

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

PREAMENDED

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

LLS NO. 24-0526.01 Jason Gelender x4330

HOUSE BILL 24-1012

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A BILL FOR AN ACT

101 **CONCERNING THE OPERATIONAL EFFICIENCY OF THE FRONT RANGE**
102 **PASSENGER RAIL DISTRICT.**

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>.)

To improve the operational efficiency of the front range passenger rail district (district):

- **Section 1** of the bill replaces the requirement that the board of the district (board) hold annual joint meetings with the transportation commission, the board of directors of the I-70 coalition or any successor entity, and the board of

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

HOUSE
Amended 3rd Reading
February 12, 2024

HOUSE
Amended 2nd Reading
February 9, 2024

directors of the regional transportation district with a requirement that the board provide an annual update, which may be provided by district staff and may be provided electronically, to each of those entities;

- **Section 2** eliminates the requirement that board directors appointed by transportation planning organizations be confirmed by the senate; clarifies when the terms of board members begin and end; and prohibits an advisory nonvoting member of the board from participating in an executive session if the board determines that a particular matter to be discussed in the executive session concerns the appointing authority for the advisory nonvoting member and should not be discussed when the advisory nonvoting member is present;
- **Section 3** establishes that the board exercises its powers by a majority vote of a quorum of its voting directors rather than by a majority vote of a quorum of its total membership and, in conjunction with **section 4**, clarifies that the board has discretion to delegate its power to enter into contracts and agreements other than intergovernmental agreements and contracts for public-private partnerships to the officers and employees of the district; and
- **Section 5** changes the name of a state-required district plan for developing rail service to avoid potential confusion that could be caused by similarity between the current name of the plan and the name of a federally required plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-22-103, **amend**
3 (2)(d), (2)(e), (2)(f), (4)(b), (4)(c), and (4)(d) as follows:

4 **32-22-103. Front range passenger rail district - creation -**
5 **purpose - boundaries.** (2) The purpose of the district is to research,
6 develop, construct, operate, and maintain an interconnected passenger rail
7 system within the front range that is competitive in terms of travel time
8 for comparable trips with other modes of surface transportation. In
9 addition to a main North-South passenger rail line, the district shall, as
10 specified in this article 22:

1 (d) Coordinate with the department of transportation to ensure that
2 any district front range passenger rail system is well-integrated into the
3 state's multimodal transportation system and does not impair the
4 efficiency or safety of or otherwise adversely affect existing
5 transportation infrastructure or operations and hold at least one joint
6 meeting annually of the board and the transportation commission created
7 in section 43-1-106 (1), WHICH MEETING SHALL INCLUDE AN ANNUAL
8 UPDATE, WHICH MAY BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD
9 IN A MANNER THAT ALLOWS MEMBERS OF THE BOARD AND COMMISSION TO
10 ATTEND REMOTELY BY ELECTRONIC MEANS.

11 (e) Hold at least one joint meeting annually of the board and the
12 board of directors of the I-70 coalition, or a successor entity of the
13 coalition, WHICH MEETING SHALL INCLUDE AN ANNUAL UPDATE, WHICH
14 MAY BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD IN A MANNER
15 THAT ALLOWS MEMBERS OF THE BOARDS TO ATTEND REMOTELY BY
16 ELECTRONIC MEANS, to ensure that any district front range passenger rail
17 system interconnects with any passenger rail system that serves the
18 interstate highway 70 mountain corridor; and

19 (f) Hold at least one joint meeting annually of the board and the
20 board of directors of the regional transportation district, ~~to discuss and~~
21 ~~resolve~~ WHICH MEETING SHALL INCLUDE AN ANNUAL UPDATE, WHICH MAY
22 BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD IN A MANNER THAT
23 ALLOWS MEMBERS OF THE BOARDS TO ATTEND REMOTELY BY ELECTRONIC
24 MEANS, REGARDING operational and interconnectivity issues.

25 (4) The area that comprises the district extends from Wyoming to
26 New Mexico and includes:

27 (b) All areas within Adams, Arapahoe, Boulder, Douglas, El Paso,

1 Huerfano, Jefferson, Larimer, Las Animas, AND Pueblo and Weld
2 counties that are located within the territory of a metropolitan planning
3 organization AND ALL AREAS WITHIN WELD COUNTY THAT ARE LOCATED
4 WITHIN THE CITY OF LONGMONT AND THE TOWN OF ERIE;

5 (c) All areas within Huerfano, Las Animas, and Pueblo counties
6 that are not located within the territory of a metropolitan planning
7 organization and are located within a county precinct, as defined in
8 section 1-1-104(30), that is THAT ARE located wholly or partly within five
9 miles of the public right-of-way of interstate highway 25; and

10 (d) All areas within Larimer and Weld counties COUNTY that are
11 not located within the territory of a metropolitan planning organization
12 and are located within a county precinct, as defined in section 1-1-104
13 (30), that is THAT ARE north of the city of Fort Collins and is located
14 wholly or partly within five miles of the public right-of-way of interstate
15 highway 25.

16 **SECTION 2.** In Colorado Revised Statutes, 32-22-104, **amend**
17 (1)(a)(III), (1)(b)(II), and (2)(c) as follows:

18 **32-22-104. Board of directors - appointment - meetings -**
19 **compensation - conflicts of interest.** (1) The district is governed by a
20 board of directors, all of whom shall represent the residents of the district,
21 which consists of:

22 (a) (III) The governor shall make the initial appointments no later
23 than April 1, 2022, and the initial directors appointed may act as directors
24 pending their confirmation by the senate. Directors appointed by the
25 governor pursuant to this subsection (1)(a) are appointed for four-year
26 terms THAT RUN THROUGH THE FOURTH DECEMBER 31 FOLLOWING THEIR
27 APPOINTMENTS; except that the initial terms of three of the directors other

1 than the director who is a resident of a county, city and county, or
2 municipality through which light or commuter rail service was planned
3 as part of the voter-approved Fastracks transit expansion program of the
4 regional transportation district but has not been constructed are two years.
5 THE TERMS OF THE DIRECTORS APPOINTED PURSUANT TO THIS SUBSECTION
6 (1)(a) OTHER THAN THE DIRECTORS INITIALLY APPOINTED COMMENCE ON
7 JANUARY 1 FOLLOWING THEIR APPOINTMENTS AND RUN THROUGH THE
8 FOURTH SUCCEEDING DECEMBER 31. The requirement that one director be
9 such a resident expires after two four-year terms have been served by a
10 director who meets the requirement. EACH BOARD MEMBER APPOINTED
11 PURSUANT TO THIS SUBSECTION (1)(a) HOLDS OFFICE UNTIL THE MEMBER'S
12 TERM EXPIRES OR UNTIL THE GOVERNOR APPOINTS A SUCCESSOR.

13 ==
14 (II) A director appointed by a metropolitan planning organization
15 or a council of governments pursuant to subsection (1)(b)(I) of this
16 section must be or must have been an appointed representative to the
17 board of directors of the appointing authority and must represent or must
18 have represented a member local government of the appointing authority
19 that is wholly or partly included within the district. When appointing such
20 a director, only members of the board of directors of the appointing
21 authority who represent a member local government of the appointing
22 authority that is wholly or partly included within the district may vote on
23 the appointment. The appointing authorities for such directors shall make
24 initial appointments no later than March 1, 2022, and the initial
25 directors appointed may act as directors pending their confirmation by the
26 senate. Directors are appointed for four-year terms THAT RUN THROUGH
27 THE FOURTH DECEMBER 31 FOLLOWING THEIR APPOINTMENTS; except that

1 the initial terms of two of the directors appointed pursuant to subsection
2 (1)(b)(I)(A) of this section, one of the directors appointed by each
3 metropolitan planning organization pursuant to subsection (1)(b)(I)(B) of
4 this section, and the director appointed pursuant to subsection (1)(b)(I)(D)
5 of this section are two years. THE TERMS OF THE DIRECTORS APPOINTED
6 PURSUANT TO THIS SUBSECTION (1)(b) OTHER THAN THE DIRECTORS
7 INITIALLY APPOINTED COMMENCE ON JANUARY 1 FOLLOWING THEIR
8 APPOINTMENTS AND RUN THROUGH THE FOURTH SUCCEEDING DECEMBER
9 31. EACH BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION
10 (1)(b) HOLDS OFFICE UNTIL THE MEMBER'S TERM EXPIRES OR UNTIL THE
11 APPOINTING AUTHORITY APPOINTS A SUCCESSOR. By a two-thirds vote of
12 its members, the senate may remove any member of the board appointed
13 pursuant to subsection (1)(a) of this section or this subsection (1)(b) for
14 cause.

15 (2) (c) A majority of the voting directors of the board constitutes
16 a quorum, and, except as otherwise specifically provided in this article 22,
17 a majority of a quorum may make binding decisions for the board.
18 Advisory nonvoting members of the board may participate, in a nonvoting
19 capacity, in all board meetings, including executive SESSIONS; EXCEPT
20 THAT, AN ADVISORY NONVOTING MEMBER OF THE BOARD SHALL NOT
21 PARTICIPATE IN AN EXECUTIVE SESSION IF THE BOARD DETERMINES THAT
22 A PARTICULAR MATTER TO BE DISCUSSED IN THE EXECUTIVE SESSION, AS
23 IDENTIFIED BY THE BOARD PURSUANT TO SECTION 24-6-402 (4), CONCERNS
24 THE APPOINTING AUTHORITY FOR THE ADVISORY NONVOTING MEMBER AND
25 SHOULD NOT BE DISCUSSED WHEN THE ADVISORY NONVOTING MEMBER IS
26 PRESENT. By a two-thirds vote of the voting directors of all voting
27 directors of the board, the board may add additional advisory nonvoting

1 members to the board for either fixed terms of four years or for service at
2 the pleasure of a majority of the voting directors of the board.

3 **SECTION 3.** In Colorado Revised Statutes, 32-22-105, **amend**
4 (1)(a) introductory portion and (1)(a)(VIII) as follows:

5 **32-22-105. Board of directors - powers and duties.**

6 (1) (a) Except as otherwise specifically provided in this article 22, the
7 board, acting by a majority vote of a quorum of its ~~total membership,~~
8 VOTING DIRECTORS shall exercise and perform all powers, privileges, and
9 duties vested in or imposed upon the district pursuant to this article 22.
10 The board may delegate any of its powers to its officers and employees;
11 except that, to ensure that the public interest is represented in policy
12 decisions, the board shall not delegate any of the following:

13 (VIII) The power to enter into ~~contracts on behalf of the district,~~
14 ~~including but not limited to~~ intergovernmental agreements and contracts
15 for public-private partnerships.

16 **SECTION 4.** In Colorado Revised Statutes, 32-22-106, **add**
17 (1)(c)(I.5) as follows:

18 **32-22-106. District - general powers and duties - funds**
19 **created.** (1) In addition to any other powers granted to the district by this
20 article 22, the district has the following powers:

21 (c) (I.5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 32-22-105
22 (1)(a)(VIII), THE BOARD MAY, TO THE EXTENT THAT IT DEEMS
23 APPROPRIATE, DELEGATE TO ITS OFFICERS AND EMPLOYEES ITS POWER TO
24 ENTER INTO CONTRACTS AND AGREEMENTS ON BEHALF OF THE DISTRICT.

25 **SECTION 5.** In Colorado Revised Statutes, 32-22-109, **amend**
26 (1)(a) and (3) as follows:

27 **32-22-109. Taxes, assessments, and multiple-fiscal year**

1 **borrowing - voter approval required.** (1) No action by the district to
2 establish or increase any tax and no action of the governing body of any
3 station area improvement district to establish or increase any tax or any
4 special assessment on real property authorized by this article 22 shall take
5 effect unless it is first submitted, as applicable, to a vote of the registered
6 electors of the district or of the station area improvement district in which
7 the assessment or tax is proposed to be collected. Before submitting a
8 question to establish any district tax to the registered electors of the
9 district, the district shall:

10 (a) Publish a proposed ~~service development plan, an operating~~
11 plan FOR DEVELOPING THE PASSENGER RAIL SERVICE and a detailed
12 financing plan. The ~~service development plan~~ FOR DEVELOPING THE
13 PASSENGER RAIL SERVICE must identify the route and phasing of the
14 passenger rail system to be funded by the tax. The financing plan must
15 identify committed and potential financial partners, including but not
16 limited to the regional transportation district, the federal government,
17 Amtrak, and private partners; and

18 (3)(a) Ballot issues proposed to the registered electors as required
19 by subsections (1) and (2) of this section shall MUST be submitted in
20 accordance with the requirements of section 20 of article X of the state
21 constitution. The action shall not take effect unless a majority of the
22 registered electors voting on the ballot issue vote to approve the ballot
23 issue.

24 (b) NO LATER THAN SIXTY DAYS BEFORE A COORDINATED OR
25 GENERAL ELECTION, THE DISTRICT MUST CERTIFY TO THE SECRETARY OF
26 STATE THE BALLOT TITLES, CONTENT, AND ORDER OF ALL BALLOT
27 MEASURES REFERRED TO THE REGISTERED ELECTORS OF THE DISTRICT BY

1 RESOLUTION OF THE BOARD. THE CONTENT MUST BE CERTIFIED IN ENGLISH
2 AND IN ANY LANGUAGE FOR WHICH ANY COUNTY WITHIN THE DISTRICT
3 MUST PROVIDE A MINORITY LANGUAGE SAMPLE BALLOT, AS DEFINED IN
4 SECTION 1-5-903 (2). IF THE DISTRICT TIMELY CERTIFIES BALLOT CONTENT
5 TO THE SECRETARY OF STATE, THE SECRETARY OF STATE MUST CERTIFY
6 THE DISTRICT'S BALLOT CONTENT TO THE COUNTY CLERK AND RECORDERS
7 OF ALL COUNTIES WHOLLY OR PARTIALLY INCLUDED IN THE DISTRICT NO
8 LATER THAN THE FIFTY-SEVENTH DAY BEFORE THE ELECTION, IN
9 ACCORDANCE WITH SECTION 1-5-203 (1)(a).

10 (c) EXCEPT FOR THE CERTIFICATION OF THE BALLOT ORDER AND
11 CONTENT BY THE SECRETARY OF STATE REQUIRED BY SUBSECTION (3)(b)
12 OF THIS SECTION, THE ELECTION SHALL MUST BE CONDUCTED IN SUBSTANTIALLY THE
13 SAME MANNER AS COUNTY ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF
14 EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN
15 CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS INCURRED BY EACH
16 COUNTY IN CONDUCTING SUCH AN THE ELECTION ON BEHALF OF THE DISTRICT AS
17 PROVIDED FOR IN SECTION 1-7-116 (2)(b). NO PUBLIC MONEY OF THE DISTRICT
18 MAY BE USED TO URGE OR OPPOSE PASSAGE OF A BALLOT ISSUE SUBMITTED FOR
19 VOTER APPROVAL AS REQUIRED UNDER THIS SECTION.

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.