

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB23-1101 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 **"SECTION 1. Legislative declaration.** (1) The general
3 assembly finds and declares that transit systems, including those
4 maintained by regional transportation authorities, are essential to the
5 health and welfare of the citizens of the state because:

6 (a) Ridership of transit systems decreases the number of
7 automobiles on state highways and other roadways within the state,
8 resulting in reductions in both harmful emissions and traffic-related
9 problems caused by such automobiles; and

10 (b) The complexity of modern transit systems necessitates
11 long-term planning for such systems, which in turn requires that transit
12 agencies, including regional transportation authorities, possess tools to
13 provide the funding necessary to maintain and expand such systems.

14 (2) The general assembly further finds and declares that current
15 funding options available to regional transportation authorities are
16 inadequate and can be enhanced to provide for current and future funding
17 need because:

18 (a) Current law authorizes a regional transportation authority to
19 seek voter approval for a uniform mill levy of up to 5 mills on all taxable
20 property within its territory, but the authorization to seek such voter
21 approval is scheduled to sunset as of January 1, 2029, leaving regional
22 transportation authorities without the ability after that date to present
23 voters with the choice to empower the authority to impose or increase this
24 vital funding source; and

25 (b) Current law also authorizes regional transportation authorities
26 to seek voter approval for a sales or use tax, or both, upon every
27 transaction or other incident with respect to which a sales or use tax is
28 levied by the state, but limits the maximum rate of the tax for which such
29 voter approval may be sought to one percent, thereby potentially
30 preventing regional transportation authorities from imposing a higher rate
31 that may nevertheless be supported by voters.

32 (3) It is the general assembly's intent, through the enactment of
33 section 5 of this act, to preserve and enhance funding options for regional
34 transportation authorities by enabling regional transportation authorities
35 to:

36 (a) Retain the authority to seek voter approval of a mill levy after
37 January 1, 2029; and

38 (b) Seek voter approval for a sales tax, use tax, or both, up to a
39 rate of two percent.

40 4) Nothing in this section is intended to abridge or otherwise

1 adversely impact the right or power of any regional transportation
2 authority to continue to annually levy any mill levy, or to continue to levy
3 any sales tax, use tax, or both, that was authorized by voter approval prior
4 to the effective date of this act.".

5 Renumber succeeding sections accordingly.

6 Page 6, after line 20 insert:

7 "SECTION 5. In Colorado Revised Statutes, 43-4-605, **amend**
8 (1)(j)(I); and **repeal** (1)(j.5)(II) as follows:

9 **43-4-605. Powers of the authority - inclusion or exclusion of**
10 **property - determination of regional transportation system alignment**
11 **- fund created - repeal.** (1) In addition to any other powers granted to

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

13 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
14 or any designated portion of the members of the combination or of the
15 members of the transportation planning organization exercising the
16 powers of an authority as authorized by section 43-4-622, a sales or use
17 tax, or both, at a rate not to exceed ~~one~~ TWO percent upon every
18 transaction or other incident with respect to which a sales or use tax is
19 levied by the state; except that, if the authority includes territory that is
20 within the regional transportation district created and existing pursuant to
21 article 9 of title 32, a designated portion of the members of the
22 combination or of the members of the transportation planning
23 organization in which a new tax is levied must be composed of entire
24 territories of members of the combination or of the members of the
25 transportation planning organization so that the rate of tax imposed
26 pursuant to this part 6 within the territory of any single member of the
27 combination or of the members of the transportation planning
28 organization is uniform and except that the authority shall not levy a sales
29 or use tax on any transaction or other incident occurring in any territory
30 located outside the boundaries of the authority and within the boundaries
31 of a municipality as the boundaries of the municipality exist on the date
32 the authority is created without the consent of the governing body of the
33 municipality or outside the boundaries of the authority and within the
34 unincorporated boundaries of a county as the unincorporated boundaries
35 exist on the date the authority is created without the consent of the
36 governing body of the county. Subject to the provisions of section
37 43-4-612, the authority may elect to levy any such sales or use tax at
38 different rates in different designated portions of the members of the
39 combination or of the members of the transportation planning
40 organization; except that, if the authority includes territory that is within

1 the regional transportation district, a designated portion of the members
2 of the combination or of the members of the transportation planning
3 organization in which a new tax is levied must be composed of entire
4 territories of members of the combination or of the members of the
5 transportation planning organization so that the rate of tax imposed
6 pursuant to this part 6 within the territory of any single member of the
7 combination or of the transportation planning organization is uniform. If
8 the authority so elects, it shall submit a single ballot question that lists all
9 of the different rates to the registered electors of all designated portions
10 of the members of the combination or of the transportation planning
11 organization in which the proposed sales or use tax is to be levied. The
12 tax imposed pursuant to this subsection (1)(j) is in addition to any other
13 sales or use tax imposed pursuant to law. If a member of the combination
14 or of the transportation planning organization is located within more than
15 one authority, the sales or use tax, or both, authorized by this subsection
16 (1)(j) shall not exceed ~~one~~ TWO percent upon every transaction or other
17 incident with respect to which a sales or use tax is levied by the state. The
18 executive director of the department of revenue shall collect, administer,
19 and enforce the sales or use tax, to the extent feasible, in the manner
20 provided in section 29-2-106. The director shall make monthly
21 distributions of the tax collections to the authority, which shall apply the
22 proceeds solely to the financing, construction, operation, or maintenance
23 of regional transportation systems. The department shall retain an amount
24 not to exceed the total cost of the collection, administration, and
25 enforcement and shall transmit the amount to the state treasurer, who
26 shall credit the same to the regional transportation authority sales tax
27 fund, which fund is hereby created. The amounts so retained are hereby
28 appropriated annually from the fund to the department to the extent
29 necessary for the department's collection, administration, and enforcement
30 of this part 6. Any money remaining in the fund attributable to taxes
31 collected in the prior fiscal year shall be transmitted to the authority;
32 except that, prior to the transmission to the authority of such money, any
33 money appropriated from the general fund to the department for the
34 collection, administration, and enforcement of the tax for the prior fiscal
35 year shall be repaid.

36 (j.5) (II) ~~This subsection (1)(j.5) is repealed, effective January 1,~~
37 ~~2029.~~

38 Renumber succeeding section accordingly.

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