HOUSE BILL 17-1242

A BILL FOR AN ACT
Concerning Transportation Funding, and in Connection 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
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.

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1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

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

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

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

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

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

(a) Address poor road and bridge conditions like potholes and rough pavement that damage vehicles, require vehicle owners to pay for
expensive vehicle repairs, and increase costs for Colorado families;

(b) Reconstruct and rehabilitate state highways to better maintain them and prevent and avoid costly future repairs;

(c) Support local government efforts to fund local transportation projects that are critical for their communities;

(d) Improve highways to increase their capacity and accommodate population growth;

(e) Provide additional seasonal maintenance on state highways;

(f) Address increased traffic congestion through multimodal transportation options;

(g) Allow the state's growing population of seniors to age in place and provide greater mobility for persons with disabilities; and

(h) Invest in the economic future of the state by providing a modern multimodal statewide transportation system that will support and strengthen the economy of the state and attract more businesses and employers to the state.

SECTION 2. In Colorado Revised Statutes, 24-1-128.7, add (8) as follows:

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

(8) The multimodal transportation options committee created in section 43-4-1104 (1) shall exercise its powers and perform its duties and functions as if the same were transferred by a type 1 transfer, as defined in section 24-1-105, to the department of transportation.

SECTION 3. In Colorado Revised Statutes, 24-75-219, amend (2)(c) introductory portion, (3)(b), and (4)(a) introductory portion; and repeal (1)(c) and (2)(c)(I) as follows:
24-75-219. Transfers - transportation - capital construction - definitions. (1) As used in this section, unless the context otherwise requires:

(c) "Funds" means the highway users tax fund and the capital construction fund:

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

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

(3) (b) Except as otherwise set forth provided in subsection (4) of this section, the transfers required pursuant to paragraph (c) of subsection (2) of this section shall be made as follows:

(I) On the fifteenth day of the first month of each quarter of each state fiscal year in which the transfers are required, an amount equal to twenty percent of the amount required to be transferred to the highway users tax fund and the capital construction fund for such the state fiscal year, which amounts shall be based on the most recent revenue estimate prepared by legislative council staff that is available at the time of the transfers transfer, shall be transferred to the respective funds fund.

(II) On the date during the state fiscal year on which the state controller distributes the comprehensive annual financial report of the state, the state treasurer shall transfer an amount equal to the difference between the actual amounts required to be
transferred to the funds CAPITAL CONSTRUCTION FUND and the TOTAL OF
the estimated amounts previously transferred pursuant to subparagraph
(I) of this paragraph (b) SUBSECTION (3)(b)(I) of this section.

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

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

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

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

39-26-106. Schedule of sales tax. (1) (a) (I) Except as otherwise
provided in subparagraph (II) of this paragraph (a), of this section, there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of three two and ninety one-hundredths percent of the amount of the sale, to be computed in accordance with schedules or systems approved by the executive director of the department of revenue. Said the schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

   (II) On and after January 1, 2001, January 1, 2018, but before January 1, 2038, in addition to the tax imposed under subsection (1)(a)(I) of this section, there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of two and ninety-sixty-two one-hundredths percent of the amount of the sale to be computed in accordance with schedules or systems approved by the executive director of the department of revenue. Said the tax is not imposed on sales of aviation fuels used in turbo-propeller or jet engine aircraft. The schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

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

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

   **39-26-112. Excess tax - remittance.** If any vendor, during any reporting period, collects as a tax an amount in excess of three percent of
all taxable sales made prior to January 1, 2001, and two and ninety-one-hundredths percent of all taxable sales made on or after January 1, 2001, such but before January 1, 2018, and on and after January 1, 2038, or collects as a tax an amount in excess of three and fifty-two one-hundredths percent of all taxable sales made on or after January 1, 2018, but before January 1, 2038, the vendor shall remit to the executive director of the department of revenue the full net amount of the tax imposed in this part 1 and also such the excess. The retention by the retailer or vendor of any excess of tax collections over the said applicable percentage of the total taxable sales of such the retailer or vendor or the intentional failure to remit punctually to the executive director the full amount required to be remitted by the provisions of this part 1 is declared to be unlawful and constitutes a misdemeanor.

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

39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions. (3) Except as otherwise provided in subsection (7) of this section, for any state fiscal year commencing on or after July 1, 2013, the state treasurer shall credit eighty-five percent of all net revenue collected under the provisions of this article ARTICLE 26 to the old age pension fund created in section 1 of article XXIV of the state constitution. The state treasurer shall credit to the general fund the remaining fifteen percent of the net revenue, less ten million dollars, which the state treasurer shall credit to the older Coloradans cash fund created in section 26-11-205.5 (5). C.R.S. (7) (a) The state treasurer shall credit net revenue
COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS
ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AS
FOLLOWS:

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

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

(b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
BECAUSE THE SALES AND USE TAX REVENUE GENERATED BY THE SALES
AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(I) AND
39-26-202 (1)(a) IS SUFFICIENT TO FULLY FUND THE OLD AGE PENSION
FUND AS REQUIRED BY ARTICLE XXIV OF THE STATE CONSTITUTION, THE
STATE MAY CONSTITUTIONALLY CREDIT ALL REVENUE GENERATED BY THE
ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS
39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) TO THE HIGHWAY USERS TAX
FUND AND THE MULTIMODAL TRANSPORTATION OPTIONS FUND IN THE MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

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

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

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

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

(1) as follows:

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

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

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

43-1-117.5. Transit and rail division - created - powers and
duties. (3) (a) The transit and rail division shall be responsible for the
planning, development, operation, and integration of transit and rail,
including, where appropriate, advanced guideway systems, into the
statewide transportation system and shall, in coordination with other
transit and rail providers, plan, promote, and implement investments in
transit and rail services statewide. and shall have the following specific powers and duties:

(VI) To support the department in representing the state with
respect to the development of intercity rail facilities, including but not
limited to submission of applications to the United States department of
transportation for approval and funding of high-speed rail projects,
commissioning of any necessary studies, and coordination with other
states to facilitate such applications; and
(VII) To coordinate and cooperate with regional transportation authorities created pursuant to part 6 of article 4 of this title TITLE 43 and other regional or corridor-specific entities concerned with the planning, development, operation, and integration of transit, passenger rail, or advanced guideway systems in the statewide transportation system; AND

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

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

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

(a) CONVERSION OF HIGH-OCUPANCY VEHICLE AND
HIGH-OCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS, INCLUDING THE DRIVER, TO FREE USE BY VEHICLES OCCUPIED BY TWO OR MORE INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE INDIVIDUAL; AND (b) MORE FLEXIBLE USE OF HIGH-OCUPANCY VEHICLE AND HIGH-OCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE GENERALLY REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS, INCLUDING THE DRIVER, TO ALLOW FREE USE BY VEHICLES OCCUPIED BY TWO OR MORE INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE INDIVIDUAL, AT CERTAIN TIMES, ON THE BASIS OF CERTAIN TRAFFIC CONDITIONS, OR ON OTHER APPROPRIATE GROUNDS.

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

43-4-205. Allocation of fund. (6.3) (a) Revenues BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

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

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

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

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

43-4-206. State allocation. (1) Except as otherwise provided in subsection (2) subSections (2), (3), and (4) of this section, after paying the costs of the Colorado state patrol and any other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as that are appropriated by the general assembly, sixty-five percent of the balance of money in the highway users tax fund shall be paid to the state highway fund in accordance with section 43-4-205 and shall be expended for the following purposes:

(2)(a) Notwithstanding the provisions of subsection (1) of this section, the revenues REVENUE accrued to and transferred to the highway users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, C.R.S.; or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted at the second regular session of the sixty-third general assembly, and credited to the state highway fund pursuant to section
43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project investment program, in the following manner:

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

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

(b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the revenues expended by the department pursuant to paragraph (a) of this subsection (2) of this section and, beginning in 2018, subsection (4) of this section. The department shall present the report at the joint meeting required under section 43-1-113 (9)(a) and the report shall describe for each fiscal year, if applicable:

(I) The projects on which the revenues credited to the state highway fund pursuant to paragraph (a) of this subsection (2) are to be expended, including the estimated cost of each project, the aggregate amount of revenue actually spent on each project, and the amount of revenue allocated for each project in such fiscal year. The department of transportation shall submit a prioritized list of such projects as part of the report.
(II) The status of such projects that the department has undertaken in any previous fiscal year;

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

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

(V) How the revenues EXPENDED under this subsection (2) during such THE fiscal year relate TO the total funding of the FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE INCLUDED IN THE strategic transportation project investment program.

(3) Notwithstanding the provisions of subsection (1) of this section, the revenues credited to the highway users tax fund pursuant to section 43-4-205 (6.3) shall be expended by the department of transportation only for road safety projects, as defined in section 43-4-803 (21); except that the department shall, in furtherance of its duty to supervise state highways and as a consequence in compliance with section 43-4-810, expend ten million dollars per year of the revenues for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users.
(4) Subject to the limitation specified in subsection (5) of this section, three hundred seventy-five million dollars per year of the net revenue that is attributable to the additional sales and use taxes levied pursuant to sections 39-26-106 (1)(a)(II) and 39-26-202 (1)(b) and that the state treasurer credits to the highway users tax fund as required by section 39-26-123 (7)(a) shall be paid to the state highway fund and expended by the department of transportation as follows:

(a) As much of the revenue as is needed to make full payments of amounts allocated by the transportation commission on an annual basis pursuant to section 43-1-113 shall be expended to make payments on revenue anticipation notes issued pursuant to section 43-4-705 (13)(b); and

(b) Any remaining revenue may be expended only for qualified federal aid transportation projects, including multimodal capital projects, that are designated for tier 1 funding as ten-year development program projects on the department's 2017 development program project list, until all of the projects have been funded in whole or in part with such revenue and all of the projects are fully funded, for tier 2 funding for such projects thereafter, and for maintenance, including rapid response maintenance, of state highways.

(5) The department of transportation shall not expend net revenue that is credited to the state highway fund pursuant to subsection (4) of this section to support toll highways. The department shall not expend such net revenue to support toll
LANE CONSTRUCTION OR MAINTENANCE UNLESS:

(a) (I) A FEDERAL RECORD OF DECISION HAS BEEN ISSUED AS OF
THE EFFECTIVE DATE OF THIS SUBSECTION (5)(a)(I); AND
(II) THE RECORD OF DECISION INCLUDED PLANNING STAGES IN
WHICH THE DEPARTMENT SOLICITED AND RECEIVED MEANINGFUL PUBLIC
PARTICIPATION AND INPUT; OR
(b) TOLL REVENUE IS NOT COLLECTED FOR THE SINGULAR OR
PRIMARY PURPOSE OF REVENUE GENERATION;
(c) TOLL REVENUE COLLECTION IS UTILIZED AS A MECHANISM TO
INCREASE TRAVEL TIME RELIABILITY AND MITIGATE CONGESTION;
(d) THE PROJECT CONTAINS ONE OR MORE MULTIModal OR
ALTERNATIVE MODES OF TRAVEL FOR NONTOLL PAYING PERSONS,
INCLUDING BUS RAPID TRANSIT, INTERREGIONAL BUS SERVICE, LOCAL BUS
SERVICE, OR HIGH-OCcUPANCY PASSenger VEHICLES;
(e) TOLL REVENUE REMAINS ON THE CORRIDOR IN WHICH IT WAS
RAISED AND IS EXPENDED BY THE DEPARTMENT ONLY FOR MAINTENANCE,
OPERATIONS, OR CONSTRUCTION OF MOBILITY IMPROVEMENTS; AND
(f) THE TOLL LANE IS CONSTRUCTED ADJACENT TO ONE OR MORE
UNTOLLED LANES, AND THE ADDITION OF THE TOLL LANE WILL RESULT IN
DEMONSTRABLY LOWER CONGESTION IN THE UNTOLLED LANES.

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

43-4-207. County allocation. (1) After paying the costs of the
Colorado state patrol and such ANY other costs of the department,
exclusive of highway construction, highway improvements, or highway
maintenance, as THAT are appropriated by the general assembly,
twenty-six percent of the balance of the highway users tax fund THE
REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY
USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE
COUNTIES AND FIFTY PERCENT OF THE NET REVENUE THAT IS
ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT
THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS
REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE
PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY
SECTION 43-4-206 (4) IS MADE shall be paid to the county treasurers of the
respective counties, subject to annual appropriation by the general
assembly, and shall be allocated and expended as provided in this section.

The moneys thus received shall be allocated to the counties as
provided by law and shall be expended by the counties only on the
construction, engineering, reconstruction, maintenance, repair,
equipment, improvement, and administration of the county highway
systems and any other public highways, including any state highways,
together with acquisition of rights-of-way and access rights for the same,
for the planning, designing, engineering, acquisition, installation,
construction, repair, reconstruction, maintenance, operation, or
administration of transit-related projects, including, but not limited to,
designated bicycle or pedestrian lanes of highway and infrastructure
needed to integrate different transportation modes within a multimodal
transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR
SECTION 43-4-1103 (3)(b), and for no other purpose; except that a county
may expend no more than fifteen percent of the total amount expended
under this subsection (1) for transit-related operational purposes and
except that moneys money received pursuant to section 43-4-205 (6.3)
shall be expended by the counties only for road safety projects, as defined
in section 43-4-803 (21). The amount to be expended for administrative
purposes shall not exceed five percent of each county's share of the funds
available.

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

(b) All moneys money credited to the fund in excess of eighty-six
million seven hundred thousand dollars shall be and all money
credited to the fund as required by section 39-26-123 (7)(a) that
is required by subsection (1) of this section to be paid to the
county treasurers of the respective counties is allocated to the
counties in the following manner:

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

43-4-208. Municipal allocation. (1) After paying the costs of
the Colorado state patrol and such any other costs of the department,
exclusive of highway construction, highway improvements, or highway
maintenance, as that are appropriated by the general assembly, and
making allocation as provided by sections 43-4-206 and 43-4-207, the
remaining nine percent of the highway users tax fund the revenue
required by section 43-4-205 to be paid from the highway users
tax fund to cities and incorporated towns and fifty percent of
the net revenue that is attributable to the additional sales and
USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY SECTION 43-4-206 (4) IS MADE shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the moneys thus received as provided in this part 2. Moneys so allocated shall be expended by the cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, as matching money for projects receiving funding from the multimodal transportation options fund pursuant to either sections 43-4-1103 (3)(a) and 43-4-1104 (3)(c) or section 43-4-1103 (3)(b), and for no other purpose; except that a city or an incorporated town may expend no more than fifteen percent of the total amount expended under this subsection (1) for transit-related operational purposes and except that moneys paid to the cities and
incorporated towns pursuant to section 43-4-205 (6.3) shall be expended by the cities and incorporated towns only for road safety projects, as defined in section 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

(2) For the purpose of allocating money in the highway users tax fund to the various cities and incorporated towns throughout the state, the following method is adopted:

(a) Except as otherwise provided in subsection (6) of this section, eighty percent shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration" includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

<table>
<thead>
<tr>
<th>Actual registrations</th>
<th>Factor</th>
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<tbody>
<tr>
<td>1 -- 500</td>
<td>1.0</td>
</tr>
<tr>
<td>501 -- 1,250</td>
<td>1.1</td>
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<tr>
<td>1,251 -- 2,500</td>
<td>1.2</td>
</tr>
<tr>
<td>2,501 -- 5,000</td>
<td>1.3</td>
</tr>
<tr>
<td>5,001 -- 12,500</td>
<td>1.4</td>
</tr>
</tbody>
</table>
(6) (a) In addition to the provisions of subsection (2)(a) of this section, on or after July 1, 1979, eighty percent of all additional funds becoming available to cities and incorporated towns from the highway users tax fund pursuant to sections 24-75-215 C.R.S., and 43-4-205 (6)(b)(III) and (6)(c) and, on and after January 1, 2018, eighty percent of the money credited to the highway users tax fund as required by section 39-26-123 (7)(a) that is required by subsection (1) of this section to be paid to the cities and incorporated towns within the limits of the respective counties shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration", as used in this section, includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:
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<tr>
<th>1</th>
<th>Actual registrations</th>
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</table>

SECTION 17. In Colorado Revised Statutes, 43-4-705, amend (13) as follows:

43-4-705. Revenue anticipation notes - repeal.

(13) (a) Notwithstanding any other provision of this part 7 to the contrary, the executive director shall have the authority to issue revenue
anticipation notes pursuant to this part 7 only if voters statewide approve
the ballot question submitted at the November, 1999, statewide election
pursuant to section 43-4-703 (1) and only then to the extent allowed under
the maximum amounts of debt and repayment cost so approved.

(b) (I) After the repayment in full of all revenue
anticipation notes issued as authorized by subsection (13)(a) of
this section, and upon voter approval of the ballot issue
submitted at the November 2017 statewide election pursuant to
subsection (13)(b)(III) of this section and the repayment funding
commitment requirement specified in subsection (13)(b)(II) of this
section, the executive director shall issue additional revenue
anticipation notes in a maximum amount of three and one-half
billion dollars and with a maximum repayment cost of five
billion dollars. The maximum repayment term for any notes
issued pursuant to this subsection (13)(b) is twenty years, and
the certificate, trust indenture, or other instrument
authorizing their issuance shall provide that the state may pay
the notes in full or in part before the end of the specified
payment term no later than ten years after their issuance
without penalty.

(II) Notwithstanding section 43-1-113 (19) and subsection
(12)(a) of this section, before issuing any revenue anticipation
notes as authorized by subsection (13)(b)(I) of this section, the
transportation commission shall adopt a resolution in which it
covenants that amounts it allocates on an annual basis
pursuant to section 43-1-113 to pay the revenue anticipation
notes will be paid as follows: First, fifty million dollars from
ANY LEGALLY AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES
AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY FUND
PURSUANT TO SECTION 43-4-206 (4); NEXT, FROM SALES AND USE TAX NET
REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION
43-4-206 (4); AND, IF SUCH REVENUE IS INSUFFICIENT, LAST, FROM ANY
OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT
NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPaid.

(III) The secretary of state shall submit to the registered
electors of the state for their approval or rejection at the
statewide election held in November 2017 the following ballot
issue: "SHALL STATE TAXES BE INCREASED BY SEVEN HUNDRED FIFTEEN
MILLION ONE HUNDRED THOUSAND DOLLARS ANNUALLY AND
TEMPORARILY TO PAY FOR STATE AND LOCAL TRANSPORTATION PROJECTS,
INCLUDING MUNICIPAL AND COUNTY ROADS, STATE HIGHWAYS,
AFFORDABLE AND ACCESSIBLE TRANSPORTATION OPTIONS FOR SENIORS
AND PERSONS WITH DISABILITIES, BUS AND RAIL SERVICE, RAPID RESPONSE
MAINTENANCE PROGRAMS, AND TO ENHANCE MOBILITY AND SAFETY FOR
ALL COLORADANS, BY A STATE SALES AND USE TAX RATE INCREASE OF
0.62% FOR THE TWENTY-YEAR PERIOD BEGINNING JANUARY 1, 2018, AND
ENDING DECEMBER 31, 2037; SHALL STATE DEBT BE INCREASED UP TO
$3,500,000,000, WITH A MAXIMUM REPAYMENT COST OF $5,000,000,000
BY THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE
ANTICIPATION NOTES SOLELY TO FUND SPECIFIED HIGH-PRIORITY
TRANSPORTATION PROJECTS IN ALL AREAS OF THE STATE; AND SHALL ALL
REVENUE FROM THE TAX RATE INCREASE IN THE STATED AMOUNT IN THE
FIRST FULL FISCAL YEAR AND IN WHATEVER AMOUNTS ARE COLLECTED IN
FUTURE FISCAL YEARS BY IMPOSITION OF THE 0.62% SALES TAX RATE
INCREASE AND EARNINGS ON SUCH REVENUES AND ON PROCEEDS OF THE
NOTES BE RETAINED AND SPENT AS A VOTER-APPROVED REVENUE
CHANGE?"

(IV) Within thirty days of the effective date of this
subsection (13)(b)(IV), the department shall provide to the
director of research of the legislative council the most recent
available list of qualified federal aid transportation projects,
including multimodal capital projects, that are designated for
tier 1 funding as ten-year development program projects on the
department's 2017 development program project list and that
the department will fund with proceeds of any additional
revenue anticipation notes issued as authorized by this
subsection (13)(b). In order to fully inform the voters of the
state concerning the projects to be funded with proceeds of any
such additional revenue anticipation notes before the voters
vote on the ballot question specified in subsection (13)(b)(III) of
this section, the director of research shall publish the list,
including any subsequent updates to the list made before final
approval by the legislative council of the 2017 ballot
information booklet prepared pursuant to section 1-40-124.5,
which updates the department shall expeditiously provide to the
director of research, in the ballot information booklet.

(V) (A) If a majority of the electors voting on the ballot
issue in subsection (13)(b)(III) of this section vote "No/Against",
then this subsection (13)(b) is repealed, effective January 1, 2018.

(B) If a majority of the electors voting on the ballot issue
in subsection (13)(b)(III) of this section vote "Yes/For", then this
SUBSECTION (13)(b)(V) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

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

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

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

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

(c) The total amount of federal transportation funds paid to the department since such THE ADDITIONAL revenue anticipation notes have been WERE issued; and
(d) The total amount of proceeds from the issuance of the
additional revenue anticipation notes, state matching funds, and federal
transportation funds allocated by the commission in each state fiscal year
for the payment of such additional revenue anticipation notes and
the costs associated with the issuance and administration of such notes.

(2) In addition to posting and maintaining the annual
reports required by subsection (1) of this section on its website,
the department shall post and maintain on its website in an
easily accessible and user-friendly format, and regularly
update, the information required to be included in its annual
reports pursuant to subsection (1)(b) of this section.

(3) Notwithstanding section 24-1-136(11)(a), the reporting
requirement specified in subsection (1) of this section continues
until the year following the year in which the last payment on
additional revenue anticipation notes issued as authorized by
section 43-4-705 (13)(b) is made.

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

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

(2) In addition to the requirement specified in subsection
(1) of this section, proceeds from the sale of any additional
REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE DEPARTMENT’S 2017 DEVELOPMENT PROGRAM PROJECT LIST, UNTIL ALL OF THE PROJECTS HAVE BEEN FUNDED IN WHOLE OR IN PART WITH SUCH PROCEEDS AND REVENUE AND ALL OF THE PROJECTS ARE FULLY FUNDED, FOR TIER 2 FUNDING FOR SUCH PROJECTS THEREAFTER, AND FOR MAINTENANCE, INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE HIGHWAYS.

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

43-4-714.5. Transportation revenue anticipation notes citizen oversight committee - creation - appointment of members - charge - report. (1) (a) The transportation revenue anticipation notes citizen oversight committee is hereby created to provide oversight of the expenditure by the department of the proceeds of additional revenue anticipation notes issued as authorized by section 43-4-705 (13)(b). The committee consists of the executive director or the executive director’s designee and fourteen appointed members. The appointing authorities shall give consideration to the geographic diversity of the committee when
MAKING APPOINTMENTS AND SHALL SPECIFICALLY ENSURE THAT THE WESTERN SLOPE AND EASTERN PLAINS ARE REPRESENTED ON THE COMMITTEE. COMMITTEE MEMBERS MUST BE APPOINTED AS FOLLOWS:

(I) The Governor shall appoint six members, at least one of whom has professional finance experience, at least one of whom is a licensed civil engineer, at least one of whom is an advocate for affordable transportation options, and at least one of whom is a certified public accountant. No more than four of the members appointed by the Governor shall be affiliated with the same political party;

(II) The Speaker of the House of Representatives shall appoint two members, at least one of whom must be a person with a disability who advocates for persons with all types of disabilities;

(III) The President of the Senate shall appoint two members, at least one of whom must be a contractor with experience working on transportation projects;

(IV) The minority leader of the House of Representatives shall appoint two members, at least one of whom must be a licensed attorney; and

(V) The minority leader of the Senate shall appoint two members, at least one of whom must represent or advocate for transit providers.

(VI) The Governor shall appoint one additional member who is a representative of the trucking industry.

(b) Committee members serve for four-year terms and may be removed for cause by the appointing authority; except that
THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE
GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER
APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER
APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE
NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE
COMMITTEE.

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

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

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

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

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

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

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

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

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

(A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, SIXTEEN DOLLARS; ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, SIX DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE, MOTORScooter, OR MOTORBicycle, AS RESPECTIVELY DEFINED IN SECTION 42-1-102 (55) AND (59), C.R.S.; OR THAT WEIGHS TWO THOUSAND POUNDS OR
less;

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

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

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

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

PART 11

MULTIMODAL TRANSPORTATION OPTIONS FUNDING

43-4-1101. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) By approving the ballot issue submitted at the November 2017 statewide election pursuant to section 43-4-705 (13)(b), the voters of the state authorized the state to collect, retain, and spend, a substantial amount of new dedicated funding, most of which will be used to accelerate the completion of highway projects throughout the state;

(b) It is necessary, appropriate, and in the best interest of the state to use a portion of the newly authorized dedicated transportation funding to fund multimodal transportation projects and operations throughout the state as authorized by
THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED MULTIMODAL TRANSPORTATION SYSTEM:

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

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

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

(IV) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

43-4-1102. Definitions. As used in this Part 11, unless the context otherwise requires:

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

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

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

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

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

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

(7) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS BOTH PUBLIC TRANSIT INFRASTRUCTURE AND OPERATIONS AND
TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR USERS OF
NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT.

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

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

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

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

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

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

(c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;

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

(e) DEVELOPMENT AND IMPLEMENTATION OF NEW
TRANSPORTATION TECHNOLOGY.

43-4-1103. Multimodal transportation options fund - creation
- revenue source for fund - use of fund - definition. (1) The
MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE
state treasury. The fund consists of sales and use tax net
revenue that is attributable to the additional sales and use
taxes levied pursuant to sections 39-26-106 (1)(a)(II) and
39-26-202 (1)(b) and that is credited to the fund pursuant to
section 39-26-123 (7)(b) and any other money that the general
assembly may appropriate or transfer to the fund. The state
treasurer shall credit all interest and income derived from the
deposit and investment of money in the fund to the fund and
shall allocate the interest and income between the accounts of
the fund in the percentages designated by the commission
pursuant to subsection (2) of this section.

(2) The transportation options account and the
pedestrian and active transportation account are created in
the fund. The commission shall designate, and may at any time by
subsequent resolution modify, the percentages of the money
credited to the fund to be credited to each account subject to
the limitation that during any given fiscal year no more than
seventy-five percent of the money may be credited to the
transportation options account and at least twenty-five
percent of the revenue must be credited to the pedestrian and
active transportation account.

(3) Subject to annual appropriation by the general
assembly, money must be expended from the fund as follows:
(a) The committee shall expend money from the transportation options account of the fund to fund transportation options projects that it has approved for funding pursuant to section 43-4-1104 (3)(c).

(b) (I) The department shall expend money from the pedestrian and active transportation account of the fund for projects for transportation infrastructure that is designed for nonmotorized use, including paths, sidewalks, and roadways intended for use with nonmotorized equipment. Such projects include nonmotorized lanes and pathways, sidewalks, and roadway improvements, including shoulders, crosswalks, and intersection improvements, that enhance safety for users of nonmotorized multimodal transportation options. Except as otherwise provided in subsection (3)(b)(II) of this section, the department shall allocate the money in the pedestrian and active transportation account in the same manner in which federal surface transportation program set-aside money is allocated within the state pursuant to 23 U.S.C. sec. 133 (h).

(II) Total local government, regional transportation authority, or transit agency funding for a project receiving funding from the pedestrian and active transportation options account of the fund must be at least equal to the amount of funding provided from the account; except that the following entities may provide matching money for a project in an amount equal to twenty percent of the amount of funding for the project provided from the account:

(A) Cities or counties that collect less than fifteen
MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

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

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

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

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

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

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

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

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

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

43-4-1104. Multimodal transportation options committee - created - membership - powers and duties - annual reporting requirement. (1) (a) THE MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE IS CREATED IN THE DEPARTMENT OF TRANSPORTATION. THE COMMITTEE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A TYPE 1 TRANSFER, AS DEFINED IN SECTION 24-1-105. THE COMMITTEE CONSISTS OF ELEVEN MEMBERS, A MAJORITY OF WHOM CONSTITUTE A QUORUM OF THE COMMITTEE, TEN OF WHOM ARE APPOINTED AS FOLLOWS:

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

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

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

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

(II) FOUR MEMBERS SHALL BE APPOINTED BY THE LEADERSHIP OF THE GENERAL ASSEMBLY AS FOLLOWS:
(A) The president of the Senate shall appoint one member who is a representative of a local government;

(B) The speaker of the House of Representatives shall appoint one member who is a representative of a local government;

(C) The minority leader of the Senate shall appoint one member who is a representative of a local government and resides in a community that is west of the Continental Divide; and

(D) The minority leader of the House of Representatives shall appoint one member who is a representative of a local government and resides in a community that is east of Interstate Highway 25.

(b) The director of the department or the director's designee is a member of the committee.

(2)(a) Initial members of the committee shall be appointed no later than March 1, 2018.

(b) Appointed committee members serve for four-year terms; except that the initial terms of one of the members appointed pursuant to subsection (1)(a)(I)(A) of this section, two of the members appointed pursuant to subsection (1)(a)(I)(B) of this section, and the members appointed pursuant to subsections (1)(a)(II)(A) and (1)(a)(II)(B) of this section are two years. The appropriate appointing authority may remove an appointee for any cause that renders the member incapable of discharging or unfit to discharge the member's duties and shall fill any vacancy on the committee by appointment of a new member, who
SHALL SERVE UNTIL THE EXPIRATION OF THE TERM FOR WHICH THE VACANCY WAS FILLED. APPOINTED COMMITTEE MEMBERS SERVE WITHOUT COMPENSATION, BUT RECEIVE REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(3) The function of the committee is to equitably, efficiently, and effectively allocate the money in the transportation options account of the fund to fund transportation options projects throughout the state. To further the performance of its function, the committee, in addition to any other powers and duties specified in this part 11, has the following powers and duties:

(a) To develop a formula for allocating the money among the regions of the state. The formula must take into account population, transportation options needs, transportation options performance, and the availability of local matching money.

(b) To supervise and provide guidance to the division in its solicitation, receipt, and evaluation of specific transportation options project proposals from local governments, regional transportation authorities, and transit agencies and its development of interregional transportation options projects pursuant to section 43-1-117.5 (3)(a)(VIII);

(c) To determine which transportation options projects receive funding and the amount of the funding provided for each project receiving funding. Total local government, regional transportation authority, or transit agency funding for a project receiving funding from the transportation options
ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT EQUAL TO TWENTY PERCENT OF THE AMOUNT RECEIVED FOR THE PROJECT FROM THE ACCOUNT:

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

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

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

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

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

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEY RECEIVED FROM THE TRANSPORTATION OPTIONS FUND SHALL NOT BE CONSIDERED WHEN CALCULATING COMPLIANCE WITH OTHER RELATED STATUTORY OBLIGATIONS.
(5) (a) The Committee shall annually report to the Transportation Legislation Review Committee of the General Assembly created in Section 43-2-145 (1) regarding its activities including, at a minimum:

(i) An aggregate accounting of all money expended from the Transportation Options Account of the Fund during the prior fiscal year; and

(ii) A listing of all Transportation Options projects receiving funding from the Transportation Options Account of the Fund during the prior fiscal year that includes for each project:

(A) Identification of the entity receiving funding for the project;

(B) The amount of Transportation Options Account funding provided for the project; and

(C) The amount of local matching money provided for the project.

(b) Notwithstanding Section 24-1-136 (11)(a), the reporting requirement specified in Subsection (4)(a) of this section continues indefinitely.

The provisions of the "Keep Jobs In Colorado Act of 2013", article 17 of title 8, apply to this part 11.

SECTION 23. Appropriation. (1) For the 2017-18 state fiscal year, $179,550 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:
(a) $47,788 for use by the taxpayer services division for personal services, which amount is based on an assumption that the division will require an additional 1.1 FTE;
(b) $5,748 for use by the taxpayer services division for operating expenses;
(c) $111,414 for use by the executive director's office for postage; and
(d) $14,600 for tax administration IT system (GenTax) support;
(2) For the 2017-18 state fiscal year, $6,592 is appropriated to the department of revenue. This appropriation is from the Colorado state titling and registration account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation for DMV IT system (DRIVES) support.
(3) For the 2017-18 state fiscal year, $6,592 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (2) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 24. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect only if, at the November 2017 statewide election, a majority of voters approve the ballot issue submitted pursuant to section 43-4-705 (13)(b), Colorado Revised Statutes, as enacted in section 16 of this act, and, in such case, this act takes effect on the date of the official declaration of the vote thereon by the governor.
(2) Section 16 of this act takes effect upon passage.
SECTION 25. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.