

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-1160.01 Esther van Mourik x4215

HOUSE BILL 18-1340

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TRANSFERS OF MONEY TO BE USED FOR THE STATE'S**
102 **INFRASTRUCTURE.**

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/>.)

Joint Budget Committee. For the 2018-19 fiscal year, the bill transfers:

- ! \$71,431,345 from the general fund to the capital construction fund;
- ! \$15,206,760 from the general fund to the information technology capital account of the capital construction fund;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 28, 2018

- ! \$500,000 from the general fund exempt account of the general fund to the capital construction fund;
- ! \$30 million from the general fund to the controlled maintenance trust fund;
- ! \$150,000 from the preservation grant program account of the state historical fund for historical property rehabilitation in the capitol complex; and
- ! \$495 million from the general fund to the state highway fund if Senate Bill 18-001 does not pass.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend**
3 (2)(dd), (2)(ee), (2.5)(k), and (2.5)(l); **amend as added by House Bill**
4 **18-1173** (2.3)(c) and (2.3)(d); and **add** (2)(ff), (2.3)(e), and (2.5)(m) as
5 follows:

6 **24-75-302. Capital construction fund - capital assessment fees**
7 **- calculation - information technology capital account.** (2) The
8 controller shall transfer a sum as specified in this subsection (2) from the
9 general fund to the capital construction fund as money becomes available
10 in the general fund during the fiscal year beginning on July 1 of the fiscal
11 year in which the transfer is made. Transfers between funds pursuant to
12 this subsection (2) are not appropriations subject to the limitations of
13 section 24-75-201.1. The amounts transferred pursuant to this subsection
14 (2) are as follows:

15 (dd) On July 1, 2016, twenty million five hundred eighty-six
16 thousand three hundred ninety-eight dollars; ~~and~~

17 (ee) On July 1, 2017, sixty-eight million eight hundred forty
18 thousand four hundred forty-six dollars; AND

19 (ff) ON JULY 1, 2018, SEVENTY-ONE MILLION FOUR HUNDRED
20 THIRTY-ONE THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS.

1 (2.3) In addition to the sums transferred pursuant to subsections
2 (2) and (2.5) of this section, the state treasurer and the controller shall
3 transfer a sum as specified in this subsection (2.3) from the general fund
4 to the information technology capital account created in subsection (3.7)
5 of this section, as enacted by House Bill 15-1266, as money becomes
6 available in the general fund during the fiscal year beginning on July 1 of
7 the fiscal year in which the transfer is made. Transfers between funds
8 pursuant to this subsection (2.3) are not appropriations subject to the
9 limitations of section 24-75-201.1. The amounts transferred pursuant to
10 this subsection (2.3) are as follows:

11 (c) On July 1, 2017, nineteen million eight hundred fifty-five
12 thousand five hundred fifteen dollars; ~~and~~

13 (d) On April 1, 2018, two million eight hundred eighty-eight
14 thousand five hundred twenty-nine dollars; AND

15 (e) ON JULY 1, 2018, FIFTEEN MILLION TWO HUNDRED SIX
16 THOUSAND SEVEN HUNDRED SIXTY DOLLARS.

17 (2.5) In addition to the sums transferred pursuant to subsections
18 (2) and (2.3) of this section, the state treasurer and the controller shall
19 transfer a sum as specified in this subsection (2.5) from the general fund
20 exempt account of the general fund created pursuant to section
21 24-77-103.6 to the capital construction fund as money becomes available
22 in the general fund exempt account during the fiscal year beginning on
23 July 1 of the fiscal year in which the transfer is made. Transfers between
24 funds pursuant to this subsection (2.5) are not appropriations subject to
25 the limitations of section 24-75-201.1. The amounts transferred pursuant
26 to this subsection (2.5) are as follows:

27 (k) On July 1, 2016, five hundred thousand dollars; ~~and~~

1 (l) On July 1, 2017, five hundred thousand dollars; AND
2 (m) ON JULY 1, 2018, FIVE HUNDRED THOUSAND DOLLARS.

3 **SECTION 2.** In Colorado Revised Statutes, 24-75-302.5, **add**
4 (2.4) as follows:

5 **24-75-302.5. Controlled maintenance - trust fund - legislative**
6 **declaration.** (2.4) FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, THE
7 STATE TREASURER SHALL TRANSFER THIRTY MILLION DOLLARS FROM THE
8 GENERAL FUND TO THE CONTROLLED MAINTENANCE TRUST FUND.

9 **SECTION 3.** In Colorado Revised Statutes, 12-47.1-1201, **add**
10 (10) as follows:

11 **12-47.1-1201. State historical fund - administration -**
12 **legislative declaration - state museum cash fund - capitol dome**
13 **restoration fund.** (10) FOR THE FISCAL YEAR COMMENCING JULY 1, 2018,
14 THE STATE TREASURER SHALL TRANSFER ONE HUNDRED FIFTY THOUSAND
15 DOLLARS FROM THE PRESERVATION GRANT PROGRAM ACCOUNT OF THE
16 STATE HISTORICAL FUND ON OCTOBER 1, 2018, TO THE CAPITAL
17 CONSTRUCTION FUND CREATED IN SECTION 24-75-302 FOR HISTORICAL
18 PROPERTY REHABILITATION IN THE CAPITOL COMPLEX.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 24-75-219.5 as
20 follows:

21 **24-75-219.5. Transfer - state highway fund - repeal.** (1) FOR
22 THE FISCAL YEAR COMMENCING JULY 1, 2018, THE STATE TREASURER
23 SHALL TRANSFER FOUR HUNDRED NINETY-FIVE MILLION DOLLARS FROM
24 THE GENERAL FUND TO THE STATE HIGHWAY FUND CREATED IN SECTION
25 43-1-219. OF THIS AMOUNT, TWENTY-FIVE PERCENT IS ALLOCATED TO
26 COUNTIES AND DISTRIBUTED PURSUANT TO SECTION 43-4-207 (2)(b),
27 TWENTY-FIVE PERCENT IS ALLOCATED TO MUNICIPALITIES AND

1 DISTRIBUTED PURSUANT TO SECTION 43-4-208, AND FIFTEEN PERCENT IS
2 ALLOCATED TO THE MULTIMODAL TRANSPORTATION OPTIONS FUND
3 CREATED IN SECTION 43-4-1103 (1).

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

5 **SECTION 5.** In Colorado Revised Statutes, 43-1-117.5, **amend**
6 (3)(a) introductory portion, (3)(a)(VI), and (3)(a)(VII); and **add**
7 (3)(a)(VIII) as follows:

8 **43-1-117.5. Transit and rail division - created - powers and**
9 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the
10 planning, development, operation, and integration of transit and rail,
11 including, where appropriate, advanced guideway systems, into the
12 statewide transportation system AND shall, in coordination with other
13 transit and rail providers, plan, promote, and implement investments in
14 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS
15 the following specific powers and duties:

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

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

27 (VIII) TO ASSIST THE DEPARTMENT IN DETERMINING THE

1 ALLOCATION OF MONEY IN THE TRANSPORTATION OPTIONS ACCOUNT OF
2 THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION
3 43-4-1103 (2) BY SOLICITING, RECEIVING, AND EVALUATING APPLICATIONS
4 FOR TRANSPORTATION OPTIONS PROJECT FUNDING FROM LOCAL
5 GOVERNMENTS AND TRANSIT AGENCIES THROUGHOUT THE STATE AND
6 PROPOSING FUNDING FOR INTERREGIONAL TRANSPORTATION OPTIONS
7 PROJECTS.

8 **SECTION 6.** In Colorado Revised Statutes, **add** part 11 to article
9 4 of title 43 as follows:

10 **PART 11**

11 **MULTIMODAL TRANSPORTATION OPTIONS FUNDING**

12 **43-4-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
13 HEREBY FINDS AND DECLARES THAT IT IS NECESSARY, APPROPRIATE, AND
14 IN THE BEST INTEREST OF THE STATE TO USE A PORTION OF THE NEW
15 TRANSPORTATION FUNDING SET FORTH IN SECTION 24-75-219.5 TO FUND
16 MULTIMODAL TRANSPORTATION PROJECTS AND OPERATIONS THROUGHOUT
17 THE STATE AS AUTHORIZED BY THIS PART 11 BECAUSE, IN ADDITION TO
18 THE GENERAL BENEFITS THAT IT PROVIDES TO ALL COLORADANS, A
19 COMPLETE AND INTEGRATED MULTIMODAL TRANSPORTATION SYSTEM:

20 (a) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE
21 FOR THEM;

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

24 (c) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH
25 DISABILITIES; AND

26 (d) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

27 **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

- 1 (I) LOCAL, REGIONAL, AND INTERCITY BUS AND RAIL FACILITIES,
- 2 EQUIPMENT, AND SERVICES THAT ARE PROVIDED BY OR CONTRACTED FOR
- 3 BY OR ON BEHALF OF THE STATE, OR ONE OR MORE LOCAL GOVERNMENTS,
- 4 REGIONAL TRANSPORTATION AUTHORITIES, OR TRANSIT AGENCIES;
- 5 (II) FIRST AND FINAL MILE CONNECTIONS TO BUS AND RAIL
- 6 FACILITIES, EQUIPMENT, AND SERVICES; AND
- 7 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS
- 8 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL
- 9 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL
- 10 TRANSPORTATION OPTIONS;
- 11 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
- 12 DISABILITIES;
- 13 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;
- 14 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
- 15 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND
- 16 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW
- 17 TRANSPORTATION TECHNOLOGY.

18 **43-4-1103. Multimodal transportation options fund - creation**
19 **- revenue source for fund - use of fund - definition.** (1) THE
20 MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE
21 STATE TREASURY. THE FUND CONSISTS OF MONEY ALLOCATED TO THE
22 FUND PURSUANT TO SECTION 24-75-219.5 AND ANY OTHER MONEY THAT
23 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.
24 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
25 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND
26 AND SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE
27 ACCOUNTS OF THE FUND IN THE PERCENTAGES DESIGNATED IN SUBSECTION

1 (2) OF THIS SECTION.

2 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE
3 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN
4 THE FUND. SEVENTY-FIVE PERCENT OF THE MONEY IS CREDITED TO THE
5 TRANSPORTATION OPTIONS ACCOUNT AND TWENTY-FIVE PERCENT OF THE
6 MONEY IS CREDITED TO THE PEDESTRIAN AND ACTIVE TRANSPORTATION
7 ACCOUNT.

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

10 (a) THE DEPARTMENT SHALL EXPEND MONEY FROM THE
11 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND ON TRANSPORTATION
12 OPTIONS PROJECTS. THE DEPARTMENT SHALL DETERMINE WHICH
13 TRANSPORTATION OPTIONS PROJECTS RECEIVE FUNDING AND THE AMOUNT
14 OF THE FUNDING PROVIDED FOR EACH PROJECT RECEIVING FUNDING.
15 TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION AUTHORITY, OR
16 TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING FUNDING FROM THE
17 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND MUST BE AT LEAST
18 EQUAL TO THE AMOUNT OF FUNDING PROVIDED FROM THE ACCOUNT;
19 EXCEPT THAT THE FOLLOWING ENTITIES MAY PROVIDE MATCHING MONEY
20 FOR A PROJECT IN AN AMOUNT EQUAL TO TWENTY PERCENT OF THE
21 AMOUNT RECEIVED FOR THE PROJECT FROM THE ACCOUNT:

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

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

27 (b) THE DEPARTMENT SHALL SUPERVISE AND PROVIDE GUIDANCE

1 TO THE DIVISION IN ITS SOLICITATION, RECEIPT, AND EVALUATION OF
2 SPECIFIC TRANSPORTATION OPTIONS PROJECT PROPOSALS FROM LOCAL
3 GOVERNMENTS, REGIONAL TRANSPORTATION AUTHORITIES, AND TRANSIT
4 AGENCIES AND ITS DEVELOPMENT OF INTERREGIONAL TRANSPORTATION
5 OPTIONS PROJECTS PURSUANT TO SECTION 43-1-117.5 (3)(a)(VIII);

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

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

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

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

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

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

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

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

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

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

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

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

4 **SECTION 7. Effective date.** This act takes effect upon passage;
5 except that sections 4, 5, and 6 of this act takes effect only if Senate Bill
6 18-001 does not become law.

7 **SECTION 8. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.