

CHAPTER 126

TRANSPORTATION

HOUSE BILL 24-1012

BY REPRESENTATIVE(S) Mauro and Boesenecker, Kipp, Lindstedt, Mabrey, Brown, Clifford, Daugherty, Duran, Froelich, Hamrick, Herod, Jodeh, Joseph, Lieder, Lindsay, Marshall, Martinez, McCormick, McLachlan, Ortiz, Rutinel, Titone, Vigil, Woodrow, McCluskie, Amabile, Bacon, Hernandez, Parenti, Ricks, Valdez;
also SENATOR(S) Zenzinger and Simpson, Cutter, Exum, Fields, Ginal, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Sullivan, Fenberg.

AN ACT

CONCERNING THE OPERATIONAL EFFICIENCY OF THE FRONT RANGE PASSENGER RAIL DISTRICT.

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

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

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

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

(e) Hold at least one joint meeting annually of the board and the board of directors of the I-70 coalition, or a successor entity of the coalition, WHICH MEETING

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SHALL INCLUDE AN ANNUAL UPDATE, WHICH MAY BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD IN A MANNER THAT ALLOWS MEMBERS OF THE BOARDS TO ATTEND REMOTELY BY ELECTRONIC MEANS, to ensure that any district front range passenger rail system interconnects with any passenger rail system that serves the interstate highway 70 mountain corridor; and

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

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

(b) All areas within Adams, Arapahoe, Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, AND Pueblo ~~and Weld~~ counties that are located within the territory of a metropolitan planning organization AND ALL AREAS WITHIN WELD COUNTY THAT ARE LOCATED WITHIN THE CITY OF LONGMONT AND THE TOWN OF ERIE;

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

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

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

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

(a) (III) The governor shall make the initial appointments no later than April 1, 2022, and the initial directors appointed may act as directors pending their confirmation by the senate. Directors appointed by the governor pursuant to this subsection (1)(a) are appointed for four-year terms ~~THAT RUN THROUGH THE FOURTH DECEMBER 31 FOLLOWING THEIR APPOINTMENTS;~~ except that the initial terms of three of the directors other than the director who is a resident of a county, city and county, or municipality through which light or commuter rail service was planned as part of the voter-approved Fastracks transit expansion program of the regional transportation district but has not been constructed are two years. THE TERMS OF THE DIRECTORS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a) OTHER THAN THE

DIRECTORS INITIALLY APPOINTED COMMENCE ON JANUARY 1 FOLLOWING THEIR APPOINTMENTS AND RUN THROUGH THE FOURTH SUCCEEDING DECEMBER 31. The requirement that one director be such a resident expires after two four-year terms have been served by a director who meets the requirement. EACH BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(a) HOLDS OFFICE UNTIL THE MEMBER'S TERM EXPIRES OR UNTIL THE GOVERNOR APPOINTS A SUCCESSOR.

(b) (II) A director appointed by a metropolitan planning organization or a council of governments pursuant to subsection (1)(b)(I) of this section must be or must have been an appointed representative to the board of directors of the appointing authority and must represent or must have represented a member local government of the appointing authority that is wholly or partly included within the district. When appointing such a director, only members of the board of directors of the appointing authority who represent a member local government of the appointing authority that is wholly or partly included within the district may vote on the appointment. The appointing authorities for such directors shall make initial appointments no later than March 1, 2022, and the initial directors appointed may act as directors pending their confirmation by the senate. Directors are appointed for four-year terms THAT RUN THROUGH THE FOURTH DECEMBER 31 FOLLOWING THEIR APPOINTMENTS; except that the initial terms of two of the directors appointed pursuant to subsection (1)(b)(I)(A) of this section, one of the directors appointed by each metropolitan planning organization pursuant to subsection (1)(b)(I)(B) of this section, and the director appointed pursuant to subsection (1)(b)(I)(D) of this section are two years. THE TERMS OF THE DIRECTORS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b) OTHER THAN THE DIRECTORS INITIALLY APPOINTED COMMENCE ON JANUARY 1 FOLLOWING THEIR APPOINTMENTS AND RUN THROUGH THE FOURTH SUCCEEDING DECEMBER 31. EACH BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(b) HOLDS OFFICE UNTIL THE MEMBER'S TERM EXPIRES OR UNTIL THE APPOINTING AUTHORITY APPOINTS A SUCCESSOR. By a two-thirds vote of its members, the senate may remove any member of the board appointed pursuant to subsection (1)(a) of this section or this subsection (1)(b) for cause.

(2) (c) A majority of the voting directors of the board constitutes a quorum, and, except as otherwise specifically provided in this article 22, a majority of a quorum may make binding decisions for the board. Advisory nonvoting members of the board may participate, in a nonvoting capacity, in all board meetings, including executive sessions; EXCEPT THAT, AN ADVISORY NONVOTING MEMBER OF THE BOARD SHALL NOT PARTICIPATE IN AN EXECUTIVE SESSION IF THE BOARD DETERMINES THAT A PARTICULAR MATTER TO BE DISCUSSED IN THE EXECUTIVE SESSION, AS IDENTIFIED BY THE BOARD PURSUANT TO SECTION 24-6-402 (4), CONCERNS THE APPOINTING AUTHORITY FOR THE ADVISORY NONVOTING MEMBER AND SHOULD NOT BE DISCUSSED WHEN THE ADVISORY NONVOTING MEMBER IS PRESENT. By a two-thirds vote of the voting directors of all voting directors of the board, the board may add additional advisory nonvoting members to the board for either fixed terms of four years or for service at the pleasure of a majority of the voting directors of the board.

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

32-22-105. Board of directors - powers and duties. (1) (a) Except as otherwise specifically provided in this article 22, the board, acting by a majority vote of a quorum of its ~~total membership~~, VOTING DIRECTORS shall exercise and perform all powers, privileges, and duties vested in or imposed upon the district pursuant to this article 22. The board may delegate any of its powers to its officers and employees; except that, to ensure that the public interest is represented in policy decisions, the board shall not delegate any of the following:

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

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

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

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

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

32-22-109. Taxes, assessments, and multiple-fiscal year borrowing - voter approval required. (1) No action by the district to establish or increase any tax and no action of the governing body of any station area improvement district to establish or increase any tax or any special assessment on real property authorized by this article 22 shall take effect unless it is first submitted, as applicable, to a vote of the registered electors of the district or of the station area improvement district in which the assessment or tax is proposed to be collected. Before submitting a question to establish any district tax to the registered electors of the district, the district shall:

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

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

(b) NO LATER THAN SIXTY DAYS BEFORE A COORDINATED OR GENERAL ELECTION, THE DISTRICT MUST CERTIFY TO THE SECRETARY OF STATE THE BALLOT TITLES, CONTENT, AND ORDER OF ALL BALLOT MEASURES REFERRED TO THE REGISTERED ELECTORS OF THE DISTRICT BY RESOLUTION OF THE BOARD. THE CONTENT MUST BE CERTIFIED IN ENGLISH AND IN ANY LANGUAGE FOR WHICH ANY COUNTY WITHIN THE DISTRICT MUST PROVIDE A MINORITY LANGUAGE SAMPLE BALLOT, AS DEFINED IN SECTION 1-5-903 (2). IF THE DISTRICT TIMELY CERTIFIES BALLOT CONTENT TO THE SECRETARY OF STATE, THE SECRETARY OF STATE MUST CERTIFY THE DISTRICT'S BALLOT CONTENT TO THE COUNTY CLERK AND RECORDERS OF ALL COUNTIES WHOLLY OR PARTIALLY INCLUDED IN THE DISTRICT NO LATER THAN THE FIFTY-SEVENTH DAY BEFORE THE ELECTION, IN ACCORDANCE WITH SECTION 1-5-203 (1)(a).

(c) EXCEPT FOR THE CERTIFICATION OF THE BALLOT ORDER AND CONTENT BY THE SECRETARY OF STATE REQUIRED BY SUBSECTION (3)(b) OF THIS SECTION, ~~the election shall~~ MUST BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS INCURRED BY EACH COUNTY IN CONDUCTING ~~such an~~ THE ELECTION ON BEHALF OF THE DISTRICT AS PROVIDED FOR IN SECTION 1-7-116 (2)(b). NO PUBLIC MONEY OF THE DISTRICT MAY BE USED TO URGE OR OPPOSE PASSAGE OF A BALLOT ISSUE SUBMITTED FOR VOTER APPROVAL AS REQUIRED UNDER THIS SECTION.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 29, 2024