

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB25-1267 be amended as follows:

1 Amend printed bill, page 4, after line 16 insert:

2 "SECTION 4. In Colorado Revised Statutes, 24-38.5-303, amend  
3 (7)(c)(II); and add (7)(c)(III) as follows:

4 **24-38.5-303. Community access enterprise - creation - board  
5 - powers and duties - fund - fee - transparency and reporting.**

6 (7) (c) (II) The enterprise is authorized to adjust the amount of the  
7 community access retail delivery fee for retail deliveries of tangible  
8 personal property purchased during a state fiscal year. ~~only if the~~  
9 ~~department of revenue adjusts the amount of the retail delivery fee~~  
10 ~~imposed by section 43-4-218 (3) for retail deliveries of tangible personal~~  
11 ~~property purchased during the state fiscal year.~~

12 (7) (c) (III) (A) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS  
13 SECTION, IF IMPOSING THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN  
14 ANY AMOUNT WOULD CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE  
15 HUNDRED MILLION DOLLARS IN TOTAL FEE REVENUE IN ITS FIRST FIVE  
16 FISCAL YEARS, WHICH FIVE-YEAR PERIOD FOR THE PURPOSE OF SECTION  
17 24-77-108 ENDS ON JUNE 30, 2026, THE ENTERPRISE SHALL IMPOSE THE  
18 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A LOWER AMOUNT FOR ALL  
19 OR A PORTION OF A STATE FISCAL YEAR. ANY REDUCTION IN THE AMOUNT  
20 OF THE FEE IMPOSED PURSUANT TO THIS SUBSECTION (7)(c)(III) DOES NOT  
21 REDUCE THE MAXIMUM AMOUNT OF THE FEE THAT THE ENTERPRISE MAY  
22 IMPOSE IN ANY SUBSEQUENT STATE FISCAL YEAR.

23 (B) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS SECTION, IF  
24 THE ENTERPRISE IMPOSES A LOWER FEE AMOUNT PURSUANT TO THIS  
25 SUBSECTION (7)(c)(III), THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT  
26 OF REVENUE OF THE LOWER AMOUNT OF THE COMMUNITY ACCESS RETAIL  
27 DELIVERY FEE TO BE COLLECTED NO LATER THAN THIRTY DAYS AFTER THE  
28 DATE OF THE DECISION OF THE GOVERNING BOARD TO LOWER THE FEE AND  
29 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE LOWER AMOUNT ON  
30 THE FIRST OF THE MONTH FOLLOWING NOTIFICATION FROM THE  
31 ENTERPRISE OF THE LOWER FEE AMOUNT, BUT NOT LATER THAN SIXTY  
32 DAYS FOLLOWING SUCH NOTIFICATION."

33 Renumber succeeding section accordingly.

34 Page 1, line 103, strike "OFFICE" and substitute "OFFICE, ALLOWING THE  
35 COMMUNITY ACCESS ENTERPRISE TO REDUCE THE RETAIL DELIVERY  
36 FEE IT IMPOSES,".

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