

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 22-0787.01 Jessica Herrera x4218

SENATE BILL 22-141

SENATE SPONSORSHIP

Moreno and Kirkmeyer, Woodward, Zenzinger, Gardner, Liston, Scott

HOUSE SPONSORSHIP

Lynch and Valdez D., Pico, Woodrow

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING MAKING NONSUBSTANTIVE CHANGES TO TITLE 43.**

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/>.)

Statutory Revision Committee. The bill makes the following nonsubstantive changes to title 43:

- Corrects the citation made in section 43-1-128 (5) from "the national environmental policy act" to "the federal 'National Environmental Policy Act of 1969', 42 U.S.C. sec. 4321 et seq.";
- Adds the word "vehicle" in section 43-4-605 (1)(i) between the words "motor" and "registration"; and

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.*

SENATE
3rd Reading Unamended
March 16, 2022

SENATE
2nd Reading Unamended
March 15, 2022

- Corrects a reference in section 43-4-1301 (2)(c) stating "subsections (7) and (8) of this section" to say "section 43-4-1303".

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-128, **amend** (5)
3 as follows:

4 **43-1-128. Environmental impacts of capacity projects -**
5 **additional requirements - legislative declaration - definitions.**

6 (5) With the exception of the interstate highway 270 corridor
7 improvement project, the requirements of subsections (4)(a) and (4)(c) of
8 this section do not apply to any projects that have, on or before July 1,
9 2022, a signed record of decision, finding of no significant impact, or
10 categorical exclusions as provided by the ~~national environmental policy~~
11 ~~act~~ FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42
12 U.S.C. SEC. 4321 ET SEQ.

13 **SECTION 2.** In Colorado Revised Statutes, 43-4-605, **amend**
14 (1)(i) as follows:

15 **43-4-605. Powers of the authority - inclusion or exclusion of**
16 **property - determination of regional transportation system alignment**
17 **- fund created - repeal.** (1) In addition to any other powers granted to

18 an authority pursuant to this part 6, an authority has the following powers:

19 (i) To impose an annual motor vehicle registration fee of not more
20 than ten dollars for each motor vehicle registered with the authorized
21 agent, as defined in section 42-1-102, of the county by persons residing
22 in all or any designated portion of the members of the combination or of
23 the members of the transportation planning organization exercising the
24 powers of an authority as authorized by section 43-4-622; except that the

1 authority shall not impose a motor VEHICLE registration fee with respect
2 to motor vehicles registered to persons residing outside the boundaries of
3 the authority and within the boundaries of a municipality as the
4 boundaries of the municipality exist on the date the authority is created or
5 the resolution authorizing the transportation planning organization to
6 exercise the powers of an authority is adopted without the consent of the
7 governing body of the municipality or outside the boundaries of the
8 authority and within the unincorporated boundaries of a county as the
9 unincorporated boundaries of the county exist on the date the authority is
10 created without the consent of the governing body of the county. The
11 registration fee is in addition to any fee or tax imposed by the state or any
12 other governmental unit. If a motor vehicle is registered in a county that
13 is a member of more than one authority, the total of all fees imposed
14 pursuant to this subsection (1)(i) for the motor vehicle shall not exceed
15 ten dollars. The authorized agent of the county in which the registration
16 fee is imposed shall collect the fee and remit the fee to the authority. The
17 authority shall apply the registration fees solely to the financing,
18 construction, operation, or maintenance of regional transportation systems
19 that are consistent with the expenditures specified in section 18 of article
20 X of the state constitution.

21 **SECTION 3.** In Colorado Revised Statutes, 43-4-1301, **amend**
22 (2)(c) introductory portion as follows:

23 **43-4-1301. Legislative declaration.** (2) The general assembly
24 further finds and declares that:

25 (c) Consistent with the determination of the Colorado supreme
26 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
27 1995), that the power to impose taxes is inconsistent with enterprise status

1 under section 20 of article X of the state constitution, it is the conclusion
2 of the general assembly that the revenue collected by the enterprise is
3 generated by fees, not taxes, because the air pollution mitigation per ride
4 fee and the air pollution mitigation retail delivery fee imposed by the
5 enterprise as authorized by ~~subsections (7) and (8) of this section~~ SECTION
6 43-4-1303 are:

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.