
7 REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE
8 PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY
9 SECTION 43-4-206 (4) IS MADE shall be paid to the county treasurers of the
10 respective counties, subject to annual appropriation by the general
11 assembly, and shall be allocated and expended as provided in this section.
12 The ~~moneys thus~~ MONEY received ~~shall be~~ IS allocated to the counties as
13 provided by law and shall be expended by the counties only on the
14 construction, engineering, reconstruction, maintenance, repair,
15 equipment, improvement, and administration of the county highway
16 systems and any other public highways, including any state highways,
17 together with acquisition of rights-of-way and access rights for the same,
18 for the planning, designing, engineering, acquisition, installation,
19 construction, repair, reconstruction, maintenance, operation, or
20 administration of transit-related projects, including, but not limited to,
21 designated bicycle or pedestrian lanes of highway and infrastructure
22 needed to integrate different transportation modes within a multimodal
23 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
24 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
25 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR
26 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a county
27 ~~may expend no more than fifteen percent of the total amount expended~~

1 ~~under this subsection (1) for transit-related operational purposes and~~
2 ~~except that moneys~~ MONEY received pursuant to section 43-4-205 (6.3)
3 shall be expended by the counties only for road safety projects, as defined
4 in section 43-4-803 (21). The amount ~~to be~~ expended for administrative
5 purposes shall not exceed five percent of each county's share of the funds
6 available.

7 (2) For the fiscal year commencing July 1, 1989, and each fiscal
8 year thereafter, for the purpose of allocating ~~moneys~~ MONEY in the
9 highway users tax fund to the various counties throughout the state, the
10 following method is ~~hereby~~ adopted:

11 (b) All ~~moneys~~ MONEY credited to the fund in excess of eighty-six
12 million seven hundred thousand dollars ~~shall be~~ AND ALL MONEY
13 CREDITED TO THE FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT
14 IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE
15 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES IS allocated to the
16 counties in the following manner:

17 **SECTION 16.** In Colorado Revised Statutes, 43-4-208, **amend**
18 (1), (2) introductory portion, (2)(a), and (6)(a) as follows:

19 **43-4-208. Municipal allocation.** (1) ~~After paying the costs of~~
20 ~~the Colorado state patrol and such ANY other costs of the department,~~
21 ~~exclusive of highway construction, highway improvements, or highway~~
22 ~~maintenance, as THAT are appropriated by the general assembly, and~~
23 ~~making allocation as provided by sections 43-4-206 and 43-4-207, the~~
24 ~~remaining nine percent of the highway users tax fund~~ THE REVENUE
25 REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS
26 TAX FUND TO CITIES AND INCORPORATED TOWNS AND FIFTY PERCENT OF
27 THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND

1 USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
2 39-26-202 (1)(b), THAT THE STATE TREASURER CREDITS TO THE HIGHWAY
3 USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT
4 REMAINS AFTER THE PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY
5 FUND REQUIRED BY SECTION 43-4-206 (4) IS MADE shall be paid to the
6 cities and incorporated towns within the limits of the respective counties,
7 subject to annual appropriation by the general assembly, and shall be
8 allocated and expended as provided in this section. Each city treasurer
9 shall account for the moneys thus received as provided in this part 2.
10 Moneys so allocated shall be expended by the cities and incorporated
11 towns for the construction, engineering, reconstruction, maintenance,
12 repair, equipment, improvement, and administration of the system of
13 streets of such city or incorporated town or of any public highways
14 located within such city or incorporated town, including any state
15 highways, together with the acquisition of rights-of-way and access rights
16 for the same, and for the planning, designing, engineering, acquisition,
17 installation, construction, repair, reconstruction, maintenance, operation,
18 or administration of transit-related projects, including, but not limited to,
19 designated bicycle or pedestrian lanes of highway and infrastructure
20 needed to integrate different transportation modes within a multimodal
21 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
22 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
23 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR
24 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a city or
25 an incorporated town may expend no more than fifteen percent of the
26 total amount expended under this subsection (1) for transit-related
27 operational purposes and except that moneys MONEY paid to the cities and

1 incorporated towns pursuant to section 43-4-205 (6.3) shall be expended
2 by the cities and incorporated towns only for road safety projects, as
3 defined in section 43-4-803 (21). The amount ~~to be~~ expended for
4 administrative purposes shall not exceed five percent of each city's share
5 of the funds available.

6 (2) For the purpose of allocating ~~moneys~~ MONEY in the highway
7 users tax fund to the various cities and incorporated towns throughout the
8 state, the following method is adopted:

9 (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
10 SECTION, eighty percent shall be allocated to the cities and incorporated
11 towns in proportion to the adjusted urban motor vehicle registration in
12 each city and incorporated town. The term "urban motor vehicle
13 registration" includes all passenger, truck, truck-tractor, and motorcycle
14 registrations. The number of registrations used in computing the
15 percentage shall be those certified to the state treasurer by the department
16 of revenue as constituting the urban motor vehicle registration for the last
17 preceding year. The adjusted registration shall be computed by applying
18 a factor to the actual number of such registrations to reflect the increased
19 standards and costs of construction resulting from the concentration of
20 vehicles in cities and incorporated places. For this purpose the following
21 table of actual registration numbers and factors shall be employed:

	Actual registrations	Factor
22		
23	1 -- 500	1.0
24	501 -- 1,250	1.1
25	1,251 -- 2,500	1.2
26	2,501 -- 5,000	1.3
27	5,001 -- 12,500	1.4

1	12,501 -- 25,000	1.5
2	25,001 -- 50,000	1.6
3	50,001 -- 85,000	1.7
4	85,001 -- 130,000	1.8
5	130,001 -- 185,000	1.9
6	185,001 and over	2.0

7 (6) (a) In addition to the provisions of subsection (2)(a) of this
8 section, on or after July 1, 1979, eighty percent of all additional ~~funds~~
9 MONEY becoming available to cities and incorporated towns from the
10 highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~, and
11 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2018,
12 EIGHTY PERCENT OF THE MONEY CREDITED TO THE HIGHWAY USERS TAX
13 FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT IS REQUIRED BY
14 SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND
15 INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES
16 shall be allocated to the cities and incorporated towns in proportion to the
17 adjusted urban motor vehicle registration in each city and incorporated
18 town. The term "urban motor vehicle registration", as used in this section,
19 includes all passenger, truck, truck-tractor, and motorcycle registrations.
20 The number of registrations used in computing the percentage shall be
21 those certified to the state treasurer by the department of revenue as
22 constituting the urban motor vehicle registration for the last preceding
23 year. The adjusted registration shall be computed by applying a factor to
24 the actual number of such registrations to reflect the increased standards
25 and costs of construction resulting from the concentration of vehicles in
26 cities and incorporated places. For this purpose the following table of
27 actual registration numbers and factors shall be employed:

	Actual registrations	Factor
1		
2	1 -- 500	1.0
3	501 -- 1,250	1.1
4	1,251 -- 2,500	1.2
5	2,501 -- 5,000	1.3
6	5,001 -- 12,500	1.4
7	12,501 -- 25,000	1.5
8	25,001 -- 50,000	1.6
9	50,001 -- 85,000	1.7
10	85,001 -- 125,000	1.8
11	125,001 -- 165,000	1.9
12	165,001 -- 205,000	2.0
13	205,001 -- 245,000	2.1
14	245,001 -- 285,000	2.2
15	285,001 -- 325,000	2.3
16	325,001 -- 365,000	2.4
17	365,001 -- 405,000	2.5
18	405,001 -- 445,000	2.6
19	445,001 -- 485,000	2.7
20	485,001 -- 525,000	2.8
21	525,001 -- 565,000	2.9
22	565,001 -- 605,000	3.0

23 **SECTION 17.** In Colorado Revised Statutes, 43-4-705, **amend**
24 (13) as follows:
25 **43-4-705. Revenue anticipation notes - repeal.**
26 (13) (a) Notwithstanding any other provision of this part 7 to the
27 contrary, the executive director shall have the authority to issue revenue

1 anticipation notes pursuant to this part 7 only if voters statewide approve
2 the ballot question submitted at the November, 1999, statewide election
3 pursuant to section 43-4-703 (1) and only then to the extent allowed under
4 the maximum amounts of debt and repayment cost so approved.

5 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE
6 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF
7 THIS SECTION, AND UPON VOTER APPROVAL OF THE BALLOT ISSUE
8 SUBMITTED AT THE NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO
9 SUBSECTION (13)(b)(III) OF THIS SECTION AND THE REPAYMENT FUNDING
10 COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS
11 SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL REVENUE
12 ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND ONE-HALF
13 BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF FIVE
14 BILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES
15 ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND
16 THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT
17 AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY
18 THE NOTES IN FULL OR IN PART BEFORE THE END OF THE SPECIFIED
19 PAYMENT TERM NO LATER THAN TEN YEARS AFTER THEIR ISSUANCE
20 WITHOUT PENALTY.

21 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION
22 (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION
23 NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE
24 TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT
25 COVENANTS THAT AMOUNTS IT ALLOCATES ON AN ANNUAL BASIS
26 PURSUANT TO SECTION 43-1-113 TO PAY THE REVENUE ANTICIPATION
27 NOTES WILL BE PAID AS FOLLOWS: FIRST, FIFTY MILLION DOLLARS FROM

1 ANY LEGALLY AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES
2 AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY FUND
3 PURSUANT TO SECTION 43-4-206 (4); NEXT, FROM SALES AND USE TAX NET
4 REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION
5 43-4-206 (4); AND, IF SUCH REVENUE IS INSUFFICIENT, LAST, FROM ANY
6 OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT
7 NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPAID.

8 (III) THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED
9 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE
10 STATEWIDE ELECTION HELD IN NOVEMBER 2017 THE FOLLOWING BALLOT
11 ISSUE: "SHALL STATE TAXES BE INCREASED BY SEVEN HUNDRED FIFTEEN
12 MILLION ONE HUNDRED THOUSAND DOLLARS ANNUALLY AND
13 TEMPORARILY TO PAY FOR STATE AND LOCAL TRANSPORTATION PROJECTS,
14 INCLUDING MUNICIPAL AND COUNTY ROADS, STATE HIGHWAYS,
15 AFFORDABLE AND ACCESSIBLE TRANSPORTATION OPTIONS FOR SENIORS
16 AND PERSONS WITH DISABILITIES, BUS AND RAIL SERVICE, RAPID RESPONSE
17 MAINTENANCE PROGRAMS, AND TO ENHANCE MOBILITY AND SAFETY FOR
18 ALL COLORADANS, BY A STATE SALES AND USE TAX RATE INCREASE OF
19 0.62% FOR THE TWENTY-YEAR PERIOD BEGINNING JANUARY 1, 2018, AND
20 ENDING DECEMBER 31, 2037; SHALL STATE DEBT BE INCREASED UP TO
21 \$3,500,000,000, WITH A MAXIMUM REPAYMENT COST OF \$5,000,000,000
22 BY THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE
23 ANTICIPATION NOTES SOLELY TO FUND SPECIFIED HIGH-PRIORITY
24 TRANSPORTATION PROJECTS IN ALL AREAS OF THE STATE; AND SHALL ALL
25 REVENUE FROM THE TAX RATE INCREASE IN THE STATED AMOUNT IN THE
26 FIRST FULL FISCAL YEAR AND IN WHATEVER AMOUNTS ARE COLLECTED IN
27 FUTURE FISCAL YEARS BY IMPOSITION OF THE 0.62% SALES TAX RATE

1 INCREASE AND EARNINGS ON SUCH REVENUES AND ON PROCEEDS OF THE
2 NOTES BE RETAINED AND SPENT AS A VOTER-APPROVED REVENUE
3 CHANGE?"

4 (IV) WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS
5 SUBSECTION (13)(b)(IV), THE DEPARTMENT SHALL PROVIDE TO THE
6 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL THE MOST RECENT
7 AVAILABLE LIST OF QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS,
8 INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR
9 TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
10 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST AND THAT
11 THE DEPARTMENT WILL FUND WITH PROCEEDS OF ANY ADDITIONAL
12 REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY THIS
13 SUBSECTION (13)(b). IN ORDER TO FULLY INFORM THE VOTERS OF THE
14 STATE CONCERNING THE PROJECTS TO BE FUNDED WITH PROCEEDS OF ANY
15 SUCH ADDITIONAL REVENUE ANTICIPATION NOTES BEFORE THE VOTERS
16 VOTE ON THE BALLOT QUESTION SPECIFIED IN SUBSECTION (13)(b)(III) OF
17 THIS SECTION, THE DIRECTOR OF RESEARCH SHALL PUBLISH THE LIST,
18 INCLUDING ANY SUBSEQUENT UPDATES TO THE LIST MADE BEFORE FINAL
19 APPROVAL BY THE LEGISLATIVE COUNCIL OF THE 2017 BALLOT
20 INFORMATION BOOKLET PREPARED PURSUANT TO SECTION 1-40-124.5,
21 WHICH UPDATES THE DEPARTMENT SHALL EXPEDITIOUSLY PROVIDE TO THE
22 DIRECTOR OF RESEARCH, IN THE BALLOT INFORMATION BOOKLET.

23 (V) (A) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT
24 ISSUE IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "NO/AGAINST",
25 THEN THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

26 (B) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
27 IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "YES/FOR", THEN THIS

1 SUBSECTION (13)(b)(V) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

2 **SECTION 18.** In Colorado Revised Statutes, **amend** 43-4-713 as
3 follows:

4 **43-4-713. Annual reports - provision of information of**
5 **website.** (1) No later than ~~January 15, 2001~~ JANUARY 15, 2019, and no
6 later than January 15 of each year thereafter, the executive director shall
7 submit a report to ~~the members of~~ the joint budget committee of the
8 general assembly, ~~the members of~~ the legislative audit committee of the
9 general assembly, the ~~chair of the~~ transportation and energy committee of
10 the house of representatives, and the ~~chair of the~~ transportation committee
11 of the senate that includes, at a minimum, the following information:

12 (a) The total amount of ADDITIONAL revenue anticipation notes
13 issued by the executive director ~~in accordance with this part 7~~ AS
14 AUTHORIZED BY SECTION 43-4-705 (13)(b);

15 (b) The qualified federal aid transportation projects, INCLUDING
16 MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE DEPARTMENT'S
17 PRIORITY LIST FOR TRANSPORTATION FUNDING AND for which the proceeds
18 from ~~such~~ THE ADDITIONAL revenue anticipation notes have been
19 expended, the amount of note proceeds expended on each project, the
20 status of each project, THE ACTUAL COST OF EACH COMPLETED PROJECT
21 AND A COMPARISON OF THE ACTUAL COST WITH THE ESTIMATED COST
22 PUBLISHED IN THE 2017 BALLOT INFORMATION BOOKLET AS REQUIRED BY
23 SECTION 43-4-705 (13)(b)(IV), and the estimated date of completion for
24 ~~such~~ ANY projects not yet completed;

25 (c) The total amount of federal transportation funds paid to the
26 department since ~~such~~ THE ADDITIONAL revenue anticipation notes ~~have~~
27 ~~been~~ WERE issued; and

1 (d) The total amount of proceeds from the issuance of THE
2 ADDITIONAL revenue anticipation notes, state matching funds, and federal
3 transportation funds allocated by the commission in each state fiscal year
4 for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and
5 the costs associated with the issuance and administration of such notes.

6 (2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL
7 REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE,
8 THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN
9 EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY
10 UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL
11 REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

12 (3) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
13 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES
14 UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON
15 ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
16 SECTION 43-4-705 (13)(b) IS MADE.

17 **SECTION 19.** In Colorado Revised Statutes, **amend** 43-4-714 as
18 follows:

19 **43-4-714. Priority of strategic transportation project**
20 **investment program.** (1) If the executive director issues any revenue
21 anticipation notes in accordance with the provisions of this part 7, the
22 proceeds from the sale of such notes that are not otherwise pledged for
23 the payment of such notes shall be used for the qualified federal aid
24 transportation projects included in the strategic transportation project
25 investment program of the department of transportation.

26 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION
27 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL

1 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES
2 PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE
3 PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY
4 ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE
5 STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF
6 AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR
7 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING
8 MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1
9 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
10 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST, UNTIL ALL OF
11 THE PROJECTS HAVE BEEN FUNDED IN WHOLE OR IN PART WITH SUCH
12 PROCEEDS AND REVENUE AND ALL OF THE PROJECTS ARE FULLY FUNDED,
13 FOR TIER 2 FUNDING FOR SUCH PROJECTS THEREAFTER, AND FOR
14 MAINTENANCE, INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE
15 HIGHWAYS.

16 **SECTION 20.** In Colorado Revised Statutes, **add** 43-4-714.5 as
17 follows:

18 **43-4-714.5. Transportation revenue anticipation notes citizen**
19 **oversight committee - creation - appointment of members - charge -**
20 **report.** (1) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES
21 CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE
22 OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS
23 OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
24 SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE EXECUTIVE
25 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE AND FOURTEEN
26 APPOINTED MEMBERS. THE APPOINTING AUTHORITIES SHALL GIVE
27 CONSIDERATION TO THE GEOGRAPHIC DIVERSITY OF THE COMMITTEE WHEN

1 MAKING APPOINTMENTS AND SHALL SPECIFICALLY ENSURE THAT THE
2 WESTERN SLOPE AND EASTERN PLAINS ARE REPRESENTED ON THE
3 COMMITTEE. COMMITTEE MEMBERS MUST BE APPOINTED AS FOLLOWS:

4 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS, AT LEAST ONE
5 OF WHOM HAS PROFESSIONAL FINANCE EXPERIENCE, AT LEAST ONE OF
6 WHOM IS A LICENSED CIVIL ENGINEER, AT LEAST ONE OF WHOM IS AN
7 ADVOCATE FOR AFFORDABLE TRANSPORTATION OPTIONS, AND AT LEAST
8 ONE OF WHOM IS A CERTIFIED PUBLIC ACCOUNTANT. NO MORE THAN FOUR
9 OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE AFFILIATED
10 WITH THE SAME POLITICAL PARTY;

11 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
12 APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A PERSON WITH
13 A DISABILITY WHO ADVOCATES FOR PERSONS WITH ALL TYPES OF
14 DISABILITIES;

15 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO
16 MEMBERS, AT LEAST ONE OF WHOM MUST BE A CONTRACTOR WITH
17 EXPERIENCE WORKING ON TRANSPORTATION PROJECTS;


18 (IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
19 SHALL APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A
20 LICENSED ATTORNEY; AND

21 (V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO
22 MEMBERS, AT LEAST ONE OF WHOM MUST REPRESENT OR ADVOCATE FOR
23 TRANSIT PROVIDERS.

24 (VI) THE GOVERNOR SHALL APPOINT ONE ADDITIONAL MEMBER
25 WHO IS A REPRESENTATIVE OF THE TRUCKING INDUSTRY.

26 (b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY
27 BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT

1 THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE
2 GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER
3 APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER
4 APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE
5 NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE
6 COMMITTEE.

7 
8 (2) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES PER YEAR,
9 AND THE CHARGE OF THE COMMITTEE IS TO SPECIFICALLY EXAMINE THE
10 EXPENDITURE BY THE DEPARTMENT OF ANY PROCEEDS OF
11 TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED
12 BY SECTION 43-4-705 (13)(b) AND ANY ADDITIONAL STATE SALES AND USE
13 TAX REVENUE THAT IS ALLOCATED TO THE STATE HIGHWAY FUND
14 PURSUANT TO SECTION 43-4-206 (4) AND VERIFY THAT SUCH NOTE
15 PROCEEDS AND TAX REVENUE ARE EXPENDED:

16 (a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714
17 (2);

18 (b) FOR THE PURPOSE OF FUNDING PROJECTS LISTED IN THE 2017
19 BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF
20 RESEARCH OF THE LEGISLATIVE COUNCIL AS REQUIRED BY SECTION
21 43-4-705 (13)(b)(IV); AND

22 (c) APPROPRIATELY, TRANSPARENTLY, EFFECTIVELY, AND
23 EFFICIENTLY.

24 (3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
25 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
26 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

27 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING

1 REQUIREMENT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION
2 CONTINUES UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST
3 PAYMENT ON ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS
4 AUTHORIZED BY SECTION 43-4-705 (13)(b) IS MADE.

5 **SECTION 21.** In Colorado Revised Statutes, 43-4-804, **amend**
6 (1)(a)(I) introductory portion, (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(C);
7 **and repeal** (1)(e) as follows:

8 **43-4-804. Highway safety projects - surcharges and fees -**
9 **crediting of money to highway users tax fund - definition.** (1) On and
10 after July 1, 2009, the following surcharges, fees, and fines shall be
11 collected and credited to the highway users tax fund created in section
12 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
13 municipalities as specified in section 43-4-205 (6.3):

14 (a) (I) A road safety surcharge, which, except as otherwise
15 provided in ~~subparagraphs (III) and (VI) of this paragraph (a)~~
16 SUBSECTIONS (1)(a)(III) AND (1)(a)(VI) OF THIS SECTION, shall be imposed
17 for any registration period that commences on or after July 1, 2009, upon
18 the registration of any vehicle for which a registration fee must be paid
19 pursuant to the provisions of part 3 of article 3 of title 42. ~~C.R.S.~~ Except
20 as otherwise provided in ~~subparagraphs (IV) and (V) of this paragraph (a)~~
21 SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION, the amount of the
22 surcharge ~~shall be~~ IS:

23 (A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
24 2038, sixteen dollars AND ON AND AFTER JANUARY 1, 2018, BUT BEFORE
25 JANUARY 1, 2038, SIX DOLLARS for any vehicle that is a motorcycle,
26 motorscooter, or motorbicycle, as respectively defined in section
27 42-1-102 (55) and (59), ~~C.R.S.~~, or that weighs two thousand pounds or

1 less;

2 (B) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
3 2038, twenty-three dollars AND ON AND AFTER JANUARY 1, 2018, BUT
4 BEFORE JANUARY 1, 2038, NINE DOLLARS for any vehicle that weighs
5 more than two thousand pounds but not more than five thousand pounds;

6 (C) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
7 2038, twenty-eight dollars AND ON AND AFTER JANUARY 1, 2018, BUT
8 BEFORE JANUARY 1, 2038, ELEVEN DOLLARS for any vehicle that weighs
9 more than five thousand pounds but not more than ten thousand pounds;

10 ~~(e) Late registration fees required to be credited to the highway~~
11 ~~users tax fund pursuant to section 42-3-112 (2), C.R.S.~~

12 **SECTION 22.** In Colorado Revised Statutes, **add** part 11 to
13 article 4 of title 43 as follows:

14 PART 11

15 MULTIMODAL TRANSPORTATION OPTIONS FUNDING

16 **43-4-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
17 HEREBY FINDS AND DECLARES THAT:

18 (a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE
19 NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705
20 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT,
21 **RETAIN,** AND SPEND, A SUBSTANTIAL AMOUNT OF NEW DEDICATED
22 FUNDING, MOST OF WHICH WILL BE USED TO ACCELERATE THE COMPLETION
23 OF HIGHWAY PROJECTS THROUGHOUT THE STATE;

24 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
25 THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED
26 TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION
27 PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY

1 THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT
2 PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED
3 MULTIMODAL TRANSPORTATION SYSTEM:

4 (I) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE
5 FOR THEM;

6 (II) BENEFITS RESIDENTS OF RURAL AREAS BY PROVIDING THEM
7 WITH FLEXIBLE PUBLIC TRANSPORTATION SERVICES;

8 (III) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH
9 DISABILITIES; AND

10 (IV) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

11 **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "AGING IN PLACE" MEANS HAVING THE ABILITY TO LIVE IN
14 ONE'S OWN HOME AND COMMUNITY SAFELY, INDEPENDENTLY, AND
15 COMFORTABLY, REGARDLESS OF AGE, INCOME, OR ABILITY LEVEL.

16 (2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
17 CREATED IN SECTION 43-1-106 (1).

18 (3) "COMMITTEE" MEANS THE MULTIMODAL TRANSPORTATION
19 OPTIONS COMMITTEE CREATED IN SECTION 43-4-1104 (1).

20 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF
21 TRANSPORTATION.

22 (5) "DIVISION" MEANS THE TRANSIT AND RAIL DIVISION CREATED
23 IN SECTION 43-4-117.5 (1).

24 (6) "FUND" MEANS THE MULTIMODAL TRANSPORTATION OPTIONS
25 FUND CREATED IN SECTION 43-4-1103 (1).

26 (7) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS BOTH
27 PUBLIC TRANSIT INFRASTRUCTURE AND OPERATIONS AND

1 TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR USERS OF
2 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT.

3 (8) "TRANSPORTATION OPTIONS" MEANS TRANSPORTATION
4 INFRASTRUCTURE, OPERATIONS, AND SERVICES, OTHER THAN PORTIONS OF
5 HIGHWAYS, ROADS, OR STREETS DESIGNED PRIMARILY FOR PERSONAL AND
6 SINGLE OCCUPANT MOTOR VEHICLE USE, THAT ARE PROVIDED BY OR
7 CONTRACTED FOR BY OR ON BEHALF OF THE STATE, OR ONE OR MORE
8 LOCAL GOVERNMENTS, REGIONAL TRANSPORTATION AUTHORITIES, OR
9 TRANSIT AGENCIES AND INCLUDES:

10 (a) BUS AND RAIL FACILITIES, INCLUDING BUS LANES, EQUIPMENT,
11 AND SERVICES, INCLUDING:

12 (I) LOCAL, REGIONAL, AND INTERCITY BUS AND RAIL FACILITIES,
13 EQUIPMENT, AND SERVICES THAT ARE PROVIDED BY OR CONTRACTED FOR
14 BY OR ON BEHALF OF THE STATE, OR ONE OR MORE LOCAL GOVERNMENTS,
15 REGIONAL TRANSPORTATION AUTHORITIES, OR TRANSIT AGENCIES;

16 (II) FIRST AND FINAL MILE CONNECTIONS TO BUS AND RAIL
17 FACILITIES, EQUIPMENT, AND SERVICES; AND

18 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS
19 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL
20 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL
21 TRANSPORTATION OPTIONS;

22 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
23 DISABILITIES;

24 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;

25 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
26 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND

27 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW

1 TRANSPORTATION TECHNOLOGY.

2 **43-4-1103. Multimodal transportation options fund - creation**

3 **- revenue source for fund - use of fund - definition.** (1) THE
4 MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE
5 STATE TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET
6 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE
7 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
8 39-26-202 (1)(b) AND THAT IS CREDITED TO THE FUND PURSUANT TO
9 SECTION 39-26-123 (7)(b) AND ANY OTHER MONEY THAT THE GENERAL
10 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
11 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
12 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND AND
13 SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE ACCOUNTS OF
14 THE FUND IN THE PERCENTAGES DESIGNATED BY THE COMMISSION
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

16 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE
17 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN
18 THE FUND. THE COMMISSION SHALL DESIGNATE, AND MAY AT ANY TIME BY
19 SUBSEQUENT RESOLUTION MODIFY, THE PERCENTAGES OF THE MONEY
20 CREDITED TO THE FUND TO BE CREDITED TO EACH ACCOUNT SUBJECT TO
21 THE LIMITATION THAT DURING ANY GIVEN FISCAL YEAR NO MORE THAN
22 SEVENTY-FIVE PERCENT OF THE MONEY MAY BE CREDITED TO THE
23 TRANSPORTATION OPTIONS ACCOUNT AND AT LEAST TWENTY-FIVE
24 PERCENT OF THE REVENUE MUST BE CREDITED TO THE PEDESTRIAN AND
25 ACTIVE TRANSPORTATION ACCOUNT.

26 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY, MONEY MUST BE EXPENDED FROM THE FUND AS FOLLOWS:

1 (a) THE COMMITTEE SHALL EXPEND MONEY FROM THE
2 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
3 TRANSPORTATION OPTIONS PROJECTS THAT IT HAS APPROVED FOR FUNDING
4 PURSUANT TO SECTION 43-4-1104 (3)(c).

5 (b) (I) THE DEPARTMENT SHALL EXPEND MONEY FROM THE
6 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE FUND FOR
7 PROJECTS FOR TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR
8 NONMOTORIZED USE, INCLUDING PATHS, SIDEWALKS, AND ROADWAYS
9 INTENDED FOR USE WITH NONMOTORIZED EQUIPMENT. SUCH PROJECTS
10 INCLUDE NONMOTORIZED LANES AND PATHWAYS, SIDEWALKS, AND
11 ROADWAY IMPROVEMENTS, INCLUDING SHOULDERS, CROSSWALKS, AND
12 INTERSECTION IMPROVEMENTS, THAT ENHANCE SAFETY FOR USERS OF
13 NONMOTORIZED MULTIMODAL TRANSPORTATION OPTIONS. EXCEPT AS
14 OTHERWISE PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, THE
15 DEPARTMENT SHALL ALLOCATE THE MONEY IN THE PEDESTRIAN AND
16 ACTIVE TRANSPORTATION ACCOUNT IN THE SAME MANNER IN WHICH
17 FEDERAL SURFACE TRANSPORTATION PROGRAM SET-ASIDE MONEY IS
18 ALLOCATED WITHIN THE STATE PURSUANT TO 23 U.S.C. SEC. 133 (h).

19 (II) TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION
20 AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING
21 FUNDING FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION OPTIONS
22 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
23 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
24 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
25 EQUAL TO TWENTY PERCENT OF THE AMOUNT OF FUNDING FOR THE
26 PROJECT PROVIDED FROM THE ACCOUNT:

27 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN

1 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

2 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
3 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
4 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

5 (c) FOR PURPOSES OF THIS SUBSECTION (3), "NONMOTORIZED USE"
6 INCLUDES USE OF A MOTORIZED WHEELCHAIR, SCOOTER, OR
7 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY BY A PERSON WITH A
8 DISABILITY WHO USES THE MOTORIZED WHEELCHAIR, SCOOTER, OR
9 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY FOR THE PURPOSE OF
10 MOBILITY ASSISTANCE.

11 (4) (a) THE DEPARTMENT SHALL ANNUALLY REPORT TO THE
12 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
13 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS
14 EXPENDITURES FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION
15 ACCOUNT OF THE FUND INCLUDING, AT A MINIMUM:

16 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
17 THE ACCOUNT OF THE FUND DURING THE PRIOR FISCAL YEAR; AND

18 (II) A LISTING OF ALL PROJECTS RECEIVING FUNDING FROM THE
19 ACCOUNT DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
20 PROJECT:

21 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
22 PROJECT;

23 (B) THE AMOUNT OF ACCOUNT FUNDING PROVIDED FOR THE
24 PROJECT; AND

25 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
26 PROJECT.

27 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING

1 REQUIREMENT SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION
2 CONTINUES INDEFINITELY.


3 **43-4-1104. Multimodal transportation options committee -**
4 **created - membership - powers and duties - annual reporting**
5 **requirement.** (1) (a) THE MULTIMODAL TRANSPORTATION OPTIONS

6 COMMITTEE IS CREATED IN THE DEPARTMENT OF TRANSPORTATION. THE
7 COMMITTEE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
8 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**
9 TRANSFER, AS DEFINED IN SECTION 24-1-105. THE COMMITTEE CONSISTS
10 OF ELEVEN MEMBERS, A MAJORITY OF WHOM CONSTITUTE A QUORUM OF
11 THE COMMITTEE, TEN OF WHOM ARE APPOINTED AS FOLLOWS:

12 (I) THE GOVERNOR, TAKING INTO ACCOUNT GEOGRAPHIC
13 DIVERSITY WHEN MAKING APPOINTMENTS, SHALL APPOINT SIX MEMBERS
14 OF THE COMMITTEE AS FOLLOWS:

15 (A) TWO MEMBERS WHO REPRESENT TRANSIT AGENCIES, ONE OF
16 WHOM MUST REPRESENT A TRANSIT AGENCY THAT PROVIDES SERVICE
17 EXCLUSIVELY OR PRIMARILY OUTSIDE THE BOUNDARIES OF METROPOLITAN
18 STATISTICAL AREAS;

19 (B) THREE MEMBERS, EACH OF WHOM REPRESENTS EITHER A
20 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
21 43-1-1102 (4), OR A REGIONAL PLANNING COMMISSION, AS DEFINED IN
22 SECTION 43-4-1102 (5); AND

23 
24 (C) ONE MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE
25 TRANSPORTATION OPTIONS.

26 (II) FOUR MEMBERS SHALL BE APPOINTED BY THE LEADERSHIP OF
27 THE GENERAL ASSEMBLY AS FOLLOWS:

1 (A) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE MEMBER
2 WHO IS A REPRESENTATIVE OF A LOCAL GOVERNMENT;

3 (B) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
4 APPOINT ONE MEMBER WHO IS A REPRESENTATIVE OF A LOCAL
5 GOVERNMENT;

6 (C) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE
7 MEMBER WHO IS A REPRESENTATIVE OF A LOCAL GOVERNMENT AND
8 RESIDES IN A COMMUNITY THAT IS WEST OF THE CONTINENTAL DIVIDE;
9 AND

10 (D) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
11 SHALL APPOINT ONE MEMBER WHO IS A REPRESENTATIVE OF A LOCAL
12 GOVERNMENT AND RESIDES IN A COMMUNITY THAT IS EAST OF INTERSTATE
13 HIGHWAY 25.

14 (b) THE DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR'S
15 DESIGNEE IS A MEMBER OF THE COMMITTEE.

16 (2) (a) INITIAL MEMBERS OF THE COMMITTEE SHALL BE APPOINTED
17 NO LATER THAN MARCH 1, 2018.

18 (b) APPOINTED COMMITTEE MEMBERS SERVE FOR FOUR-YEAR
19 TERMS; EXCEPT THAT THE INITIAL TERMS OF ONE OF THE MEMBERS
20 APPOINTED PURSUANT TO SUBSECTION (1)(a)(I)(A) OF THIS SECTION, TWO
21 OF THE MEMBERS APPOINTED PURSUANT TO SUBSECTION (1)(a)(I)(B) OF
22 THIS SECTION, AND THE MEMBERS APPOINTED PURSUANT TO SUBSECTIONS
23 (1)(a)(II)(A) AND (1)(a)(II)(B) OF THIS SECTION ARE TWO YEARS. THE
24 APPROPRIATE APPOINTING AUTHORITY MAY REMOVE AN APPOINTEE FOR
25 ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OF DISCHARGING OR
26 UNFIT TO DISCHARGE THE MEMBER'S DUTIES AND SHALL FILL ANY
27 VACANCY ON THE COMMITTEE BY APPOINTMENT OF A NEW MEMBER, WHO

1 SHALL SERVE UNTIL THE EXPIRATION OF THE TERM FOR WHICH THE
2 VACANCY WAS FILLED. APPOINTED COMMITTEE MEMBERS SERVE WITHOUT
3 COMPENSATION, BUT RECEIVE REIMBURSEMENT FOR TRAVEL AND OTHER
4 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

5 (3) THE FUNCTION OF THE COMMITTEE IS TO EQUITABLY,
6 EFFICIENTLY, AND EFFECTIVELY ALLOCATE THE MONEY IN THE
7 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
8 TRANSPORTATION OPTIONS PROJECTS THROUGHOUT THE STATE. TO
9 FURTHER THE PERFORMANCE OF ITS FUNCTION, THE COMMITTEE, IN
10 ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS PART 11,
11 HAS THE FOLLOWING POWERS AND DUTIES:

12 (a) TO DEVELOP A FORMULA FOR ALLOCATING THE MONEY AMONG
13 THE REGIONS OF THE STATE. THE FORMULA MUST TAKE INTO ACCOUNT
14 POPULATION, TRANSPORTATION OPTIONS NEEDS, TRANSPORTATION
15 OPTIONS PERFORMANCE, AND THE AVAILABILITY OF LOCAL MATCHING
16 MONEY.

17 (b) TO SUPERVISE AND PROVIDE GUIDANCE TO THE DIVISION IN ITS
18 SOLICITATION, RECEIPT, AND EVALUATION OF SPECIFIC TRANSPORTATION
19 OPTIONS PROJECT PROPOSALS FROM LOCAL GOVERNMENTS, REGIONAL
20 TRANSPORTATION AUTHORITIES, AND TRANSIT AGENCIES AND ITS
21 DEVELOPMENT OF INTERREGIONAL TRANSPORTATION OPTIONS PROJECTS
22 PURSUANT TO SECTION 43-1-117.5 (3)(a)(VIII);

23 (c) TO DETERMINE WHICH TRANSPORTATION OPTIONS PROJECTS
24 RECEIVE FUNDING AND THE AMOUNT OF THE FUNDING PROVIDED FOR EACH
25 PROJECT RECEIVING FUNDING. TOTAL LOCAL GOVERNMENT, REGIONAL
26 TRANSPORTATION AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A
27 PROJECT RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS

1 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
2 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
3 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
4 EQUAL TO TWENTY PERCENT OF THE AMOUNT RECEIVED FOR THE PROJECT
5 FROM THE ACCOUNT:

6 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN
7 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

8 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
9 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
10 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

11 (d) TO PROPOSE AND FUND PROGRAMS, INCLUDING FREE
12 TRANSPORTATION OPTIONS PASS AND REDUCED FARE PROGRAMS, TO
13 PROVIDE AT LEAST A BASIC LEVEL OF TRANSPORTATION OPTIONS SERVICE
14 TO LOW-INCOME COLORADANS THROUGHOUT THE STATE. WHEN
15 CONSIDERING AN APPLICATION FOR FUNDING FOR PUBLIC TRANSIT
16 SERVICES, THE COMMITTEE SHALL CONSIDER WHAT STEPS APPLICANTS ARE
17 TAKING TO MAKE TRANSIT SERVICES AFFORDABLE FOR LOW-INCOME
18 USERS, INCLUDING, BUT NOT LIMITED TO, REDUCED COST PASSES.

19 (e) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
20 THE CONDUCT OF ITS BUSINESS; AND

21 (f) TO PROMULGATE ANY RULES, IN ACCORDANCE WITH ARTICLE
22 4 OF TITLE 24, THAT ARE NECESSARY AND PROPER FOR THE
23 ADMINISTRATION OF THIS PART 11.

24 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEY
25 RECEIVED FROM THE TRANSPORTATION OPTIONS FUND SHALL NOT BE
26 CONSIDERED WHEN CALCULATING COMPLIANCE WITH OTHER RELATED
27 STATUTORY OBLIGATIONS.

1 (5) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
2 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
3 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS ACTIVITIES
4 INCLUDING, AT A MINIMUM:

5 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
6 THE TRANSPORTATION OPTIONS ACCOUNT OF THE FUND DURING THE PRIOR
7 FISCAL YEAR; AND

8 (II) A LISTING OF ALL TRANSPORTATION OPTIONS PROJECTS
9 RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS ACCOUNT OF
10 THE FUND DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
11 PROJECT:

12 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
13 PROJECT;

14 (B) THE AMOUNT OF TRANSPORTATION OPTIONS ACCOUNT
15 FUNDING PROVIDED FOR THE PROJECT; AND

16 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
17 PROJECT.

18 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE REPORTING
19 REQUIREMENT SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION
20 CONTINUES INDEFINITELY.

21 **43-4-1105. "Keep Jobs In Colorado Act of 2013" - application.**
22 The provisions of the "Keep Jobs In Colorado Act of 2013", article 17 of
23 title 8, apply to this part 11.

24 **SECTION 23. Appropriation.** (1) For the 2017-18 state fiscal
25 year, \$179,550 is appropriated to the department of revenue. This
26 appropriation is from the general fund. To implement this act, the
27 department may use this appropriation as follows:

1 (a) \$47,788 for use by the taxpayer services division for personal
2 services, which amount is based on an assumption that the division will
3 require an additional 1.1 FTE;

4 (b) \$5,748 for use by the taxpayer services division for operating
5 expenses;

6 (c) \$111,414 for use by the executive director's office for postage;
7 and

8 (d) \$14,600 for tax administration IT system (GenTax) support;

9 (2) For the 2017-18 state fiscal year, \$6,592 is appropriated to the
10 department of revenue. This appropriation is from the Colorado state
11 titling and registration account in the highway users tax fund created in
12 section 42-1-211 (2), C.R.S. To implement this act, the department may
13 use this appropriation for DMV IT system (DRIVES) support.

14 (3) For the 2017-18 state fiscal year, \$6,592 is appropriated to the
15 office of the governor for use by the office of information technology.
16 This appropriation is from reappropriated funds received from the
17 department of revenue under subsection (2) of this section. To implement
18 this act, the office may use this appropriation to provide information
19 technology services for the department of revenue.

20 **SECTION 24. Effective date.** (1) Except as otherwise provided
21 in subsection (2) of this section, this act takes effect only if, at the
22 November 2017 statewide election, a majority of voters approve the ballot
23 issue submitted pursuant to section 43-4-705 (13)(b), Colorado Revised
24 Statutes, as enacted in section 16 of this act, and, in such case, this act
25 takes effect on the date of the official declaration of the vote thereon by
26 the governor.

27 (2) Section 16 of this act takes effect upon passage.

1 **SECTION 25. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.