

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0200.04 Jason Gelender x4330

**HOUSE BILL 17-1242**

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**HOUSE SPONSORSHIP**

**Duran and Mitsch Bush,**

**SENATE SPONSORSHIP**

**Grantham and Baumgardner,**

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**House Committees**

Transportation & Energy  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING TRANSPORTATION FUNDING.**

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**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:

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.*

- ! \$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:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly

1 hereby finds and declares that:

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

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

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

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

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

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

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

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

18 **24-1-128.7. Department of transportation - creation - repeal.**

19 (8) THE MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN  
20 SECTION 43-4-1104 (1) SHALL EXERCISE ITS POWERS AND PERFORM ITS  
21 DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE**  
22 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF  
23 TRANSPORTATION.

24 **SECTION 3.** In Colorado Revised Statutes, 24-75-219, **amend**  
25 (2)(c) introductory portion, (3)(b), and (4)(a) introductory portion; and  
26 **repeal** (1)(c) and (2)(c)(I) as follows:

27 **24-75-219. Transfers - transportation - capital construction -**

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

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

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

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

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

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

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

1 THE estimated amounts previously transferred pursuant to ~~subparagraph~~  
2 ~~(I) of this paragraph (b)~~ SUBSECTION (3)(b)(I) of this section.

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

9   
10 **SECTION 4.** In Colorado Revised Statutes, 39-26-105, **amend**  
11 (1)(a)(I)(A) as follows:

12 **39-26-105. Vendor liable for tax - repeal.** (1) (a) (I) (A) Except  
13 as provided in ~~sub-subparagraph (B) of this subparagraph (I) and in~~  
14 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I)(B) AND  
15 (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the  
16 provisions of section 39-26-106, be liable and responsible for the  
17 payment of an amount equivalent to two and ninety one-hundredths  
18 percent of all sales made on or after January 1, 2001, BUT BEFORE  
19 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, AND AN AMOUNT  
20 EQUAL TO THREE AND FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL  
21 SALES MADE ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,  
22 2038, by the retailer of commodities or services as specified in section  
23 39-26-104.

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

26 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise  
27 provided in ~~subparagraph (H) of this paragraph (a)~~, SUBSECTION (1)(a)(II)

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

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

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

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

25 **39-26-112. Excess tax - remittance.** If ~~any~~ A vendor, during any  
26 reporting period, collects as a tax an amount in excess of ~~three percent of~~  
27 ~~all taxable sales made prior to January 1, 2001,~~ and two and ninety



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

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

16 **39-26-123. Receipts - disposition - transfers of general fund**  
17 **surplus - sales tax holding fund - creation - definitions.** (3) EXCEPT AS  
18 OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, for any state  
19 fiscal year commencing on or after July 1, 2013, the state treasurer shall  
20 credit eighty-five percent of all net revenue collected under the provisions  
21 of this ~~article~~ ARTICLE 26 to the old age pension fund created in section  
22 1 of article XXIV of the state constitution. The state treasurer shall credit  
23 to the general fund the remaining fifteen percent of the net revenue, less  
24 ten million dollars, which the state treasurer shall credit to the older  
25 Coloradans cash fund created in section 26-11-205.5 (5). ~~C.R.S.~~

26 (7) (a) THE STATE TREASURER SHALL CREDIT NET REVENUE  
27 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS

1 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED  
2 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AS  
3 FOLLOWS:

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

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

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

1 MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

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

4 **39-26-202. Authorization of tax.** (1) (a) Except as otherwise  
5 provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~  
6 SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be  
7 collected from every person in this state a tax or excise at the rate of ~~three~~  
8 TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition  
9 charges or costs for the privilege of storing, using, or consuming in this  
10 state any articles of tangible personal property purchased at retail.

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

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

26 **SECTION 9.** In Colorado Revised Statutes, 39-28.8-501, **amend**  
27 (1) as follows:

1           **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
2 **- legislative declaration.** (1) The marijuana tax cash fund, referred to in  
3 this part 5 as the "fund", is created in the state treasury. The fund consists  
4 of any applicable retail marijuana sales tax transferred pursuant to section  
5 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE  
6 transferred to the fund from any sales tax imposed pursuant to ~~section~~  
7 ~~39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products  
8 under articles 43.3 and 43.4 of title 12. ~~C.R.S.~~

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

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

13           **43-1-117.5. Transit and rail division - created - powers and**  
14 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the  
15 planning, development, operation, and integration of transit and rail,  
16 including, where appropriate, advanced guideway systems, into the  
17 statewide transportation system AND shall, in coordination with other  
18 transit and rail providers, plan, promote, and implement investments in  
19 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS  
20 the following specific powers and duties:

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

27           (VII) To coordinate and cooperate with regional transportation

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

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

15 **SECTION 12.** In Colorado Revised Statutes, 43-4-205, **amend**  
16 (6.3) as follows:

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

23 (b) ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,  
24 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO  
25 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804  
26 (1)(a)(I)(D), (1)(a)(I)(E), (1)(b), (1)(c), (1)(d), AND (1)(e) SHALL BE  
27 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA

1 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND REVENUE FROM THE  
2 ROAD SAFETY SURCHARGE CREDITED TO THE HIGHWAY USERS TAX FUND  
3 PURSUANT TO SECTION 43-4-804 (1)(a)(I)(A), (1)(a)(I)(B), AND  
4 (1)(a)(I)(C) SHALL BE ALLOCATED AND EXPENDED AS FOLLOWS:

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

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

13 **SECTION 13.** In Colorado Revised Statutes, 43-4-206, **amend**  
14 (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) as follows:

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

24 (2) (a) ~~Notwithstanding the provisions of subsection (1) of this~~  
25 ~~section, the revenues~~ REVENUE accrued to and transferred to the highway  
26 users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, ~~C.R.S.~~,  
27 or appropriated to the highway users tax fund pursuant to House Bill

1 02-1389, enacted at the second regular session of the sixty-third general  
2 assembly, and credited to the state highway fund pursuant to section  
3 43-4-205 (6.5) shall be expended by the department of transportation for  
4 the implementation of the strategic transportation project investment  
5 program. ~~in the following manner:~~

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

12 ~~(H) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June~~  
13 ~~1, 2000.)~~

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

23 (I) The projects on which the ~~revenues~~ REVENUE credited to the  
24 state highway fund pursuant to ~~paragraph (a) of this subsection (2)~~ are  
25 SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including  
26 the estimated cost of each project, the aggregate amount of revenue  
27 actually spent on each project, and the amount of revenue allocated for

1 each project in such fiscal year. The department of transportation shall  
2 submit a prioritized list of such projects as part of the report.

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

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

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

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

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



1 transportation system, that enhance the safety of state highways for transit  
2 users.

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

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

15  
16 (b) ANY REMAINING REVENUE MAY BE EXPENDED ONLY FOR  
17 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING  
18 MULTIMODAL CAPITAL PROJECTS, THAT ARE INCLUDED IN THE STRATEGIC  
19 TRANSPORTATION PROJECT INVESTMENT PROGRAM OF THE DEPARTMENT  
20 OF TRANSPORTATION AND ARE ON THE DEPARTMENT'S PRIORITY LIST FOR  
21 TRANSPORTATION FUNDING AND FOR MAINTENANCE, INCLUDING RAPID  
22 RESPONSE MAINTENANCE, OF STATE HIGHWAYS.

23 **SECTION 14.** In Colorado Revised Statutes, 43-4-207, **amend**  
24 (1), (2) introductory portion, and (2)(b) introductory portion; and **add** (4)  
25 as follows:

26 **43-4-207. County allocation.** (1) After paying the costs of the  
27 Colorado state patrol and such ANY other costs of the department,

1 exclusive of highway construction, highway improvements, or highway  
2 maintenance, ~~as~~ THAT are appropriated by the general assembly,  
3 ~~twenty-six percent of the balance of the highway users tax fund~~ THE  
4 REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY  
5 USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE  
6 COUNTIES AND FIFTY PERCENT OF THE NET REVENUE THAT IS  
7 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED  
8 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT  
9 THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS  
10 REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE  
11 PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY  
12 SECTION 43-4-206 (4) IS MADE shall be paid to the county treasurers of the  
13 respective counties, subject to annual appropriation by the general  
14 assembly, and shall be allocated and expended as provided in this section.  
15 The ~~moneys thus~~ MONEY received ~~shall be~~ IS allocated to the counties as  
16 provided by law and shall be expended by the counties only on the  
17 construction, engineering, reconstruction, maintenance, repair,  
18 equipment, improvement, and administration of the county highway  
19 systems and any other public highways, including any state highways,  
20 together with acquisition of rights-of-way and access rights for the same,  
21 for 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, AS MATCHING MONEY FOR PROJECTS RECEIVING  
27 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND

1 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR  
2 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a county  
3 may expend no more than fifteen percent of the total amount expended  
4 under this subsection (1) for transit-related operational purposes and  
5 except that moneys MONEY received pursuant to section 43-4-205 (6.3)  
6 shall be expended by the counties only for road safety projects, as defined  
7 in section 43-4-803 (21). The amount to be expended for administrative  
8 purposes shall not exceed five percent of each county's share of the funds  
9 available.

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

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

20 (4) (a) IF A COUNTY, AFTER THE END OF ITS FISCAL YEAR BUT  
21 BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS DEFINED IN 29-1-602  
22 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS RECEIPT OF ALL OR A  
23 PORTION OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL  
24 SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106  
25 (1)(a)(II) AND 39-26-202 (1)(b) AND WAS ALLOCATED TO IT DURING THE  
26 FISCAL YEAR AS DEDICATED TRANSPORTATION FUNDING AND FOR NO  
27 OTHER PURPOSE PURSUANT TO THIS SECTION WILL EITHER CAUSE IT TO

1 EXCEED ITS FISCAL YEAR SPENDING LIMIT AND REQUIRE IT TO REFUND  
2 EXCESS COUNTY REVENUE PURSUANT TO SECTION 20 (7)(d) OF ARTICLE X  
3 OF THE STATE CONSTITUTION OR INCREASE AN EXISTING OBLIGATION THAT  
4 IT HAS TO REFUND EXCESS COUNTY REVENUE FOR THE FISCAL YEAR, THE  
5 COUNTY MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE  
6 FINANCIAL STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY  
7 PORTION OF ITS ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE  
8 TREASURER IN ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE  
9 REQUIRED REFUND.

10 (b) FOR PURPOSES OF DETERMINING A COUNTY'S FISCAL YEAR  
11 SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF THE STATE  
12 CONSTITUTION, REVENUE REMITTED BACK TO THE STATE TREASURER BY  
13 A COUNTY PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS DEEMED  
14 TO HAVE NEVER BEEN RECEIVED BY THE COUNTY AND IS NOT INCLUDED IN  
15 THE COUNTY'S FISCAL YEAR SPENDING.

16 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER  
17 FROM A COUNTY PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS NOT  
18 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF  
19 THE STATE CONSTITUTION, OF THE STATE, SHALL BE PAID TO THE COUNTY  
20 TREASURERS OF THE RESPECTIVE COUNTIES PURSUANT TO SECTION  
21 43-4-205 (1) AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE  
22 IS PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES  
23 PURSUANT TO SECTION 43-4-205 (1) AND THIS SECTION, AND IS ACCRUED  
24 TO EACH COUNTY IN THE MONTH IN WHICH IT IS RECEIVED.

25 **SECTION 15.** In Colorado Revised Statutes, 43-4-208, **amend**  
26 (1), (2) introductory portion, (2)(a), and (6)(a); and **add** (7) as follows:

27 **43-4-208. Municipal allocation.** (1) After paying the costs of

1 the Colorado state patrol and ~~such~~ ANY other costs of the department,  
2 exclusive of highway construction, highway improvements, or highway  
3 maintenance, ~~as~~ THAT are appropriated by the general assembly, ~~and~~  
4 ~~making allocation as provided by sections 43-4-206 and 43-4-207, the~~  
5 ~~remaining nine percent of the highway users tax fund~~ THE REVENUE  
6 REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS  
7 TAX FUND TO CITIES AND INCORPORATED TOWNS AND FIFTY PERCENT OF  
8 THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND  
9 USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND  
10 39-26-202 (1)(b), THAT THE STATE TREASURER CREDITS TO THE HIGHWAY  
11 USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT  
12 REMAINS AFTER THE PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY  
13 FUND REQUIRED BY SECTION 43-4-206 (4) IS MADE shall be paid to the  
14 cities and incorporated towns within the limits of the respective counties,  
15 subject to annual appropriation by the general assembly, and shall be  
16 allocated and expended as provided in this section. Each city treasurer  
17 shall account for the moneys thus received as provided in this part 2.  
18 Moneys so allocated shall be expended by the cities and incorporated  
19 towns for the construction, engineering, reconstruction, maintenance,  
20 repair, equipment, improvement, and administration of the system of  
21 streets of such city or incorporated town or of any public highways  
22 located within such city or incorporated town, including any state  
23 highways, together with the acquisition of rights-of-way and access rights  
24 for the same, and for the planning, designing, engineering, acquisition,  
25 installation, construction, repair, reconstruction, maintenance, operation,  
26 or administration of transit-related projects, including, but not limited to,  
27 designated bicycle or pedestrian lanes of highway and infrastructure

1 needed to integrate different transportation modes within a multimodal  
2 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING  
3 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND  
4 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR  
5 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a city or  
6 an incorporated town may expend no more than fifteen percent of the  
7 total amount expended under this subsection (1) for transit-related  
8 operational purposes and except that moneys MONEY paid to the cities and  
9 incorporated towns pursuant to section 43-4-205 (6.3) shall be expended  
10 by the cities and incorporated towns only for road safety projects, as  
11 defined in section 43-4-803 (21). The amount to be expended for  
12 administrative purposes shall not exceed five percent of each city's share  
13 of the funds available.

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

17 (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS  
18 SECTION, eighty percent shall be allocated to the cities and incorporated  
19 towns in proportion to the adjusted urban motor vehicle registration in  
20 each city and incorporated town. The term "urban motor vehicle  
21 registration" includes all passenger, truck, truck-tractor, and motorcycle  
22 registrations. The number of registrations used in computing the  
23 percentage shall be those certified to the state treasurer by the department  
24 of revenue as constituting the urban motor vehicle registration for the last  
25 preceding year. The adjusted registration shall be computed by applying  
26 a factor to the actual number of such registrations to reflect the increased  
27 standards and costs of construction resulting from the concentration of

1 vehicles in cities and incorporated places. For this purpose the following  
 2 table of actual registration numbers and factors shall be employed:

|    | <b>Actual registrations</b> | <b>Factor</b> |
|----|-----------------------------|---------------|
| 4  | 1 -- 500                    | 1.0           |
| 5  | 501 -- 1,250                | 1.1           |
| 6  | 1,251 -- 2,500              | 1.2           |
| 7  | 2,501 -- 5,000              | 1.3           |
| 8  | 5,001 -- 12,500             | 1.4           |
| 9  | 12,501 -- 25,000            | 1.5           |
| 10 | 25,001 -- 50,000            | 1.6           |
| 11 | 50,001 -- 85,000            | 1.7           |
| 12 | 85,001 -- 130,000           | 1.8           |
| 13 | 130,001 -- 185,000          | 1.9           |
| 14 | 185,001 and over            | 2.0           |

15 (6) (a) In addition to the provisions of subsection (2)(a) of this  
 16 section, on or after July 1, 1979, eighty percent of all additional funds  
 17 MONEY becoming available to cities and incorporated towns from the  
 18 highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~, and  
 19 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2018,  
 20 EIGHTY PERCENT OF THE MONEY CREDITED TO THE HIGHWAY USERS TAX  
 21 FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT IS REQUIRED BY  
 22 SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND  
 23 INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES  
 24 shall be allocated to the cities and incorporated towns in proportion to the  
 25 adjusted urban motor vehicle registration in each city and incorporated  
 26 town. The term "urban motor vehicle registration", as used in this section,  
 27 includes all passenger, truck, truck-tractor, and motorcycle registrations.

1 The number of registrations used in computing the percentage shall be  
 2 those certified to the state treasurer by the department of revenue as  
 3 constituting the urban motor vehicle registration for the last preceding  
 4 year. The adjusted registration shall be computed by applying a factor to  
 5 the actual number of such registrations to reflect the increased standards  
 6 and costs of construction resulting from the concentration of vehicles in  
 7 cities and incorporated places. For this purpose the following table of  
 8 actual registration numbers and factors shall be employed:

|    | <b>Actual registrations</b> | <b>Factor</b> |
|----|-----------------------------|---------------|
| 10 | 1 -- 500                    | 1.0           |
| 11 | 501 -- 1,250                | 1.1           |
| 12 | 1,251 -- 2,500              | 1.2           |
| 13 | 2,501 -- 5,000              | 1.3           |
| 14 | 5,001 -- 12,500             | 1.4           |
| 15 | 12,501 -- 25,000            | 1.5           |
| 16 | 25,001 -- 50,000            | 1.6           |
| 17 | 50,001 -- 85,000            | 1.7           |
| 18 | 85,001 -- 125,000           | 1.8           |
| 19 | 125,001 -- 165,000          | 1.9           |
| 20 | 165,001 -- 205,000          | 2.0           |
| 21 | 205,001 -- 245,000          | 2.1           |
| 22 | 245,001 -- 285,000          | 2.2           |
| 23 | 285,001 -- 325,000          | 2.3           |
| 24 | 325,001 -- 365,000          | 2.4           |
| 25 | 365,001 -- 405,000          | 2.5           |
| 26 | 405,001 -- 445,000          | 2.6           |
| 27 | 445,001 -- 485,000          | 2.7           |



|   |                    |     |
|---|--------------------|-----|
| 1 | 485,001 -- 525,000 | 2.8 |
| 2 | 525,001 -- 565,000 | 2.9 |
| 3 | 565,001 -- 605,000 | 3.0 |

4 (7) (a) IF A CITY OR INCORPORATED TOWN, AFTER THE END OF ITS  
5 FISCAL YEAR BUT BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS  
6 DEFINED IN 29-1-602 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS  
7 RECEIPT OF ALL OR A PORTION OF THE NET REVENUE THAT IS  
8 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED  
9 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND  
10 WAS ALLOCATED TO IT DURING THE FISCAL YEAR AS DEDICATED  
11 TRANSPORTATION FUNDING AND FOR NO OTHER PURPOSE PURSUANT TO  
12 THIS SECTION WILL EITHER CAUSE IT TO EXCEED ITS FISCAL YEAR  
13 SPENDING LIMIT AND REQUIRE IT TO REFUND EXCESS CITY OR  
14 INCORPORATED TOWN REVENUE PURSUANT TO SECTION 20 (7)(d) OF  
15 ARTICLE X OF THE STATE CONSTITUTION OR INCREASE AN EXISTING  
16 OBLIGATION THAT IT HAS TO REFUND EXCESS CITY OR INCORPORATED  
17 TOWN REVENUE FOR THE FISCAL YEAR, THE CITY OR INCORPORATED TOWN  
18 MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE FINANCIAL  
19 STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY PORTION OF ITS  
20 ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE TREASURER IN  
21 ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE REQUIRED REFUND.

22 (b) FOR PURPOSES OF DETERMINING A CITY OR INCORPORATED  
23 TOWN'S FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF  
24 ARTICLE X OF THE STATE CONSTITUTION, REVENUE REMITTED BACK TO  
25 THE STATE TREASURER BY A CITY OR INCORPORATED TOWN PURSUANT TO  
26 SUBSECTION (7)(a) OF THIS SECTION IS DEEMED TO HAVE NEVER BEEN  
27 RECEIVED BY THE CITY OR INCORPORATED TOWN AND IS NOT INCLUDED IN

1 THE CITY OR INCORPORATED TOWN'S FISCAL YEAR SPENDING.

2 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER  
3 FROM A CITY OR INCORPORATED TOWN PURSUANT TO SUBSECTION (7)(a)  
4 OF THIS SECTION IS NOT FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20  
5 (2)(e) OF ARTICLE X OF THE STATE CONSTITUTION, OF THE STATE, SHALL  
6 BE PAID TO THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION  
7 43-4-205 (1) AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE  
8 IS PAID TO THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION  
9 43-4-205 (1) AND THIS SECTION, AND IS ACCRUED TO EACH CITY AND  
10 INCORPORATED TOWN IN THE MONTH IN WHICH IT IS RECEIVED.

11 **SECTION 16.** In Colorado Revised Statutes, 43-4-705, **amend**  
12 (13) as follows:

13 **43-4-705. Revenue anticipation notes - repeal.**  
14 (13) (a) Notwithstanding any other provision of this part 7 to the  
15 contrary, the executive director shall have the authority to issue revenue  
16 anticipation notes pursuant to this part 7 only if voters statewide approve  
17 the ballot question submitted at the November, 1999, statewide election  
18 pursuant to section 43-4-703 (1) and only then to the extent allowed under  
19 the maximum amounts of debt and repayment cost so approved.

20 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE  
21 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF  
22 THIS SECTION, AND UPON VOTER APPROVAL OF THE BALLOT ISSUE  
23 SUBMITTED AT THE NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO  
24 SUBSECTION (13)(b)(III) OF THIS SECTION AND THE REPAYMENT FUNDING  
25 COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS  
26 SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL REVENUE  
27 ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND ONE-HALF

1 BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF FIVE  
2 BILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES  
3 ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND  
4 THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT  
5 AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY  
6 THE NOTES IN FULL OR IN PART BEFORE THE END OF THE SPECIFIED  
7 PAYMENT TERM NO LATER THAN TEN YEARS AFTER THEIR ISSUANCE  
8 WITHOUT PENALTY.

9 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION  
10 (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION  
11 NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE  
12 TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT  
13 COVENANTS THAT AMOUNTS IT ALLOCATES ON AN ANNUAL BASIS  
14 PURSUANT TO SECTION 43-1-113 TO PAY THE REVENUE ANTICIPATION  
15 NOTES WILL BE PAID AS FOLLOWS: FIRST, FIFTY MILLION DOLLARS FROM  
16 ANY LEGALLY AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES  
17 AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY FUND  
18 PURSUANT TO SECTION 43-4-206 (4); NEXT, FROM SALES AND USE TAX NET  
19 REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION  
20 43-4-206 (4); AND, IF SUCH REVENUE IS INSUFFICIENT, LAST, FROM ANY  
21 OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT  
22 NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPAYED.

23 (III) THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED  
24 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE  
25 STATEWIDE ELECTION HELD IN NOVEMBER 2017 THE FOLLOWING BALLOT  
26 ISSUE: "SHALL STATE TAXES BE INCREASED BY SEVEN HUNDRED FIFTEEN  
27 MILLION ONE HUNDRED THOUSAND DOLLARS ANNUALLY AND

1 TEMPORARILY TO PAY FOR STATE AND LOCAL TRANSPORTATION PROJECTS,  
2 INCLUDING MUNICIPAL AND COUNTY ROADS, STATE HIGHWAYS,  
3 AFFORDABLE AND ACCESSIBLE TRANSPORTATION OPTIONS FOR SENIORS  
4 AND PERSONS WITH DISABILITIES, BUS AND RAIL SERVICE, RAPID RESPONSE  
5 MAINTENANCE PROGRAMS, AND TO ENHANCE MOBILITY AND SAFETY FOR  
6 ALL COLORADANS, BY A STATE SALES AND USE TAX RATE INCREASE OF  
7 0.62% FOR THE TWENTY-YEAR PERIOD BEGINNING JANUARY 1, 2018, AND  
8 ENDING DECEMBER 31, 2037; SHALL STATE DEBT BE INCREASED UP TO  
9 \$3,500,000,000, WITH A MAXIMUM REPAYMENT COST OF \$5,000,000,000  
10 BY THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE  
11 ANTICIPATION NOTES SOLELY TO FUND SPECIFIED HIGH-PRIORITY  
12 TRANSPORTATION PROJECTS IN ALL AREAS OF THE STATE; AND SHALL ALL  
13 REVENUE FROM THE TAX RATE INCREASE IN THE STATED AMOUNT IN THE  
14 FIRST FULL FISCAL YEAR AND IN WHATEVER AMOUNTS ARE COLLECTED IN  
15 FUTURE FISCAL YEARS BY IMPOSITION OF THE 0.62% SALES TAX RATE  
16 INCREASE AND EARNINGS ON SUCH REVENUES AND ON PROCEEDS OF THE  
17 NOTES BE RETAINED AND SPENT AS A VOTER-APPROVED REVENUE  
18 CHANGE?"

19 (IV) WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS  
20 SUBSECTION (13)(b)(IV), THE DEPARTMENT SHALL PROVIDE TO THE  
21 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL THE MOST RECENT  
22 AVAILABLE LIST OF PROJECTS, INCLUDING MULTIMODAL CAPITAL  
23 PROJECTS, THAT ARE ON THE DEPARTMENT'S PRIORITY LIST FOR  
24 TRANSPORTATION FUNDING AND THAT THE DEPARTMENT WILL FUND WITH  
25 PROCEEDS OF ANY ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS  
26 AUTHORIZED BY THIS SUBSECTION (13)(b). IN ORDER TO FULLY INFORM  
27 THE VOTERS OF THE STATE CONCERNING THE PROJECTS TO BE FUNDED

1 WITH PROCEEDS OF ANY SUCH ADDITIONAL REVENUE ANTICIPATION NOTES  
2 BEFORE THE VOTERS VOTE ON THE BALLOT QUESTION SPECIFIED IN  
3 SUBSECTION (13)(b)(III) OF THIS SECTION, THE DIRECTOR OF RESEARCH  
4 SHALL PUBLISH THE LIST, INCLUDING ANY SUBSEQUENT UPDATES TO THE  
5 LIST MADE BEFORE FINAL APPROVAL BY THE LEGISLATIVE COUNCIL OF THE  
6 2017 BALLOT INFORMATION BOOKLET PREPARED PURSUANT TO SECTION  
7 1-40-124.5, WHICH UPDATES THE DEPARTMENT SHALL EXPEDITIOUSLY  
8 PROVIDE TO THE DIRECTOR OF RESEARCH, IN THE BALLOT INFORMATION  
9 BOOKLET.

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

13 (B) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE  
14 IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "YES/FOR", THEN THIS  
15 SUBSECTION (13)(b)(V) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

16 **SECTION 17.** In Colorado Revised Statutes, **amend** 43-4-713 as  
17 follows:

18 **43-4-713. Annual reports - provision of information of**  
19 **website.** (1) No later than ~~January 15, 2001~~ JANUARY 15, 2019, and no  
20 later than January 15 of each year thereafter, the executive director shall  
21 submit a report to ~~the members of the joint budget committee of the~~  
22 ~~general assembly, the members of the legislative audit committee of the~~  
23 ~~general assembly, the chair of the transportation and energy committee of~~  
24 ~~the house of representatives, and the chair of the transportation committee~~  
25 of the senate that includes, at a minimum, the following information:

26 (a) The total amount of ADDITIONAL revenue anticipation notes  
27 issued by the executive director ~~in accordance with this part 7~~ AS

1 AUTHORIZED BY SECTION 43-4-705 (13)(b);

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

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

15 (d) The total amount of proceeds from the issuance of THE  
16 ADDITIONAL revenue anticipation notes, state matching funds, and federal  
17 transportation funds allocated by the commission in each state fiscal year  
18 for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and  
19 the costs associated with the issuance and administration of such notes.

20 (2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL  
21 REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE,  
22 THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN  
23 EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY  
24 UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL  
25 REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

26 (3) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING  
27 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES

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

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

6 **43-4-714. Priority of strategic transportation project**  
7 **investment program.** (1) If the executive director issues any revenue  
8 anticipation notes in accordance with the provisions of this part 7, the  
9 proceeds from the sale of such notes that are not otherwise pledged for  
10 the payment of such notes shall be used for the qualified federal aid  
11 transportation projects included in the strategic transportation project  
12 investment program of the department of transportation.

13 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION  
14 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL  
15 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES  
16 PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE  
17 PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY  
18 ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE  
19 STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF  
20 AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR  
21 PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE  
22 DEPARTMENT'S PRIORITY LIST FOR TRANSPORTATION FUNDING AND FOR  
23 MAINTENANCE, INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE  
24 HIGHWAYS.

25 **SECTION 19.** In Colorado Revised Statutes, **add** 43-4-714.5 as  
26 follows:

27 **43-4-714.5. Transportation revenue anticipation notes citizen**

1 **oversight committee - creation - appointment of members - charge -**

2 **report.** (1) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES  
3 CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE  
4 OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS  
5 OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY  
6 SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE EXECUTIVE  
7 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE AND FOURTEEN  
8 APPOINTED MEMBERS. THE APPOINTING AUTHORITIES SHALL GIVE  
9 CONSIDERATION TO THE GEOGRAPHIC DIVERSITY OF THE COMMITTEE WHEN  
10 MAKING APPOINTMENTS AND SHALL SPECIFICALLY ENSURE THAT THE  
11 WESTERN SLOPE AND EASTERN PLAINS ARE REPRESENTED ON THE  
12 COMMITTEE. COMMITTEE MEMBERS MUST BE APPOINTED AS FOLLOWS:

13 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS, AT LEAST ONE  
14 OF WHOM HAS PROFESSIONAL FINANCE EXPERIENCE, AT LEAST ONE OF  
15 WHOM IS A LICENSED CIVIL ENGINEER, AT LEAST ONE OF WHOM IS AN  
16 ADVOCATE FOR AFFORDABLE TRANSPORTATION OPTIONS, AND AT LEAST  
17 ONE OF WHOM IS A CERTIFIED PUBLIC ACCOUNTANT. NO MORE THAN FOUR  
18 OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE AFFILIATED  
19 WITH THE SAME POLITICAL PARTY;

20 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
21 APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A PERSON WITH  
22 A DISABILITY WHO ADVOCATES FOR PERSONS WITH ALL TYPES OF  
23 DISABILITIES;

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


27 (IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES



1 SHALL APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A  
2 LICENSED ATTORNEY; AND

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

6 (b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY  
7 BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT  
8 THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE  
9 GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER  
10 APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER  
11 APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE  
12 NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE  
13 COMMITTEE.

14 

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

23 (a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714  
24 (2);

25 (b) FOR THE PURPOSE OF FUNDING PROJECTS LISTED IN THE 2017  
26 BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF  
27 RESEARCH OF THE LEGISLATIVE COUNCIL AS REQUIRED BY SECTION

1 43-4-705 (13)(b)(IV); AND

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

4 (3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE  
5 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION  
6 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

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

12 **SECTION 20.** In Colorado Revised Statutes, 43-4-804, **amend**  
13 (1)(a)(I) introductory portion, (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(C);  
14 and **repeal** (1)(e) as follows:

15 **43-4-804. Highway safety projects - surcharges and fees -**  
16 **crediting of money to highway users tax fund - definition.** (1) On and  
17 after July 1, 2009, the following surcharges, fees, and fines shall be  
18 collected and credited to the highway users tax fund created in section  
19 43-4-201 (1)(a) and allocated to the state highway fund, counties, and  
20 municipalities as specified in section 43-4-205 (6.3):

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

1 SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION, the amount of the  
2 surcharge shall be IS:

3 (A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,  
4 2038, sixteen dollars AND ON AND AFTER JANUARY 1, 2018, BUT BEFORE  
5 JANUARY 1, 2038, SIX DOLLARS for any vehicle that is a motorcycle,  
6 motorscooter, or motorbicycle, as respectively defined in section  
7 42-1-102 (55) and (59), ~~C.R.S.~~, or that weighs two thousand pounds or  
8 less;

9 (B) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,  
10 2038, twenty-three dollars AND ON AND AFTER JANUARY 1, 2018, BUT  
11 BEFORE JANUARY 1, 2038, NINE DOLLARS for any vehicle that weighs  
12 more than two thousand pounds but not more than five thousand pounds;

13 (C) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,  
14 2038, twenty-eight dollars AND ON AND AFTER JANUARY 1, 2018, BUT  
15 BEFORE JANUARY 1, 2038, ELEVEN DOLLARS for any vehicle that weighs  
16 more than five thousand pounds but not more than ten thousand pounds;

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

19 **SECTION 21.** In Colorado Revised Statutes, **add** part 11 to  
20 article 4 of title 43 as follows:

21 PART 11

22 MULTIMODAL TRANSPORTATION OPTIONS FUNDING

23 **43-4-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
24 HEREBY FINDS AND DECLARES THAT:

25 (a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE  
26 NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705  
27 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT,

1     **RETAIN**, AND SPEND, A SUBSTANTIAL AMOUNT OF NEW DEDICATED  
2     FUNDING, MOST OF WHICH WILL BE USED TO ACCELERATE THE COMPLETION  
3     OF HIGHWAY PROJECTS THROUGHOUT THE STATE;

4             (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
5     THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED  
6     TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION  
7     PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY  
8     THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT  
9     PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED  
10    MULTIMODAL TRANSPORTATION SYSTEM:

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

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

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

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

18            **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE  
19    CONTEXT OTHERWISE REQUIRES:

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

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

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

27            (4) "DEPARTMENT" MEANS THE DEPARTMENT OF

1 TRANSPORTATION.

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

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

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

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

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

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

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

25 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS  
26 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL  
27 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL

- 1 TRANSPORTATION OPTIONS;
- 2 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
- 3 DISABILITIES;
- 4 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;
- 5 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
- 6 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND
- 7 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW
- 8 TRANSPORTATION TECHNOLOGY.

9 **43-4-1103. Multimodal transportation options fund - creation**

10 **- revenue source for fund - use of fund - definition.** (1) THE

11 MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE

12 STATE TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET

13 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE

14 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND

15 39-26-202 (1)(b) AND THAT IS CREDITED TO THE FUND PURSUANT TO

16 SECTION 39-26-123 (7)(b) AND ANY OTHER MONEY THAT THE GENERAL

17 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE

18 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE

19 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND AND

20 SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE ACCOUNTS OF

21 THE FUND IN THE PERCENTAGES DESIGNATED BY THE COMMISSION

22 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

23 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE

24 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN

25 THE FUND. THE COMMISSION SHALL DESIGNATE, AND MAY AT ANY TIME BY

26 SUBSEQUENT RESOLUTION MODIFY, THE PERCENTAGES OF THE MONEY

27 CREDITED TO THE FUND TO BE CREDITED TO EACH ACCOUNT SUBJECT TO

1 THE LIMITATION THAT DURING ANY GIVEN FISCAL YEAR NO MORE THAN  
2 SEVENTY-FIVE PERCENT OF THE MONEY MAY BE CREDITED TO THE  
3 TRANSPORTATION OPTIONS ACCOUNT AND AT LEAST TWENTY-FIVE  
4 PERCENT OF THE REVENUE MUST BE CREDITED TO THE PEDESTRIAN AND  
5 ACTIVE TRANSPORTATION ACCOUNT.

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

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

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

26 (II) TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION  
27 AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING

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

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

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

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

18 **43-4-1104. Multimodal transportation options committee -**  
19 **created - membership - powers and duties - annual reporting**  
20 **requirement.** (1) (a) THE MULTIMODAL TRANSPORTATION OPTIONS

21 COMMITTEE IS CREATED IN THE DEPARTMENT OF TRANSPORTATION. THE  
22 COMMITTEE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF  
23 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**  
24 TRANSFER, AS DEFINED IN SECTION 24-1-105. THE COMMITTEE CONSISTS  
25 OF ELEVEN MEMBERS, A MAJORITY OF WHOM CONSTITUTE A QUORUM OF  
26 THE COMMITTEE. THE GOVERNOR, TAKING INTO ACCOUNT GEOGRAPHIC  
27 DIVERSITY WHEN MAKING APPOINTMENTS, SHALL APPOINT TEN MEMBERS



1 OF THE COMMITTEE AS FOLLOWS:

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

6 (II) THREE MEMBERS, EACH OF WHOM REPRESENTS EITHER A  
7 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION  
8 43-1-1102 (4), OR A REGIONAL PLANNING COMMISSION, AS DEFINED IN  
9 SECTION 43-4-1102 (5);

10 (III) FOUR MEMBERS WHO REPRESENT LOCAL GOVERNMENTS, AT  
11 LEAST ONE OF WHOM MUST RESIDE IN A COMMUNITY THAT IS WEST OF THE  
12 CONTINENTAL DIVIDE; AND

13 (IV) ONE MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE  
14 TRANSPORTATION OPTIONS.

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

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

19 (b) COMMITTEE MEMBERS APPOINTED BY THE GOVERNOR SERVE  
20 FOR TERMS OF FOUR YEARS; EXCEPT THAT THE INITIAL TERMS OF ONE OF  
21 THE MEMBERS APPOINTED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS  
22 SECTION, TWO OF THE MEMBERS APPOINTED PURSUANT TO SUBSECTION  
23 (1)(a)(II) OF THIS SECTION, AND TWO OF THE MEMBERS APPOINTED  
24 PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION ARE TWO YEARS.  
25 THE GOVERNOR MAY REMOVE A COMMITTEE MEMBER APPOINTED BY THE  
26 GOVERNOR FOR ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OF  
27 DISCHARGING OR UNFIT TO DISCHARGE THE MEMBER'S DUTIES AND SHALL

1 FILL ANY VACANCY ON THE COMMITTEE BY APPOINTMENT OF A NEW  
2 MEMBER, WHO SHALL SERVE UNTIL THE EXPIRATION OF THE TERM FOR  
3 WHICH THE VACANCY WAS FILLED. COMMITTEE MEMBERS APPOINTED BY  
4 THE GOVERNOR SERVE WITHOUT COMPENSATION, BUT RECEIVE  
5 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES  
6 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

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

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

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

25 (c) TO DETERMINE WHICH TRANSPORTATION OPTIONS PROJECTS  
26 RECEIVE FUNDING AND THE AMOUNT OF THE FUNDING PROVIDED FOR EACH  
27 PROJECT RECEIVING FUNDING. TOTAL LOCAL GOVERNMENT, REGIONAL

1 TRANSPORTATION AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A  
2 PROJECT RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS  
3 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF  
4 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING  
5 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT  
6 EQUAL TO TWENTY PERCENT OF THE AMOUNT RECEIVED FOR THE PROJECT  
7 FROM THE ACCOUNT:

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

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

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

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

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

26 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEY  
27 RECEIVED FROM THE TRANSPORTATION OPTIONS FUND SHALL NOT BE

1 CONSIDERED WHEN CALCULATING COMPLIANCE WITH OTHER RELATED  
2 STATUTORY OBLIGATIONS.

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

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

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

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

16 (B) THE AMOUNT OF TRANSPORTATION OPTIONS ACCOUNT  
17 FUNDING PROVIDED FOR THE PROJECT; AND

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

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

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

1 takes effect on the date of the official declaration of the vote thereon by  
2 the governor.

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

4 **SECTION 23. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.