

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

PREAMENDED

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

LLS NO. 21-0263.01 Jason Gelender x4330

SENATE BILL 21-260

SENATE SPONSORSHIP

Fenberg and Winter, Priola

HOUSE SPONSORSHIP

Garnett and Gray,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUSTAINABILITY OF THE TRANSPORTATION SYSTEM**
102 **IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING**
103 **NEW SOURCES OF DEDICATED FUNDING AND NEW STATE**
104 **ENTERPRISES TO PRESERVE, IMPROVE, AND EXPAND EXISTING**
105 **TRANSPORTATION INFRASTRUCTURE, DEVELOP THE**
106 **MODERNIZED INFRASTRUCTURE NEEDED TO SUPPORT THE**
107 **WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, AND**
108 **MITIGATE ENVIRONMENTAL AND HEALTH IMPACTS OF**
109 **TRANSPORTATION SYSTEM USE; EXPANDING AUTHORITY FOR**
110 **REGIONAL TRANSPORTATION IMPROVEMENTS, AND MAKING AN**
111 **APPROPRIATION.**

Bill Summary

*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.*

(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>.)

The bill creates new sources of dedicated funding and new state enterprises to enable the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system by preserving, improving, and expanding existing transportation infrastructure, developing the modern infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigating adverse environmental and health impacts of transportation system use as follows:

- **Section 6** of the bill creates the community access enterprise within the Colorado energy office (CEO) for the purpose of supporting the widespread and equitable adoption of electric motor vehicles and electric alternatives to motor vehicles in an equitable manner. The community access enterprise is authorized to impose a community access retail delivery fee to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- **Section 7** makes various general fund transfers to the state highway fund, the highway users tax fund (HUTF), and the multimodal transportation and mitigation options fund, including limited contingent transfers of a portion of any additional general fund revenue made available due to the restoration of the excess state revenues cap (Referendum C cap) by **Section 8**.
- Section 8 restores the Referendum C cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
- **Section 11** creates the clean fleet enterprise within the department of public health and environment (CDPHE) for the purpose of incentivizing and supporting the use of electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee to be paid by the purchaser of tangible personal property delivered to the purchaser by motor vehicle and a clean fleet per ride fee to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC to fund the clean fleet enterprise's business purpose. The governance and powers and duties of the clean fleet enterprise are specified.

- **Section 25** requires the department of revenue (DOR) to collect the per ride fees imposed by the clean fleet enterprise and the nonattainment area air pollution mitigation enterprise as authorized by **sections 11 and 50**. Both fees are first imposed for rides offered and accepted in state fiscal year (FY) 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.
- **Section 26** indexes the existing \$50 registration fee imposed on electric motor vehicles to national highway construction cost index (NHCCI) inflation and imposes additional electric motor vehicle road usage equalization fees on battery electric motor vehicles at a specified level and on plug-in hybrid electric motor vehicles at a lower level, with both additional fees being phased in on a set schedule from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation. Section 26 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities; except that 40% of the revenue generated by inflation indexing of the existing \$50 registration fee is credited to the electric vehicle grant fund and 30% of the revenue generated by the commercial electric motor vehicle fee is credited to the state highway fund for freight-related projects. In 2026, specified executive agencies must jointly review the fees and make recommendations to the transportation legislation review committee of the general assembly as to whether the fees should be adjusted to ensure continued equalization of the average aggregate amount of registration fees and motor fuel charges annually paid by owners of electric motor vehicles and owners of motor vehicles powered exclusively by internal combustion engines.
- **Section 33** imposes road usage fees on gasoline and diesel purchases that are phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation, with the road usage fees also being adjusted beginning in state FY 2032-33 in a manner calculated to generate the same amount of additional revenue as would be generated by indexing the existing state excise taxes imposed on gasoline and diesel to construction cost inflation. The fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities.
- Section 33 also imposes a retail delivery fee on retail deliveries by motor vehicle that include tangible personal property subject to the state sales tax, requires the fee to be

collected from the purchaser by the retailer, and requires simultaneous collection of community access, clean fleet, bridge and tunnel, clean transit, and air pollution mitigation retail delivery fees imposed, respectively, by the community access, clean fleet, statewide bridge and tunnel, clean transit, and nonattainment area air pollution mitigation enterprises. The fees are first collected in state FY 2022-23 and are annually adjusted for CPI inflation thereafter. Retail delivery fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities and to the multimodal transportation and mitigation options fund and each enterprise's retail delivery fee revenue is collected by DOR on behalf of and credited to the cash fund controlled by the enterprise.

- **Sections 43, 44, and 46** change the name of the statewide bridge enterprise to the statewide bridge and tunnel enterprise, authorize the enterprise to complete tunnel projects, and authorize the enterprise to impose a bridge and tunnel impact fee on diesel fuel and a bridge and tunnel retail delivery fee to fund its business purpose. The bridge and tunnel impact fee is phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation.
- **Section 45** indexes the existing \$2 short-term daily vehicle rental fee to CPI inflation and, on or after July 1, 2022, requires a car sharing program to collect the daily vehicle rental fee for any short-term vehicle rental of 24 hours or longer that is enabled by the car sharing program.
- **Sections 47 through 49** change the name of the multimodal transportation options fund to the multimodal transportation and mitigation options fund and make greenhouse gas mitigation projects eligible for funding from the fund.
- **Section 50** creates the clean transit enterprise within the department of transportation (CDOT) for the purpose of supporting clean public transit through electrification planning efforts, facility upgrades, fleet motor vehicle replacement, and construction and development of associated electric motor vehicle charging and fueling infrastructure. The clean transit enterprise is authorized to impose a clean transit retail delivery fee of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean transit enterprise are specified. Section 50 also creates the nonattainment area air pollution mitigation enterprise for the purpose of mitigating

transportation-related emissions in ozone nonattainment areas. The nonattainment area air pollution mitigation enterprise is authorized to impose air pollution mitigation per ride and retail delivery fees to fund its business purpose.

Section 1 makes legislative findings and declarations that explain the purpose of the bill and the reasons why it includes the new sources of dedicated funding and new state enterprises that it does. **Section 2** clarifies that an existing fee may be used to fund the functions of the freight mobility and safety branch created in **section 27**. **Sections 3 and 4** respectively clarify that the clean fleet enterprise operates as a **type 1** agency within CDPHE and that the clean transit enterprise and the nonattainment area air pollution mitigation enterprise operate as **type 1** agencies within CDOT.

Section 5 requires the CEO and CDPHE, after consultation with CDOT, to jointly and annually prepare a report for specified legislative committees that details the progress made toward the electric motor vehicle adoption goals set forth in the "Colorado Electric Vehicle Plan 2020" and the transportation sector greenhouse gas pollution reduction goals set forth in the "Colorado Greenhouse Gas Pollution Reduction Roadmap". Section 5 also specifies a methodology to be used by the CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

Sections 9, 32, 42, and 51 effectuate the repeal of the requirement that a ballot question seeking approval for the issuance of transportation revenue anticipation notes be submitted to the voters of the state at the November 2021 statewide election.

Section 10 requires CDOT to comply with specified transparency and contractor short-listing requirements when using the integrated project delivery method of contract procurement for a public project. **Section 14** clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the bill. **Sections 16 through 21** provide legal authority for collection under an existing multistate agreement of the motor fuel road usage and bridge and tunnel impact fees imposed by or as authorized by the bill. **Section 22** requires the public utilities commission to conduct a certificated taxi carrier parity study.

Section 27 creates the freight mobility and safety branch in CDOT's transportation development division. **Section 28** requires CDOT and metropolitan planning organizations to engage in an enhanced level of planning, analysis, community engagement, and monitoring with respect to transportation capacity projects and specifies what that entails and also requires CDOT to conduct a road usage charge study and an autonomous vehicle study. **Section 29** allows some of the general fund money transferred to the state highway fund pursuant to section 7 to be

used for multimodal transportation projects. **Section 31** specifies the manner in which revenue credited to the HUTF as required by the bill is allocated and expended.

Sections 34 through 41 authorize a transportation planning organization (TPO), subject to territorial restrictions and TPO member jurisdiction approval requirements, to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding for the purpose of financing, constructing, operating, and maintaining regional transportation systems.

Any additional transportation funding obtained by a TPO exercising the power of a RTA is intended to supplement and not supplant state and federal transportation funding allocated within the boundaries of the TPO. Therefore, the transportation commission and CDOT are prohibited from taking such additional transportation funding into account when determining the amount of state and federal transportation funding to be allocated within the boundaries of a TPO, and CDOT, when submitting its annual proposed budget allocation plan, is required to provide evidence that the proposed allocation of state and federal transportation funding within the boundaries of any TPO that has obtained such additional transportation funding has not been reduced in any way on account of the additional transportation funding.

Section 45 reduces the amount of each road safety surcharge imposed on motor vehicle registration for registration periods beginning on or after January 1, 2022, but before January 1, 2024, by \$5.55.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The current and future health and prosperity of the state and
5 its growing number of citizens requires the planning, funding,
6 development, construction, maintenance, and supervision of a sustainable
7 transportation system;

8 (b) A sustainable transportation system:

9 (I) Has sufficient capacity to allow efficient movement of people,
10 goods, and services in all parts of the state in light of significant

1 population growth;

2 (II) Is safe, well-maintained, accessible, integrated, and
3 multimodal;

4 (III) Is planned, funded, designed, constructed, maintained,
5 supervised, and regulated in a way that:

6 (A) Actively encourages diverse public participation in the
7 planning process, including but not limited to participation from urban,
8 rural, and disproportionately impacted communities;

9 (B) Equitably distributes transportation infrastructure among both
10 urban and rural users in the state and is adequately and equitably funded
11 with contributions from users that bear a reasonable relationship to their
12 use of and impacts on the system and the environment and the costs
13 incurred in mitigating those impacts; and

14 (C) Prioritizes asset management of Colorado's roads, bridges, and
15 tunnels in order to achieve and maintain a state of good repair, consistent
16 with federal requirements and best practices;

17 (IV) Addresses inequities in transportation access and the
18 increased exposure to transportation-related air pollution for
19 communities, including disproportionately impacted communities and
20 communities near major roadways; and

21 (V) Reduces and mitigates adverse environmental and human
22 health impacts resulting from motor vehicle and other
23 transportation-related emissions by incentivizing the widespread adoption
24 of clean and efficient transportation technology such as personal electric
25 vehicles, fleet and transit electrification, and electric motor vehicle
26 charging and fueling infrastructure.

27 (c) Although a sustainable transportation system is a public good
28 that benefits all Coloradans and the state has intermittently expended

1 general fund money to fund transportation infrastructure, transportation
2 system user charges such as per gallon charges on motor fuels, motor
3 vehicle registration fees, and, increasingly, tolls have provided and
4 continue to provide the vast majority of dedicated transportation funding;

5 (d) Current flat rate per gallon charges on motor fuels are
6 unsustainable and do not reflect current or future transportation funding
7 needs because:

8 (I) Such charges were last increased nearly three decades ago and
9 are not indexed to inflation; and

10 (II) As internal combustion engines become more fuel efficient
11 and electric motor vehicle usage increases, such charges generate less
12 revenue per vehicle mile traveled and therefore are insufficient to
13 mitigate the burden put on transportation infrastructure by these more
14 efficient vehicles;

15 (e) Due to the decreased purchasing power of existing motor fuel
16 charges, existing dedicated transportation funding has failed to adequately
17 fund and will continue to fail to adequately fund both:

18 (I) The planning, development, construction, maintenance, and
19 supervision of statewide highway transportation infrastructure; and

20 (II) Multimodal infrastructure and other programs and incentives
21 needed to sufficiently reduce and mitigate the adverse environmental
22 effects and health effects of transportation-related air pollution and
23 greenhouse gas emissions to create a sustainable transportation system;

24 (f) While it is necessary and appropriate to increase general fund
25 expenditures for transportation as provided for in this act, because the
26 state has many other critical needs that require general fund money, it is
27 also necessary, appropriate, and more equitable to modernize user charges
28 based on the costs users impose on the transportation system so that such

1 charges remain the primary source of dedicated transportation funding;

2 (g) Because charges imposed on electric motor vehicles are
3 annually applied whereas charges on motor vehicles powered by internal
4 combustion engines are applied on a per gallon basis, it is necessary and
5 appropriate to evaluate future opportunities to further equalize the
6 average aggregate amount paid by all motor vehicle owners;

7 (h) To ensure that transportation system users are reasonably and
8 equitably charged for their share of their transportation system use, it is
9 necessary, appropriate, equitable, and in the best interest of all
10 Coloradans to:

11 (I) Impose additional per gallon charges on motor fuels and index
12 per gallon motor fuel charges to inflation;

13 (II) Ensure that owners of electric motor vehicles and owners of
14 internal combustion engine vehicles are equitably charged for their use of
15 the transportation system and that those charges, whether they are road
16 usage fees or registration fees, are indexed to inflation;

17 (III) Impose new retail delivery fees on purchases of tangible
18 personal property delivered to consumers and index those fees to inflation
19 because:

20 (A) Demand for retail deliveries has increased and is projected to
21 remain a significant form of commerce, which will increase both traffic
22 and associated motor vehicle emissions that create adverse environmental
23 and health impacts and additional costs to the state; and

24 (B) Imposing reasonably calculated retail delivery fees on each
25 delivery made to a consumer accounts for the use of the transportation
26 system associated with that delivery, generates the revenue needed to
27 mitigate the impact of retail deliveries on transportation system
28 infrastructure, and remediates and mitigates retail-delivery-related

1 environmental and health impacts;

2 (IV) Impose new fees on passenger rides arranged through a
3 transportation network company and index those fees to inflation
4 because:

5 (A) Such rides result in substantially more air pollution and
6 greenhouse gas pollution from motor vehicle emissions than the
7 alternative forms of transportation not used for the same trips, with the
8 Union of Concerned Scientists estimating that the average ride arranged
9 in the United States causes sixty-nine percent more greenhouse gas
10 pollution than the alternative form of transportation not used due to
11 factors such as deadhead miles driven without a passenger and
12 displacement of walking, biking, and transit trips; and

13 (B) Imposing reasonably calculated per ride fees on each
14 passenger ride arranged through a transportation network company helps
15 ensure that transportation network companies pay their fair share of costs
16 to reduce and mitigate the increased environmental and health impacts of
17 such prearranged rides; and

18 (V) Ensure that the current two dollar daily motor vehicle rental
19 fee is indexed to inflation and collected on rentals of twenty-four hours
20 or longer but not more than thirty days that are enabled by a car sharing
21 program;

22 (i) Because greenhouse gas pollution resulting from the
23 production, distribution, and use of motor vehicle fuels produces many
24 social costs, including but not limited to adverse public health impacts,
25 increased heat waves, droughts, water supply shortages, flooding,
26 biodiversity loss, and forest health issues such as forest fires, and also
27 adversely impacts specific industries such as agriculture and outdoor
28 recreation, it is necessary and appropriate that the state, when estimating

1 the social costs of transportation-related greenhouse gas pollution,
2 estimate those costs as accurately as possible and that the methodology
3 to be used by the state when making such estimates be specified by law
4 as provided for in this act; and

5 (j) (I) As part of its national infrastructure funding and job
6 creation plan, the federal government is expected to provide substantial
7 federal funding to the state for multimodal transportation and the
8 widespread adoption of electric motor vehicles to help minimize and
9 mitigate adverse environmental and health impacts.

10 (II) If the state receives such federal funding, the general
11 assembly intends that the state executive branch departments, agencies,
12 and enterprises involved in the planning, funding, development,
13 construction, maintenance, and supervision of a sustainable transportation
14 system evaluate whether the allocation of fee revenue authorized by this
15 act should be modified. Further, the general assembly intends that the
16 aggregate amount of fee revenue going to the community access
17 enterprise, the clean fleet enterprise, the clean transit enterprise, the
18 nonattainment area air pollution mitigation enterprise, and the multimodal
19 transportation and mitigation options fund not be decreased. If it is
20 determined that the allocation should be modified, the general assembly
21 intends that recommendations be made to the general assembly regarding
22 the modifications that should be made.

23 (2) The general assembly further finds and declares that:

24 (a) The planning, funding, development, construction,
25 maintenance, and supervision of a sustainable transportation system
26 requires the implementation of a comprehensive regulatory scheme that
27 appropriately balances and funds the necessary elements of such a system,
28 including but not limited to:

1 (I) The construction, maintenance, and supervision of highways
2 and traditional highway infrastructure; and

3 (II) The infrastructure, programs, and incentives needed to support
4 the widespread adoption of electric motor vehicles for personal,
5 commercial, and government use and, by doing so and through other
6 appropriate means, minimize and mitigate the adverse environmental and
7 health impacts of transportation-related air pollution and greenhouse gas
8 pollutant emissions that affect the general public, including
9 disproportionately impacted communities;

10 (b) The planning, funding, development, construction,
11 maintenance, and supervision of a sustainable transportation system
12 depends, at a minimum, on the institutional and individual knowledge,
13 expertise, and experience of the Colorado energy office, the department
14 of transportation, the department of public health and environment, other
15 organizations and individuals interested in a sustainable transportation
16 system, and the general public;

17 (c) It is necessary and appropriate to coordinate the
18 implementation of the scheme by:

19 (I) Providing additional sustainable funding for the construction,
20 maintenance, and supervision of traditional highway infrastructure by the
21 department of transportation, counties, and municipalities and for
22 multimodal transportation projects; and

23 (II) Creating and funding a community access enterprise, a clean
24 fleet enterprise, a clean transit enterprise, and a nonattainment area air
25 pollution mitigation enterprise, each of which uses its distinctive
26 competencies to contribute in a distinct way to the implementation of the
27 scheme to support a sustainable transportation system and each of which
28 has a governing board that includes members selected in part based on

1 knowledge, expertise, or experience deemed specifically relevant to the
2 development and use of the distinctive competencies of the enterprise and
3 the individual mission of the enterprise;

4 (d) The community access enterprise, the clean fleet enterprise,
5 the clean transit enterprise, and the nonattainment area air pollution
6 mitigation enterprise created in this act have distinctive competencies and
7 are each charged with implementing different components of the scheme
8 required for the planning, funding, development, construction,
9 maintenance, and supervision of a sustainable transportation system.
10 Specifically:

11 (I) The community access enterprise is created to serve the
12 primary business purpose of equitably reducing and mitigating the
13 adverse environmental and health impacts of air pollution and greenhouse
14 gas emissions produced by motor vehicles used to make retail deliveries
15 to consumers within local communities. The enterprise will support the
16 adoption of electric motor vehicles and electric alternatives to motor
17 vehicles at the community level, which will support communities,
18 including rural, urban, and disproportionately impacted communities,
19 throughout the state, and will pursue its primary business purpose by, at
20 a minimum, providing funding or financing to:

21 (A) Construct or install the sufficient and accessible electric motor
22 vehicle charging infrastructure needed to reduce range anxiety and ensure
23 that electric motor vehicles are viable in all communities; and

24 (B) Provide financial incentives and assistance that make it
25 possible for owners of older, less fuel efficient, and higher polluting
26 vehicles to replace those motor vehicles with electric motor vehicles and
27 encourage use of electric alternatives to motor vehicles and public transit;

28 (II) The clean fleet enterprise is created to serve the primary

1 business purpose of reducing and mitigating the adverse environmental
2 and health impacts of air pollution and greenhouse gas emissions
3 produced by the increasing number of fleet motor vehicles being used to
4 provide transportation network company rides and make retail deliveries
5 by supporting the electrification of such fleets and other motor vehicle
6 fleets, and the enterprise will support the electrification of motor vehicle
7 fleets and pursue its primary business purpose by, at a minimum,
8 providing funding or financing to:

9 (A) Help owners and operators of motor vehicle fleets finance
10 electric motor vehicle acquisitions and upgrades;

11 (B) Coordinate engagement and develop strategies for electrifying
12 motor vehicle fleets and other not yet electrified freight transportation and
13 retail delivery operations that can be electrified; and

14 (C) Provide or support the delivery of companion services such as
15 fleet motor vehicle testing, inspection, and readjustment services;

16 (III) The clean transit enterprise is created to serve the primary
17 business purpose of reducing and mitigating the adverse environmental
18 and health impacts of air pollution and greenhouse gas emissions
19 produced by retail deliveries by supporting the replacement of existing
20 gasoline and diesel public transit vehicles with electric motor vehicles,
21 providing the associated recharging infrastructure for electric transit fleet
22 motor vehicles, supporting facility modifications that allow for the safe
23 operation and maintenance of electric transit motor vehicles, and funding
24 planning studies that enable transit agencies to plan for transit vehicle
25 electrification; and

26 (IV) The nonattainment area air pollution mitigation enterprise is
27 created to serve the primary business purpose of mitigating the
28 environmental and health impacts of increased air pollution from motor

1 vehicle emissions in nonattainment areas that results from the rapid and
2 continuing growth in retail deliveries made by motor vehicles and in
3 prearranged rides provided by transportation network companies by
4 providing funding for eligible projects that reduce traffic, including
5 demand management projects that encourage alternatives to driving alone
6 or that directly reduce air pollution, such as retrofitting of construction
7 equipment, construction of roadside vegetation barriers, and planting trees
8 along medians;

9 (e) The community access enterprise, the clean fleet enterprise,
10 the clean transit enterprise, and the nonattainment area air pollution
11 mitigation enterprise each serve a separate primary purpose and none of
12 the enterprises serve primarily the same purpose as any other enterprise
13 created in Senate Bill 21-260, enacted in 2021, or otherwise created
14 within the five preceding years;

15 (f) Because the community access enterprise, the clean fleet
16 enterprise, the nonattainment area air pollution mitigation enterprise, and
17 the clean transit enterprise each serve primarily their own purpose and
18 each enterprise is projected to receive revenue from fees and surcharges
19 of less than one hundred million dollars in its first five fiscal years,
20 including the fiscal year in which its board first meets, section 24-77-108,
21 C.R.S., does not require any of the enterprises to be approved at a
22 statewide general election; and

23 (g) Consistent with the determination of the Colorado supreme
24 court in *Colorado Union of Taxpayers Foundation v. City of Aspen*, 2018
25 CO 36, that a charge is not a tax if the primary purpose of the charge is
26 to not to raise revenue for general governmental purposes but is instead
27 to defray some of the costs of regulating an activity under a
28 comprehensive regulatory scheme, the charges imposed by the state and

1 by each enterprise as authorized by this act are fees, not taxes, because
2 each fee is collected from transportation system users for the primary
3 purpose of defraying the costs of mitigating the impact caused by the
4 transportation system user when engaging in an activity that is subject to
5 the fee in an amount reasonably related to the impacts caused by the
6 activity subject and the amount expended to mitigate that impact.

7 **SECTION 2.** In Colorado Revised Statutes, 8-20-206.5, **amend**
8 (6)(a)(II) as follows:

9 **8-20-206.5. Environmental response surcharge - liquefied**
10 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**
11 **polyfluoroalkyl substances cash fund - definitions.** (6) (a) In addition
12 to the payment collected under subsection (1)(a) of this section, the
13 executive director of the department of revenue shall also collect a fee to:

14 (II) Support the department of transportation in functions related
15 to freight movement and infrastructure in the state, INCLUDING THE
16 FUNCTIONS OF THE FREIGHT MOBILITY AND SAFETY BRANCH OF THE
17 TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF
18 TRANSPORTATION CREATED IN SECTION 43-1-117 (4), as well as
19 infrastructure projects that enhance the safety of movement of
20 commercial materials;

21 **SECTION 3.** In Colorado Revised Statutes, 24-1-119, **add** (13)
22 as follows:

23 **24-1-119. Department of public health and environment -**
24 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION
25 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
26 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
27 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
28 ENVIRONMENT.

1 **SECTION 4.** In Colorado Revised Statutes, 24-1-128.7, **amend**
2 (5); and **add** (9) and (10) as follows:

3 **24-1-128.7. Department of transportation - creation.** (5) The
4 statewide bridge AND TUNNEL enterprise created in section 43-4-805 (2),
5 ~~C.R.S.~~, shall exercise its powers and perform its duties and functions as
6 if the same were transferred by a **type 1** transfer, as defined in section
7 24-1-105, to the department of transportation.

8 (9) THE CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION
9 43-4-1203, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
10 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
11 SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

12 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
13 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS
14 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
15 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF
16 TRANSPORTATION.

17 **SECTION 5.** In Colorado Revised Statutes, **add** 24-38.5-110 and
18 24-38.5-111 as follows:

19 **24-38.5-110. Electric vehicle plan and greenhouse gas**
20 **pollution reduction roadmap - annual progress reports.** FOR STATE
21 FISCAL YEAR 2022-23, AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,
22 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH
23 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT
24 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE
25 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
26 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
27 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
28 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS

1 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET
2 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE
3 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION
4 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION
5 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.
6 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
7 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103
8 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

9 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**
10 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS
11 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT
12 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND
13 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF
14 GREENHOUSE GAS POLLUTION, BASE THEIR ESTIMATE ON THE MOST
15 RECENT ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER
16 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL
17 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF
18 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS
19 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF
20 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
21 GREENHOUSE GASES ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST
22 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE
23 ORDER 12866".

24 **SECTION 6.** In Colorado Revised Statutes, **add** part 3 to article
25 38.5 of title 24 as follows:

26 PART 3
27 COMMUNITY ACCESS TO ELECTRIC VEHICLE
28 CHARGING AND FUELING INFRASTRUCTURE

1 **24-38.5-301. Legislative declaration.** (1) THE GENERAL
2 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

3 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO
4 CONTINUE TO INCREASE IN URBAN AND RURAL COMMUNITIES;

5 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
6 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
7 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
8 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY
9 VEHICLES IN NEIGHBORHOODS;

10 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
11 INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE
12 RETAIL DELIVERIES CAN BE MITIGATED AND OFFSET BY INVESTING IN THE
13 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT
14 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO
15 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER
16 VEHICLES WITH ZERO EMISSION VEHICLES;

17 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
18 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
19 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
20 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
21 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
22 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
23 MITIGATION ACTIVITIES;

24 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
25 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
26 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE
27 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR
28 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY

1 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE
2 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

3 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
4 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, AT THE
5 COMMUNITY LEVEL THAT CONTRIBUTE TO ADVERSE HUMAN HEALTH
6 EFFECTS SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER, AND
7 ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO
8 CLIMATE CHANGE, AND HELPS THE STATE MEET ITS STATEWIDE
9 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN
10 SECTION 25-7-102 (2)(g) AND ITS TRANSPORTATION SECTOR GREENHOUSE
11 GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN THE COLORADO
12 ENERGY OFFICE'S "COLORADO GREENHOUSE GAS POLLUTION REDUCTION
13 ROADMAP" AND COMPLY WITH AIR QUALITY ATTAINMENT STANDARDS;

14 (II) HELPS BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE
15 MORE EFFICIENTLY AND HELPS INDIVIDUALS AND FAMILIES SAVE MONEY
16 OVER TIME BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
17 WITH THE USE OF MOTOR VEHICLES; AND

18 (III) REDUCES THE SOCIAL COSTS OF EMISSIONS OF GREENHOUSE
19 GASES AND OTHER AIR POLLUTANTS BY REDUCING SUCH EMISSIONS; AND

20 (IV) REDUCES HIGHER EMISSIONS OF AIR POLLUTANTS IN LOCAL
21 COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED
22 COMMUNITIES, WHERE THERE IS INCREASED EXPOSURE TO
23 TRANSPORTATION-RELATED AIR POLLUTION AND WHERE, AS MANY
24 STUDIES CONFIRM, INCREASED EXPOSURE TO TRAFFIC AND AIR POLLUTION
25 RESULTS IN A HIGHER RISK FOR ADVERSE HEALTH OUTCOMES;

26 (f) RETIRING A RELATIVELY SMALL NUMBER OF HIGH-EMITTING
27 PASSENGER VEHICLES AND REPLACING THEM WITH LOW OR ZERO EMISSION
28 VEHICLES WOULD HAVE A RELATIVELY LARGE IMPACT ON EMISSIONS

1 REDUCTIONS, AS SHOWN BY A 2009 STUDY THAT FOUND THAT TEN
2 PERCENT OF PASSENGER VEHICLES ARE RESPONSIBLE FOR MORE THAN
3 THIRTY PERCENT OF NITROGEN OXIDE EMISSIONS AND NEARLY FIFTY
4 PERCENT OF HYDROCARBON EMISSIONS.

5 (g) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND
6 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH
7 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND
8 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING
9 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC
10 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN
11 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE
12 STATE;

13 (h) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE
14 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE
15 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE
16 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN
17 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT
18 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR
19 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC
20 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING
21 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO
22 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO
23 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES
24 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE
25 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT
26 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

27 (i) BY REDUCING MOTOR VEHICLE EMISSIONS, INCENTIVIZING,
28 SUPPORTING, AND ACCELERATING THE ADOPTION OF ELECTRIC MOTOR

1 VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF
2 THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE
3 INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL
4 DELIVERIES.

5 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

6 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
7 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING
8 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;
9 INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF ELECTRIC
10 MOTOR VEHICLES BY BUSINESSES, INCLUDING TRANSPORTATION NETWORK
11 COMPANIES, GOVERNMENTAL ENTITIES, AND INDIVIDUALS; AND THEREBY
12 INCREASE ACCESS TO ELECTRIC MOTOR VEHICLES, MINIMIZE AND MITIGATE
13 THE ENVIRONMENTAL AND HEALTH IMPACTS CAUSED BY
14 TRANSPORTATION-RELATED EMISSIONS OF AIR POLLUTANTS AND
15 GREENHOUSE GASES, AND ALLOW THE STATE AND ITS CITIZENS TO REAP
16 THE ENVIRONMENTAL, HEALTH, BUSINESS AND GOVERNMENTAL
17 OPERATIONAL EFFICIENCY, AND PERSONAL MOTOR VEHICLE TOTAL
18 OWNERSHIP COST SAVINGS BENEFITS OF WIDESPREAD ADOPTION OF
19 ELECTRIC MOTOR VEHICLES, IT IS NECESSARY, APPROPRIATE, AND IN THE
20 BEST INTEREST OF THE STATE TO CREATE A COMMUNITY ACCESS
21 ENTERPRISE THAT CAN PROVIDE SPECIALIZED BUSINESS SERVICES,
22 INCLUDING IMPACT REMEDIATION SERVICES, THAT HELP COMMUNITIES,
23 BUSINESSES, AND GOVERNMENTAL ENTITIES CONSTRUCT THE ELECTRIC
24 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE NEEDED TO
25 SUPPORT WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES,
26 INCLUDING LIGHT-DUTY, MEDIUM-DUTY, AND HEAVY-DUTY MOTOR
27 VEHICLES AND MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, AND
28 THEREBY ASSUAGE RANGE ANXIETY CONCERNS, SUPPLY CHAIN

1 DISRUPTION CONCERNS, AND ANY OTHER CONCERNS THAT CURRENTLY
2 DISINCENTIVIZE THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR
3 VEHICLES;

4 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
5 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
6 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS AT
7 THE COMMUNITY LEVEL THROUGH SUPPORT OF THE ADOPTION OF ELECTRIC
8 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES AT
9 THE COMMUNITY LEVEL, INCLUDING BUT NOT LIMITED TO WITHIN
10 DISPROPORTIONATELY IMPACTED COMMUNITIES THROUGHOUT THE STATE;

11 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
12 WHEN, IN EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL
13 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
14 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
15 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
16 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

17 (I) FUNDING THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE
18 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF CLEAN AND
19 QUIET ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES USED TO
20 MAKE RETAIL DELIVERIES;

21 (II) SPECIFICALLY SUPPORTING AND INCENTIVIZING THE
22 RETIREMENT OF OLD AND INEFFICIENT MOTOR VEHICLES POWERED BY
23 INTERNAL COMBUSTION ENGINES AND THE ADOPTION OF ELECTRIC MOTOR
24 VEHICLES, ELECTRIC ALTERNATIVES TO MOTOR VEHICLES, AND TRANSIT
25 USE IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
26 DISPROPORTIONATELY IMPACTED COMMUNITIES, THAT GENERALLY BEAR
27 THE GREATEST BURDEN OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF
28 TRANSPORTATION EMISSIONS DUE TO DISPARITIES IN TRANSPORTATION

1 POLLUTION EXPOSURE;

2 (III) PROVIDING OUTREACH, EDUCATION, PLANNING FUNDS, OR
3 TRAINING TO SUPPORT THE SUCCESSFUL APPLICATIONS FOR FUNDING AND
4 THE PERFORMANCE OF ENTITIES RECEIVING FUNDS;

5 (IV) CONTRIBUTING TO THE COMPREHENSIVE REGULATORY
6 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,
7 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE
8 TRANSPORTATION SYSTEM; AND

9 (V) PROVIDING ADDITIONAL REMEDIATION SERVICES TO OFFSET
10 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW;

11 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
12 THIS SECTION, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN
13 IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS
14 A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE
15 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
16 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

17 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
18 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
19 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
20 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
21 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
22 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
23 GENERATED BY FEES, NOT TAXES, BECAUSE THE COMMUNITY ACCESS
24 RETAIL DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
25 SECTION 24-38.5-303 (7) IS:

26 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
27 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
28 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO

1 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
2 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
3 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
4 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
5 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
6 SYSTEM; AND

7 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
8 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
9 REMEDIATING THOSE IMPACTS; AND

10 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
11 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
12 REVENUE FROM THE COMMUNITY ACCESS RETAIL DELIVERY FEE
13 COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS
14 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN
15 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE
16 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE
17 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
18 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

19 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
22 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
23 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
24 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
25 PROPULSION.

26 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

27 (3) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
28 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN

1 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
2 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
3 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
4 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
5 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
6 GREATER THAN FORTY PERCENT.

7 (b) AS USED IN THIS SUBSECTION (3):

8 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
9 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

10 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
11 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
12 POVERTY GUIDELINE.

13 (4) "ELECTRIC ALTERNATIVE TO MOTOR VEHICLES" MEANS A
14 VEHICLE, AS DEFINED IN SECTION 42-1-102 (112), THAT IS NOT A MOTOR
15 VEHICLE, AND THAT USES ELECTRICAL POWER IN WHOLE OR IN PART FOR
16 PROPULSION.

17 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
18 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
19 HYBRID ELECTRIC MOTOR VEHICLE.

20 (6) "ELECTRIC VEHICLE CHARGING SYSTEM" HAS THE SAME
21 MEANING AS SET FORTH IN SECTION 38-33.3-106.8 (7)(a).

22 (7) "ENTERPRISE" MEANS THE COMMUNITY ACCESS ENTERPRISE
23 CREATED IN SECTION 24-38.5-303 (1).

24 (8) "FUND" MEANS THE COMMUNITY ACCESS ENTERPRISE FUND
25 CREATED IN SECTION 24-38.5-303 (5).

26 (9) "HEAVY-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN
27 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,
28 AS DEFINED IN SECTION 42-2-402 (6), OF GREATER THAN TWENTY-SIX

1 THOUSAND POUNDS.

2 (10) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
3 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
4 THAT USES HYDROGEN GAS AS FUEL.

5 (11) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
6 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
7 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
8 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
9 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
10 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE STATE
11 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
12 COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED PURSUANT TO
13 SECTION 24-38.5-303 (7) BEGINS.

14 (12) "LIGHT-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN
15 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,
16 AS DEFINED IN SECTION 42-4-402 (6), OF NOT MORE THAN TEN THOUSAND
17 POUNDS.

18 (13) "MEDIUM-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN
19 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,
20 AS DEFINED IN SECTION 42-4-402 (6), OF MORE THAN TEN THOUSAND
21 POUNDS AND NOT MORE THAN TWENTY-SIX THOUSAND POUNDS.

22 (14) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
23 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
24 DEVICE.

25 (15) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
26 OPERATED ROBOT THAT IS:

27 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
28 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON

1 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
2 TYPICALLY USED BY PEDESTRIANS;

3 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
4 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
5 AND

6 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR
7 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY
8 THAT ARE TYPICALLY USED BY PEDESTRIANS.

9 (16) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
10 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
11 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
12 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
13 AS AN INTERNAL COMBUSTION ENGINE.

14 (17) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
15 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
16 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
17 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
18 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
19 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

20 (18) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
21 SECTION 39-26-102 (8).

22 (19) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 39-26-102 (9).

24 (20) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS
25 SET FORTH IN SECTION 39-26-102 (15).

26 (21) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
27 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

28 (22) "TRANSPORTATION NETWORK COMPANY DRIVER" HAS THE

1 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

2 (23) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE
3 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

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

6 (1) THE COMMUNITY ACCESS ENTERPRISE IS HEREBY CREATED IN THE
7 COLORADO ENERGY OFFICE. THE ENTERPRISE IS AND OPERATES AS A
8 GOVERNMENT-OWNED BUSINESS WITHIN THE OFFICE TO EXECUTE ITS
9 BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY
10 EXERCISING THE POWERS AND PERFORMING THE DUTIES SET FORTH IN THIS
11 SECTION.

12 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
13 SEVEN MEMBERS AS FOLLOWS:

14 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WHO SHALL
15 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
16 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST
17 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED
18 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE
19 INTERESTS OF MOTOR VEHICLE MANUFACTURERS, THE ELECTRIC VEHICLE
20 CHARGING AND FUELING BUSINESSES, OR OWNERS OR OPERATORS OF
21 MOTOR VEHICLE FLEETS; AND AT LEAST ONE OF THE MEMBERS MUST
22 REPRESENT A BUSINESS OR ORGANIZATION THAT SUPPORTS ELECTRIC
23 ALTERNATIVES TO MOTOR VEHICLES. THE GOVERNOR SHALL MAKE
24 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN
25 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS
26 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING
27 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD
28 NO LATER THAN OCTOBER 1, 2021.

1 (II) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
2 DIRECTOR'S DESIGNEE;

3 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
4 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
5 AND

6 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
7 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

8 (b) THE MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR
9 SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT TWO OF THE MEMBERS
10 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.
11 A MEMBER WHO IS APPOINTED BY THE GOVERNOR TO FILL A VACANCY ON
12 THE BOARD SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF
13 THE FORMER MEMBER. THE OTHER BOARD MEMBERS SERVE FOR AS LONG
14 AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED TO SERVE.

15 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
16 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
17 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
18 PURSUANT TO THIS PART 3.

19 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE
20 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
21 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
22 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR
23 VEHICLES, IN AN EQUITABLE MANNER BY DIRECTLY INVESTING IN
24 TRANSPORTATION INFRASTRUCTURE, MAKING GRANTS OR PROVIDING
25 REBATES OR OTHER FINANCING OPTIONS TO FUND THE CONSTRUCTION OF
26 ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE THROUGHOUT THE
27 STATE, AND INCENTIVIZING THE ACQUISITION AND USE OF ELECTRIC
28 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES IN

1 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
2 IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL
3 EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE
4 TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS
5 AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

6 (a) IMPOSE A COMMUNITY ACCESS RETAIL DELIVERY FEE AS
7 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

8 (b) INVEST IN TRANSPORTATION INFRASTRUCTURE PROGRAMS AS
9 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

10 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
11 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

12 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
13 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
14 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
15 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
16 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
17 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
18 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
19 CONSTITUTION.

20 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY
21 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY
22 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT
23 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
24 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY
25 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
26 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
27 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
28 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED
2 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND
3 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,
4 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO
5 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS
6 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

7 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM
8 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE ENTERPRISE
9 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
10 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. THE
11 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
12 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
13 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
14 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
15 IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE ENTERPRISE THAT
16 IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
17 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
18 SECTION 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE
19 ENTERPRISE SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE
20 INITIAL EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE
21 TREASURY, AND LOAN LIABILITIES THAT ARE RECORDED IN THE
22 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND BUT THAT ARE
23 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
24 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
25 FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER SHALL
26 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
27 INVESTMENT OF MONEY IN THE COMMUNITY ACCESS ENTERPRISE INITIAL
28 EXPENSES FUND TO THE FUND. THE COMMUNITY ACCESS ENTERPRISE

1 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
2 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
3 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
4 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
5 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR
6 THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY
7 THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE
8 COLORADO ENERGY OFFICE. UPON RECEIPT OF SUCH REIMBURSEMENT, THE
9 COLORADO ENERGY OFFICE SHALL INSTRUCT THE STATE TREASURER TO
10 TRANSFER FROM THE ENERGY FUND TO THE GENERAL FUND THE AMOUNT
11 NEEDED TO FULLY REPAY THE AMOUNT OF ANY GENERAL FUND MONEY
12 APPROPRIATED TO THE ENERGY FUND FOR THE PURPOSE OF FUNDING THE
13 LOAN MADE PURSUANT TO THIS SUBSECTION (5)(b) PLUS THE INTEREST
14 INCLUDED IN THE REIMBURSEMENT.

15 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
16 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
17 DUTIES:

18 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
19 THE CONDUCT OF ITS BUSINESS;

20 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
21 PERSONAL PROPERTY;

22 (c) IN CONSULTATION WITH THE DIRECTOR OF THE COLORADO
23 ENERGY OFFICE OR THE DIRECTOR'S DESIGNEE, TO EMPLOY AND SUPERVISE
24 INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND CONTRACTORS AS ARE
25 NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS BUSINESS PURPOSE;

26 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY
27 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY

1 GENERAL'S OFFICE FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
2 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
3 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE
4 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
5 OF THIS TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON
6 A COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
7 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
8 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
9 SINGLE-SOURCE BIDS.

10 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
11 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
12 OF THIS PART 3 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
13 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
14 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
15 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
16 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
17 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
18 MONEY TO THE FUND.

19 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY
20 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR
21 EVALUATING APPLICATIONS, AND A LIST OF GRANTEEES PURSUANT TO
22 SUBSECTION (8) OF THIS SECTION; AND

23 (g) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
24 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
25 GRANTED BY THIS SECTION.

26 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
27 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE

1 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
2 ENTERPRISE, A COMMUNITY ACCESS RETAIL DELIVERY FEE ON EACH RETAIL
3 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
4 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
5 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
6 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
7 43-4-218 (6) THE COMMUNITY ACCESS RETAIL DELIVERY FEE. FOR THE
8 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
9 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
10 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL
11 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN
12 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED
13 BY SECTION 43-4-218 (3).

14 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
15 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
16 IMPOSE THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM
17 AMOUNT OF SIX AND NINE-TENTHS CENTS.

18 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
19 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
20 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
21 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
22 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT
23 IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED
24 FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
25 REVENUE OF THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY
26 FEE TO BE COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
27 PROPERTY PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN

1 MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
2 BEGINS, AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT
3 NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE
4 FISCAL YEAR BEGINS.

5 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
6 THE COMMUNITY ACCESS RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
7 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
8 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
9 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
10 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
11 STATE FISCAL YEAR.

12 (8) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
13 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE ENTERPRISE
14 IS AUTHORIZED TO IMPLEMENT GRANT, LOAN, OR REBATE PROGRAMS FOR
15 THE FOLLOWING PURPOSES:

16 (a) TO FUND THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE
17 CHARGING INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO:

18 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,
19 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

20 (II) ELECTRIC VEHICLE CHARGERS FOR COMMUNITIES, INCLUDING
21 BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

22 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC
23 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,
24 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

25 (IV) INFRASTRUCTURE NEEDS TO SUPPORT THE POWERING OF
26 HYDROGEN FUEL CELL MOTOR VEHICLES; AND

27 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING

1 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR
2 VEHICLES;

3 (b) TO PROVIDE INEXPENSIVE AND ACCESSIBLE ELECTRIC
4 ALTERNATIVES TO MOTOR VEHICLES SUCH AS ELECTRICAL ASSISTED
5 BICYCLES AND ELECTRIC SCOOTERS;

6 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN
7 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
8 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF
9 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES; AND

10 (d) TO PROVIDE INCENTIVES FOR TRANSPORTATION NETWORK
11 COMPANIES AND COMPANIES THAT RENT MOTOR VEHICLES TO
12 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING
13 TRANSPORTATION NETWORK COMPANY SERVICES TO INCREASE ACCESS TO
14 OVERNIGHT CHARGING CAPABILITY FOR DRIVERS.

15 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
16 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
17 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
18 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
19 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
20 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
21 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
22 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
23 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

24 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
25 ENTERPRISE SHALL:

26 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
27 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL

1 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
2 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
3 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
4 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
5 STATE FISCAL YEARS 2032-33 THROUGH 2041-42.

6 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
7 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
8 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
9 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
10 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
11 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
12 EXPENDITURES;

13 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
14 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
15 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
16 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
17 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
18 AND

19 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
20 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
21 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
22 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
23 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
24 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
25 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
26 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
27 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT

1 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
2 COMMITTEES CONTINUES INDEFINITELY.

3 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
4 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
5 PART 4 OF ARTICLE 6 OF THIS TITLE 24, AND THE "COLORADO OPEN
6 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

7 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
8 2 OF ARTICLE 72 OF THIS TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
9 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
10 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
11 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
12 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
13 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
14 LOCAL GOVERNMENTS COMBINED.

15 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
16 OF ARTICLE 57 OF TITLE 11.

17 **SECTION 7.** In Colorado Revised Statutes, 24-75-219, **amend**
18 (1)(g); **repeal** (2) and (5); and **add** (7) as follows:

19 **24-75-219. Transfers - transportation - capital construction -**
20 **definitions - repeal.** (1) As used in this section, unless the context
21 otherwise requires:

22 (g) "Multimodal transportation AND MITIGATION options fund"
23 means the multimodal transportation AND MITIGATION options fund
24 created in section 43-4-1103 (1).

25 (2) (a) ~~On June 30, 2016, the state treasurer shall transfer:~~

26 ~~(f) One hundred ninety-nine million two hundred thousand dollars~~
27 ~~from the general fund to the highway users tax fund; and~~

1 ~~(H) Forty-nine million eight hundred thousand dollars from the~~
2 ~~general fund to the capital construction fund.~~

3 ~~(b) On June 30, 2017, the state treasurer shall transfer:~~

4 ~~(I) Seventy-nine million dollars from the general fund to the~~
5 ~~highway users tax fund; and~~

6 ~~(H) Fifty-two million seven hundred thousand dollars from the~~
7 ~~general fund to the capital construction fund.~~

8 ~~(c) On June 30, 2018, the state treasurer shall transfer~~
9 ~~seventy-nine million dollars from the general fund to the highway users~~
10 ~~tax fund.~~

11 ~~(c.3) On June 30, 2019, the state treasurer shall transfer:~~

12 ~~(I) Repealed.~~

13 ~~(H) Sixty million dollars from the general fund to the capital~~
14 ~~construction fund.~~

15 ~~(c.7) On June 30, 2020, the state treasurer shall transfer:~~

16 ~~(I) Repealed.~~

17 ~~(H) Sixty million dollars from the general fund to the capital~~
18 ~~construction fund.~~

19 ~~(d) For each state fiscal year beginning on or after July 1, 2020,~~
20 ~~the general assembly may appropriate or transfer, in its sole discretion,~~
21 ~~moneys from the general fund to the highway users tax fund, the capital~~
22 ~~construction fund, or both funds.~~

23 ~~(e) Repealed.~~

24 ~~(5) (a) On July 1, 2018, the state treasurer shall transfer a total~~
25 ~~amount of four hundred ninety-five million dollars from the general fund~~
26 ~~for the purposes of funding state and local transportation needs as~~
27 ~~follows:~~

1 ~~(I) Three hundred forty-six million five hundred thousand dollars~~
2 ~~to the state highway fund;~~

3 ~~(II) Seventy-four million two hundred fifty thousand dollars to the~~
4 ~~highway users tax fund for allocation to counties and municipalities as~~
5 ~~specified in section 43-4-205 (6.4); and~~

6 ~~(III) Seventy-four million two hundred fifty thousand dollars to~~
7 ~~the multimodal transportation options fund.~~

8 ~~(b) On July 1, 2019, the state treasurer shall transfer a total~~
9 ~~amount of one hundred fifty million dollars from the general fund for the~~
10 ~~purposes of funding state and local transportation needs as follows:~~

11 ~~(I) One hundred five million dollars to the state highway fund;~~

12 ~~(II) Twenty-two million five hundred thousand dollars to the~~
13 ~~highway users tax fund for allocation to counties and municipalities as~~
14 ~~specified in section 43-4-205 (6.4); and~~

15 ~~(III) Twenty-two million five hundred thousand dollars to the~~
16 ~~multimodal transportation options fund.~~

17 ~~(b.5) On July 1, 2019, the state treasurer shall transfer one~~
18 ~~hundred million dollars from the general fund to the highway users tax~~
19 ~~fund.~~

20 ~~(c) The state treasurer shall transfer fifty million dollars from the~~
21 ~~general fund to the state highway fund on June 30, 2020. Except as~~
22 ~~otherwise provided in subsection (5)(d) of this section and section~~
23 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~
24 ~~through June 30, 2040, the state treasurer shall transfer money from the~~
25 ~~general fund to the state highway fund. as follows:~~

26 ~~(I) and (II) Repealed.~~

27 ~~(III) (A) If a ballot issue that authorizes the state to issue~~

1 transportation revenue anticipation notes is submitted to the registered
2 electors of the state for their approval or rejection at the November 2021
3 statewide election pursuant to section 43-4-705 (13)(b) and a majority of
4 the electors voting on the ballot issue vote "No/Against", fifty million
5 dollars;

6 (B) (Deleted by amendment, L. 2019.)

7 (C) This subsection (5)(c)(III) is repealed, effective January 1,
8 2022, if a ballot issue that authorizes the state to issue transportation
9 revenue anticipation notes is submitted to the registered electors of the
10 state for their approval or rejection at the November 2021 statewide
11 election pursuant to section 43-4-705 (13)(b) and a majority of the
12 electors voting on the ballot issue vote "Yes/For";

13 (D) This subsection (5)(c)(III)(D) and subsection (5)(c)(III)(C) of
14 this section are repealed, effective January 1, 2022, if a ballot issue that
15 authorizes the state to issue transportation revenue anticipation notes is
16 submitted to the registered electors of the state for their approval or
17 rejection at the November 2021 statewide election pursuant to section
18 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
19 vote "No/Against"; or

20 (IV) (A) If a ballot issue that authorizes the state to issue
21 transportation revenue anticipation notes is submitted to the registered
22 electors of the state for their approval or rejection at the November 2021
23 statewide election pursuant to section 43-4-705 (13)(b) and a majority of
24 the electors voting on the ballot issue vote "Yes/For", seventy-nine
25 million five hundred thousand dollars;

26 (B) (Deleted by amendment, L. 2019.)

27 (C) This subsection (5)(c)(IV) is repealed, effective January 1,

1 2022, if a ballot issue that authorizes the state to issue transportation
2 revenue anticipation notes is submitted to the registered electors of the
3 state for their approval or rejection at the November 2021 statewide
4 election pursuant to section 43-4-705 (13)(b) and a majority of the
5 electors voting on the ballot issue vote "No/Against";

6 (D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of
7 this section are repealed, effective January 1, 2022, if a ballot issue that
8 authorizes the state to issue transportation revenue anticipation notes is
9 submitted to the registered electors of the state for their approval or
10 rejection at the November 2021 statewide election pursuant to section
11 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
12 vote "Yes/For"; or

13 (d) (I) If the transportation commission allocates money from the
14 transportation revenue anticipation notes reserve account of the state
15 highway fund pursuant to section 43-4-714 (2) during any state fiscal
16 year, the amount of any transfer required by subsection (5)(c)(IV)(A) of
17 this section is reduced by an amount equal to the amount of the allocation
18 from the account.

19 (H) This subsection (5)(d) is repealed:

20 (A) (Deleted by amendment, L. 2019.)

21 (B) Effective January 1, 2022, if a ballot issue that authorizes the
22 state to issue transportation revenue anticipation notes is submitted to the
23 registered electors of the state for their approval or rejection at the
24 November 2021 statewide election pursuant to section 43-4-705 (13)(b)
25 and a majority of the electors voting on the ballot issue vote
26 "No/Against".

27 (H) This subsection (5)(d)(H) and subsection (5)(d)(II) of this

1 ~~section are repealed, effective January 1, 2022, if a ballot issue that~~
2 ~~authorizes the state to issue transportation revenue anticipation notes is~~
3 ~~submitted to the registered electors of the state for their approval or~~
4 ~~rejection at the November 2021 statewide election pursuant to section~~
5 ~~43-4-705 (13)(b) and a majority of the electors voting on the ballot issue~~
6 ~~vote "Yes/For".~~

7 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS
8 SECTION:

9 (a) ON THE LATER OF JULY 1, 2021, OR THE EFFECTIVE DATE OF
10 THIS SUBSECTION (7)(a), THE STATE TREASURER SHALL TRANSFER:

11 (I) THREE HUNDRED FORTY-SEVEN MILLION DOLLARS FROM THE
12 GENERAL FUND TO THE STATE HIGHWAY FUND;

13 (II) TWENTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND TO
14 THE HIGHWAY USERS TAX FUND;

15 (III) ONE HUNDRED TWENTY-SEVEN MILLION EIGHT HUNDRED
16 FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
17 MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

18 (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY
19 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY
20 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
21 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF
22 TRANSPORTATION.

23 (b) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER
24 TWELVE MILLION DOLLARS FROM THE GENERAL FUND TO THE HIGHWAY
25 USERS TAX FUND.

26 (c) ON EACH JULY 1 FROM JULY 1, 2022, THROUGH JULY 1, 2031,
27 THE STATE TREASURER SHALL TRANSFER:

1 (I) TEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE
2 GENERAL FUND TO THE MULTIMODAL TRANSPORTATION AND MITIGATION
3 OPTIONS FUND; AND

4 (II) SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE
5 STATE HIGHWAY FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL
6 FUNDING FOR THE REVITALIZING MAIN STREETS PROGRAM OF THE
7 DEPARTMENT OF TRANSPORTATION.

8 (d) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,
9 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE
10 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE
11 HIGHWAY FUND.

12 (e) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
13 FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY
14 PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE 2020-21 STATE
15 FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS
16 DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP
17 EXCEEDED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
18 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
19 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
20 HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

21 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL
22 TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

23 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND
24 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
25 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF
26 TRANSPORTATION

27 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING

1 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER
2 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE
3 LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE
4 PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE
5 REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT
6 EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO
7 EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
8 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
9 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
10 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF
11 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(e)
12 AS FOLLOWS:

13 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL
14 TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

15 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND
16 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
17 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF
18 TRANSPORTATION.

19 **SECTION 8.** In Colorado Revised Statutes, 24-77-103.6, **amend**
20 (6)(b)(I)(C) and (6)(b)(I)(D); and **add** (6)(b)(I)(E), (6)(b)(I)(F), and
21 (6)(b)(I)(G) as follows:

22 **24-77-103.6. Retention of excess state revenues - general fund**
23 **exempt account - required uses - excess state revenues legislative**
24 **report - definitions.** (6) As used in this section:

25 (b) (I) "Excess state revenues cap" for a given fiscal year means:

26 (C) For the 2017-18 fiscal year, an amount that is equal to the
27 excess state revenues cap for the 2016-17 fiscal year calculated pursuant

1 to subsection (6)(b)(I)(B) of this section, adjusted for inflation, the
2 percentage change in state population, the qualification or disqualification
3 of enterprises, and debt service changes, less two hundred million dollars;
4 ~~and~~

5 (D) For the 2018-19 fiscal year, ~~and each succeeding fiscal year,~~
6 the amount of the excess state revenues cap for the 2017-18 fiscal year
7 calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted
8 ~~each subsequent fiscal year~~ for inflation, the percentage change in state
9 population, the qualification or disqualification of enterprises, and debt
10 service changes;

11 (E) FOR THE 2019-20 FISCAL YEAR, THE AMOUNT OF THE EXCESS
12 STATE REVENUES CAP FOR THE 2018-19 FISCAL YEAR CALCULATED
13 PURSUANT TO SUBSECTION (6)(b)(I)(D) OF THIS SECTION, ADJUSTED FOR
14 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
15 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
16 CHANGES;

17 (F) FOR THE 2020-21 FISCAL YEAR, AN AMOUNT THAT IS EQUAL TO
18 THE EXCESS STATE REVENUES CAP FOR THE 2019-20 FISCAL YEAR
19 CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(E) OF THIS SECTION,
20 ADJUSTED FOR INFLATION, THE PERCENTAGE CHANGE IN STATE
21 POPULATION, THE QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES,
22 AND DEBT SERVICE CHANGES, PLUS TWO HUNDRED TWENTY-FOUR MILLION
23 NINE HUNDRED FIFTY-SEVEN THOUSAND SIX HUNDRED TWO DOLLARS; AND

24 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL
25 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE
26 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)
27 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR

1 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
2 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
3 CHANGES.

4 **SECTION 9.** In Colorado Revised Statutes, 24-82-1303, **repeal**
5 **as they will become effective only if a ballot issue is proclaimed by the**
6 **governor** (2)(b) and (2)(d)(II) as follows:

7 **24-82-1303. Lease-purchase agreements for capital**
8 **construction and transportation projects.** (2) (b) ~~The anticipated~~
9 ~~annual state-funded payments for the principal and interest components~~
10 ~~of the amount payable under all lease-purchase agreements entered into~~
11 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~
12 ~~twelve million five hundred thousand dollars.~~

13 (d) Any lease-purchase agreement executed as required by
14 subsection (2)(a) of this section shall provide that all of the obligations of
15 the state under the agreement are subject to the action of the general
16 assembly in annually making money available for all payments
17 thereunder. Payments under any lease-purchase agreement must be made,
18 subject to annual allocation pursuant to section 43-1-113 by the
19 transportation commission created in section 43-1-106 (1) or subject to
20 annual appropriation by the general assembly, as applicable, from the
21 following sources of money:

22 (II) ~~Next, for state fiscal year 2021-22 and for each succeeding~~
23 ~~state fiscal year for which a payment under any lease-purchase agreement~~
24 ~~must be made, thirty-six million seven hundred thousand dollars annually,~~
25 ~~or any lesser amount that is sufficient to make each full payment due,~~
26 ~~shall be paid from any legally available money under the control of the~~
27 ~~transportation commission solely for the purpose of allowing the~~

1 ~~construction, supervision, and maintenance of state highways to be~~
2 ~~funded with the proceeds of lease-purchase agreements as specified in~~
3 ~~subsection (4)(b) of this section and section 43-4-206 (1)(b)(V); except~~
4 ~~that, for the payment due during state fiscal year 2021-22 only, forty-eight~~
5 ~~million seven hundred thousand dollars, or any lesser amount that is~~
6 ~~sufficient to make the full payment due shall be paid from such legally~~
7 ~~available money for said purpose; and~~

8 **SECTION 10.** In Colorado Revised Statutes, **add** 24-93-110 as
9 follows:

10 **24-93-110. Department of transportation - additional**
11 **requirements for integrated project delivery contracts - short-listing**
12 **- transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT
13 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND
14 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105
15 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN
16 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR
17 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY
18 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A
19 PUBLIC PROJECT IN THE STATE BY THE IPD METHOD TO BE USED FOR THE
20 PUBLIC PROJECT.

21 (2) (a) IF THE COST TO COMPLETE A PUBLIC PROJECT IS EXPECTED
22 TO EXCEED SEVENTY-FIVE MILLION DOLLARS, THE DEPARTMENT OF
23 TRANSPORTATION SHALL, BEFORE SELECTING THE IPD METHOD FOR A
24 CONSTRUCTION PROJECT AND BEGINNING THE PROCUREMENT PROCESS:

25 (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY
26 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING
27 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN

1 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE
2 PROJECT OR AS STAND-ALONE MEETINGS.

3 (II) OBTAIN APPROVAL FOR THE USE OF THE IPD METHOD FROM
4 THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106.

5 (b) FOR ANY PUBLIC PROJECT, REGARDLESS OF THE EXPECTED COST
6 OF COMPLETION, TO BE COMPLETED USING THE IPD METHOD, THE
7 DEPARTMENT OF TRANSPORTATION SHALL:

8 (I) BEFORE BEGINNING THE PROCUREMENT PROCESS, PUBLISH ON
9 THE DEPARTMENT'S WEBSITE, THE JUSTIFICATION FOR SELECTING THE IPD
10 METHOD;

11 (II) DURING THE PROCUREMENT PROCESS, INCLUDE THE
12 JUSTIFICATION FOR SELECTING THE IPD METHOD IN ANY REQUEST FOR
13 QUALIFICATIONS, AND IN THE REQUEST FOR PROPOSALS;

14 (III) FOLLOWING THE AWARD OF THE IPD CONTRACT TO A
15 PARTICIPATING ENTITY, PUBLISH ON THE DEPARTMENT'S WEBSITE THE
16 EVALUATION SCORES FOR EACH STEP OF THE IPD CONTRACT SOLICITATION
17 PHASE FOR ALL SOLICITATIONS RECEIVED AND EVALUATED; AND

18 (IV) FROM THE TIME THE IPD CONTRACT IS EXECUTED UNTIL THE
19 DEPARTMENT'S FINAL ACCEPTANCE OF THE COMPLETED PUBLIC PROJECT,
20 PROVIDE, MAINTAIN, AND UPDATE ON THE DEPARTMENT'S WEBSITE A
21 TRANSPARENCY PLATFORM SUCH AS A DASHBOARD THAT INDICATES THE
22 ONGOING STATUS OF THE PUBLIC PROJECT.

23 **SECTION 11.** In Colorado Revised Statutes, **add** article 7.5 to
24 title 25 as follows:

25 **ARTICLE 7.5**

26 **Clean Motor Vehicle Fleet Support**

27 **25-7.5-101. Legislative declaration.** (1) THE GENERAL

1 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

2 (a) AN INCREASING NUMBER OF FLEET MOTOR VEHICLES ARE ON
3 THE ROAD TO MEET INCREASING DEMANDS FOR RETAIL DELIVERIES AND
4 RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES;

5 (b) THESE FLEET VEHICLES ARE SOME OF THE MOST POLLUTING
6 VEHICLES ON THE ROAD, WHICH HAS RESULTED IN ADDITIONAL AND
7 INCREASING AIR AND GREENHOUSE GAS POLLUTION AND RELATED
8 ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS ACROSS THE STATE;

9 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
10 INCREASED EMISSIONS FROM FLEET MOTOR VEHICLES USED TO MAKE
11 RETAIL DELIVERIES AND PROVIDE RIDES ARRANGED THROUGH
12 TRANSPORTATION NETWORK COMPANIES CAN BE MITIGATED AND OFFSET
13 BY SUPPORTING THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR
14 VEHICLES FOR USE IN MOTOR VEHICLE FLEETS;

15 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES
16 AND RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES
17 BY LIMITING RETAIL DELIVERY AND TRANSPORTATION NETWORK COMPANY
18 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO
19 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND
20 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL
21 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT
22 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE
23 WITHOUT UNDUE RESTRICTIONS AND INSTEAD IMPOSE A SMALL FEE ON
24 EACH RETAIL DELIVERY AND RIDE AND USE FEE REVENUE TO FUND
25 NECESSARY MITIGATION ACTIVITIES.

26 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
27 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE

1 OF ELECTRIC MOTOR VEHICLES AND, TO THE EXTENT TEMPORARILY
2 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR
3 VEHICLE TECHNOLOGY AND AVAILABILITY FOR CERTAIN FLEET USES,
4 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY
5 RECOVERED METHANE AND THAT PRODUCE FEWER EMISSIONS THAN
6 GASOLINE OR DIESEL POWERED MOTOR VEHICLES BY BUSINESSES AND
7 GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,
8 INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY
9 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR
10 TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,
11 AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC MOTOR
12 VEHICLE ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC
13 MOTOR VEHICLES IN MOTOR VEHICLE FLEETS:

14 (I) GENERALLY REDUCES EMISSIONS OF AIR POLLUTANTS,
15 INCLUDING OZONE PRECURSORS, PARTICULATE MATTER POLLUTANTS,
16 OTHER HAZARDOUS AIR POLLUTANTS, AND GREENHOUSE GASES, THAT
17 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS SUCH AS CLIMATE
18 CHANGE AND ADVERSE HUMAN HEALTH EFFECTS, INCLUDING BUT NOT
19 LIMITED TO ASTHMA, REDUCED LUNG CAPACITY, INCREASED
20 SUSCEPTIBILITY TO RESPIRATORY ILLNESSES, CHRONIC BRONCHITIS, HEART
21 DISEASE, AND LUNG CANCER, AND HELPS THE STATE MEET ITS STATEWIDE
22 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN
23 SECTION 25-7-102 (2)(g), COMPLY WITH AIR QUALITY ATTAINMENT
24 STANDARDS, AND REDUCE ADVERSE ENVIRONMENTAL AND HEALTH
25 IMPACTS ACROSS THE STATE AND IN COMMUNITIES, INCLUDING BUT NOT
26 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

27 (b) SPECIFICALLY REDUCES HIGHER LOCALIZED EMISSIONS OF SUCH

1 AIR POLLUTANTS IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
2 DISPROPORTIONATELY IMPACTED COMMUNITIES, WHERE:

3 (I) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,
4 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE
5 HIGHWAYS ARE LOCATED;

6 (II) USAGE OF FLEET MOTOR VEHICLES IS CONCENTRATED; AND

7 (III) RESIDENTS EXPERIENCE INCREASED RISKS OF
8 AIR-POLLUTION-RELATED HEALTH IMPACTS SUCH AS ASTHMA, REDUCED
9 LUNG CAPACITY, INCREASED SUSCEPTIBILITY TO RESPIRATORY ILLNESSES,
10 HEART DISEASE, AND LUNG CANCER; AND

11 (c) BY REDUCING FUEL AND MAINTENANCE COSTS, HELPS
12 BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE MORE EFFICIENTLY
13 OVER TIME, ALLOWING THE COST SAVINGS TO BE REINVESTED IN BUSINESS
14 GROWTH OR USED FOR BENEFICIAL PUBLIC PURPOSES.

15 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

16 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF
17 ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS IN THE STATE AND
18 THEREBY MINIMIZE AND MITIGATE THE ENVIRONMENTAL AND HEALTH
19 IMPACTS OF THE TRANSPORTATION SYSTEM AND REAP THE
20 ENVIRONMENTAL, HEALTH, AND BUSINESS AND GOVERNMENTAL
21 OPERATIONAL EFFICIENCY BENEFITS THAT RESULT FROM MOTOR VEHICLE
22 FLEET ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST
23 INTEREST OF THE STATE TO CREATE A CLEAN FLEET ENTERPRISE TO HELP
24 BUSINESSES AND GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS
25 OF MOTOR VEHICLES USE MORE ELECTRIC MOTOR VEHICLES, AND, TO THE
26 EXTENT TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT
27 ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, MORE

1 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY
2 RECOVERED METHANE, IN THEIR MOTOR VEHICLE FLEETS;

3 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING
4 REMEDIATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,
5 IT:

6 (I) PROVIDES FINANCING THROUGH GRANT PROGRAMS, REBATE
7 PROGRAMS, REVOLVING LOAN FUNDS, OR ANY OTHER STRATEGIES THAT
8 THE BOARD FINDS EFFECTIVE;

9 (II) HELPS OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS
10 REDUCE THE UP-FRONT AND TOTAL COSTS OF USING MORE ELECTRIC
11 MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY
12 THE LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY
13 FOR CERTAIN FLEET USES, MORE COMPRESSED NATURAL GAS MOTOR
14 VEHICLES THAT ARE FUELED BY RECOVERED METHANE, IN THEIR FLEETS;

15 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,
16 INSPECTION, AND READJUSTMENT SERVICES;

17 (IV) PROVIDES OUTREACH, EDUCATION, OR TRAINING TO SUPPORT
18 THE SUCCESSFUL APPLICATION AND PERFORMANCE OF ENTITIES RECEIVING
19 FUNDS;

20 (V) SUPPORTS THE DEVELOPMENT OF A CLEAN TRANSPORTATION
21 WORKFORCE THAT CAN SUPPORT BUSINESSES AS THEY TRANSITION TO
22 USING MORE ELECTRIC MOTOR VEHICLES IN THEIR FLEETS;

23 (VI) ASSESSES AND SUPPORTS THE IMPLEMENTATION OF CLEANER
24 AND MORE EFFICIENT COMMERCIAL VEHICLE TECHNOLOGY TO SUPPORT
25 MOTOR VEHICLE FLEET ELECTRIFICATION;

26 (VII) RESEARCHES AND DEVELOPS STRATEGIES, BUSINESS PLANS,
27 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS

1 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
2 SERVICES;

3 (VII) CONTRIBUTES TO THE IMPLEMENTATION OF THE
4 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
5 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
6 SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

7 (IX) PROVIDES ADDITIONAL REMEDIATION SERVICES TO OFFSET
8 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW,
9 INCLUDING BUT NOT LIMITED TO:

10 (A) INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT;

11 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,
12 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
13 COMMUNITIES; AND

14 (C) PROVIDING SCRAPPAGE SERVICES;

15 (c) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY THIS
16 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE
17 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES
18 AS A BUSINESS;

19 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
20 THIS SECTION, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN
21 IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS
22 A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE
23 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
24 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

25 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
26 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
27 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS

1 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
2 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
3 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
4 GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE
5 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

6 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
7 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
8 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
9 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
10 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
11 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
12 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
13 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
14 SYSTEM; AND

15 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
16 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
17 REMEDIATING THOSE IMPACTS; AND

18 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
19 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
20 REVENUE FROM THE FEES COLLECTED BY THE ENTERPRISE IS NOT STATE
21 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
22 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
23 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
24 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
25 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

26 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS
27 THE CONTEXT OTHERWISE REQUIRES:

1 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
2 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
3 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
4 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
5 PROPULSION.

6 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

7 (3) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
8 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
9 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
10 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
11 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

12 (4) "COMMISSION" MEANS THE AIR QUALITY CONTROL COMMISSION
13 CREATED IN SECTION 25-7-104.

14 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A
15 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED
16 NATURAL GAS.

17 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
18 AND ENVIRONMENT CREATED IN SECTION 24-1-119 (1).

19 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
20 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
21 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
22 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
23 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
24 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
25 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
26 GREATER THAN FORTY PERCENT.

27 (b) AS USED IN THIS SUBSECTION (7):

1 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
2 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

3 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
4 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
5 POVERTY GUIDELINE.

6 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
7 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
8 HYBRID ELECTRIC MOTOR VEHICLE.

9 (9) "ENTERPRISE" MEANS THE CLEAN FLEET ENTERPRISE CREATED
10 IN SECTION 25-7.5-103 (1)(a)(I).

11 (10) "FUND" MEANS THE CLEAN FLEET ENTERPRISE FUND CREATED
12 IN SECTION 25-7.5-103 (5).

13 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
14 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
15 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

16 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
17 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
18 THAT USES HYDROGEN GAS AS FUEL.

19 (13) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
20 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
21 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
22 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
23 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
24 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
25 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
26 CLEAN FLEET PER RIDE FEE IMPOSED BY SECTION 25-7.5-103 (7) OR THE
27 CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY SECTION 25-7.5-103 (8)

1 BEGINS.

2 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
3 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
4 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE
5 THAN TWENTY-SIX THOUSAND POUNDS.

6 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
7 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
8 DEVICE.

9 (16) "MOTOR VEHICLE FLEET" MEANS A GROUP OF MOTOR
10 VEHICLES THAT IS OWNED OR OPERATED:

11 (a) BY A GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE
12 INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOL TRANSPORTATION OR
13 LAW ENFORCEMENT; OR

14 (b) BY A BUSINESS ENTITY FOR A BUSINESS IF:

15 (I) THE GROUP OF MOTOR VEHICLES IS COMPOSED PRIMARILY OF
16 HEAVY-DUTY MOTOR VEHICLES, MEDIUM-DUTY MOTOR VEHICLES, OR
17 REFRIGERATED TRAILER UNITS; OR

18 (II) THE GROUP OF MOTOR VEHICLES IS OWNED OR OPERATED BY
19 A COMPANY THAT RENTS MOTOR VEHICLES IN THE FLEET TO
20 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING
21 TRANSPORTATION NETWORK COMPANY SERVICES OR IS OWNED AND
22 OPERATED DIRECTLY, OR INDIRECTLY THROUGH INDEPENDENT
23 CONTRACTORS WHO OWN OR LEASE INDIVIDUAL MOTOR VEHICLES IN THE
24 GROUP, BY A TRANSPORTATION NETWORK COMPANY OR BY A RETAILER
25 FOR THE PURPOSE OF MAKING RETAIL DELIVERIES.

26 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
27 OPERATED ROBOT THAT IS:

1 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
2 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
3 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
4 TYPICALLY USED BY PEDESTRIANS;

5 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
6 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
7 AND

8 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR
9 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY
10 THAT ARE TYPICALLY USED BY PEDESTRIANS.

11 (18) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
12 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
13 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
14 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
15 AS AN INTERNAL COMBUSTION ENGINE.

16 (19) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH
17 IN SECTION 40-10.1-602 (2).

18 (20) "RECOVERED METHANE" MEANS ANY OF THE FOLLOWING IF
19 THE AIR POLLUTION CONTROL DIVISION DETERMINES THEM TO PROVIDE A
20 NET REDUCTION IN GREENHOUSE GAS EMISSIONS:

21 (a) BIOMETHANE;

22 (b) METHANE DERIVED FROM:

23 (I) MUNICIPAL SOLID WASTE;

24 (II) BIOMASS PYROLYSIS OR ENZYMATIC BIOMASS; OR

25 (III) WASTEWATER TREATMENT; AND

26 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124

27 (1)(a)(II).

1 (21) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
2 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
3 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
4 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
5 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
6 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

7 (22) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 39-26-102 (8).

9 (23) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN
10 SECTION 39-26-102 (9).

11 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
12 40-10.1-602 (5).

13 (25) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS
14 SET FORTH IN SECTION 39-26-102 (15).

15 (26) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
16 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

17 (27) "TRANSPORTATION NETWORK COMPANY DRIVER" HAS THE
18 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

19 (28) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE
20 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

21 (29) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
22 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

23 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
24 **and duties - fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY
25 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
26 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
27 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS

1 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
2 FORTH IN THIS SECTION.

3 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
4 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
5 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
6 IN SECTION 24-1-105.

7 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
8 NINE MEMBERS AS FOLLOWS:

9 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL
10 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
11 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. ONE MEMBER SHALL
12 REPRESENT A DISPROPORTIONATELY IMPACTED COMMUNITY, ONE MEMBER
13 SHALL HAVE EXPERTISE IN AIR POLLUTION REDUCTION, ONE MEMBER
14 SHALL HAVE EXPERTISE IN TRANSPORTATION, ONE MEMBER SHALL HAVE
15 EXPERTISE IN MOTOR VEHICLE FLEET ELECTRIFICATION, ONE MEMBER
16 SHALL HAVE EXPERTISE IN BUSINESS OR SUPPLY CHAIN MANAGEMENT, AND
17 ONE MEMBER SHALL REPRESENT A BUSINESS THAT OWNS OR OPERATES A
18 MOTOR VEHICLE FLEET. THE GOVERNOR SHALL MAKE REASONABLE
19 EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN SUBMITTED FOR
20 CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS THAT REFLECT
21 THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS AND
22 SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN OCTOBER 1, 2021.

23 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
24 EXECUTIVE DIRECTOR'S DESIGNEE;

25 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
26 DIRECTOR'S DESIGNEE; AND

27 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

1 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

2 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
3 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
4 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.
5 A MEMBER WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD SHALL
6 SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.
7 THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS THEY HOLD THEIR
8 POSITIONS OR ARE DESIGNATED TO SERVE.

9 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
10 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
11 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
12 PURSUANT TO THIS ARTICLE 7.5.

13 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO INCENTIVIZE
14 AND SUPPORT THE USE OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
15 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
16 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR
17 VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY THE
18 LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR
19 CERTAIN FLEET USES, COMPRESSED NATURAL GAS MOTOR VEHICLES THAT
20 ARE FUELED BY RECOVERED METHANE, BY BUSINESSES AND
21 GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR
22 VEHICLES, INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES
23 OWNED OR LEASED BY INDIVIDUAL CONTRACTORS WHO PROVIDE
24 PREARRANGED RIDES FOR TRANSPORTATION NETWORK COMPANIES OR
25 DELIVER GOODS FOR A THIRD-PARTY DELIVERY SERVICE. TO ALLOW THE
26 ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS
27 POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

1 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET
2 RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF
3 THIS SECTION;

4 (b) ISSUE GRANTS, LOANS, AND REBATES AS AUTHORIZED BY
5 SUBSECTION (9) OF THIS SECTION; AND

6 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
7 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

8 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
9 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
10 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
11 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
12 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
13 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
14 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
15 CONSTITUTION.

16 (5) (a) THE CLEAN FLEET ENTERPRISE FUND IS HEREBY CREATED IN
17 THE STATE TREASURY. THE FUND CONSISTS OF CLEAN FLEET PER RIDE FEE
18 REVENUE AND CLEAN FLEET RETAIL DELIVERY FEE REVENUE CREDITED TO
19 THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
20 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
21 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
22 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
23 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
24 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
25 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
26 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
27 SET FORTH IN THIS ARTICLE 7.5 AND TO PAY THE ENTERPRISE'S

1 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE
2 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF
3 THIS SECTION.

4 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
5 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
6 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
7 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
8 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
9 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
10 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
11 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
12 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
13 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
14 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
15 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
16 CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
17 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
18 RECORDED IN THE CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND BUT
19 THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL
20 NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
21 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
22 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
23 AND INVESTMENT OF MONEY IN THE CLEAN FLEET ENTERPRISE INITIAL
24 EXPENSES FUND TO THE FUND. THE CLEAN FLEET ENTERPRISE INITIAL
25 EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR
26 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
27 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE

1 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE
2 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
3 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A
4 RATE SET BY THE DEPARTMENT. UPON RECEIPT OF SUCH REIMBURSEMENT,
5 THE DEPARTMENT SHALL REMIT TO THE STATE TREASURER FOR CREDITING
6 TO THE GENERAL FUND THE AMOUNT NEEDED TO FULLY REPAY THE
7 AMOUNT OF ANY GENERAL FUND MONEY APPROPRIATED TO THE
8 DEPARTMENT FOR THE PURPOSE OF FUNDING THE LOAN MADE PURSUANT
9 TO THIS SUBSECTION (5)(b) PLUS THE INTEREST INCLUDED IN THE
10 REIMBURSEMENT.

11 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
12 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
13 DUTIES:

14 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
15 THE CONDUCT OF ITS BUSINESS;

16 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
17 PERSONAL PROPERTY;

18 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
20 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS AND
21 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
22 BUSINESS PURPOSE;

23 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
24 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
25 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
26 OFFICE SPACE, AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
27 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,

1 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
2 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
3 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
4 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
5 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
6 SINGLE-SOURCE BIDS.

7 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
8 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
9 OF THIS ARTICLE 7.5 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS
10 FROM COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY
11 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
12 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE
13 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,
14 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL
15 CREDIT THE MONEY TO THE FUND.

16 (f) TO PROVIDE SERVICES AS SET FORTH IN SUBSECTION (9) OF THIS
17 SECTION;

18 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
19 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
20 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO
21 SUBSECTION (9) OF THIS SECTION; AND

22 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
24 GRANTED BY THIS SECTION.

25 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
26 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE A CLEAN
27 FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK

1 COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED
2 THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF
3 MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK
4 COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
5 DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE
6 ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK
7 COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
8 REQUIRED BY SECTION 40-10.1-607.5 (2). THE ENTERPRISE SHALL ENSURE
9 THAT DURING THE FIRST TEN STATE FISCAL YEARS OF FEE COLLECTIONS,
10 EXPENDITURES THAT SUPPORT TRANSPORTATION NETWORK COMPANY
11 OPERATIONS EQUAL OR EXCEED CUMULATIVE CLEAN FLEET PER RIDE FEE
12 REVENUE.

13 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
14 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE CLEAN
15 FLEET PER RIDE FEE IN A MAXIMUM AMOUNT OF:

16 (I) THREE AND THREE-QUARTERS CENTS FOR EACH PREARRANGED
17 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
18 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

19 (II) SEVEN AND ONE-HALF CENTS FOR EVERY OTHER
20 PREARRANGED RIDE.

21 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
22 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
23 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
24 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE CLEAN FLEET PER RIDE
25 FEE IN A MAXIMUM AMOUNT THAT IS THE APPLICABLE MAXIMUM AMOUNT
26 FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE
27 ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT

1 OF THE CLEAN FLEET PER RIDE FEE TO BE COLLECTED FOR RIDES
2 REQUESTED AND ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER
3 THAN MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL
4 YEAR BEGINS AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE
5 AMOUNT NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE
6 STATE FISCAL YEAR BEGINS.

7 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
8 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND
9 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION
10 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
11 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF
12 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
13 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION
14 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT
15 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF
16 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER
17 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED
18 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM
19 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
20 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST
21 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
22 PERCENT.

23 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE
24 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET CLEAN FLEET PER
25 RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL
26 CREDIT THE REVENUE TO THE FUND.

27 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN

1 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
2 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
3 ENTERPRISE, A CLEAN FLEET RETAIL DELIVERY FEE ON EACH RETAIL
4 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
5 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
6 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
7 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
8 43-4-218 (6) THE CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE
9 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
10 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
11 AND ADMINISTER THE CLEAN FLEET RETAIL DELIVERY FEE ON BEHALF OF
12 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
13 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218
14 (3).

15 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
16 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
17 IMPOSE THE CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
18 OF FIVE AND THREE-TENTHS CENTS.

19 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
20 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
21 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
22 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
23 CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS THE
24 MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR
25 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
26 OF THE AMOUNT OF THE CLEAN FLEET RETAIL DELIVERY FEE TO BE
27 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY

1 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
2 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
3 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
4 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
5 BEGINS.

6 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
7 THE CLEAN FLEET RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
8 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
9 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
10 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
11 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
12 STATE FISCAL YEAR.

13 (9) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT
14 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE
15 ENTERPRISE IS AUTHORIZED TO INCENTIVIZE, SUPPORT, AND ACCELERATE
16 THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS.

17 (b) THE ENTERPRISE MAY PROVIDE FUNDING OR FINANCING
18 THROUGH GRANT PROGRAMS, REBATE PROGRAMS, REVOLVING LOAN
19 FUNDS, OR SUCH OTHER STRATEGIES AS THE BOARD FINDS EFFECTIVE:

20 (I) TO HELP PUBLIC AND PRIVATE OWNERS AND OPERATORS OF
21 MOTOR VEHICLE FLEETS FINANCE ELECTRIC MOTOR VEHICLE ACQUISITIONS
22 TO REDUCE THE UP-FRONT COSTS OF ACQUIRING ELECTRIC MOTOR
23 VEHICLES AND, IF THE ENTERPRISE DETERMINES THAT ELECTRIC MOTOR
24 VEHICLES ARE NOT YET PRACTICALLY AVAILABLE FOR HEAVY DUTY
25 TRUCKS FOR A PERIOD OF TIME, TO HELP PUBLIC AND PRIVATE OWNERS
26 FINANCE COMPRESSED NATURAL GAS HEAVY DUTY TRUCK ACQUISITIONS
27 IF AT LEAST NINETY PERCENT OF THE FUEL FOR THE TRUCKS WILL BE

1 RECOVERED METHANE;

2 (II) TO ASSESS AND IMPLEMENT CLEANER MOBILE SOURCE
3 TECHNOLOGY TO SUPPORT ELECTRIFICATION OF MOTOR VEHICLES AND
4 ELECTRIC MOTOR VEHICLE FLEETS;

5 (III) TO COORDINATE ENGAGEMENT WITH PUBLIC ENTITIES AND
6 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS TO DEVELOP
7 STRATEGIES FOR ELECTRIFYING MOTOR VEHICLE FLEETS AND OTHER NOT
8 YET ELECTRIFIED FREIGHT TRANSPORTATION AND RETAIL DELIVERY
9 OPERATIONS THAT CAN BE ELECTRIFIED;

10 (IV) TO RESEARCH AND ASSESS INNOVATIVE AND EMERGING
11 MOTOR VEHICLE EMISSION STRATEGIES FOR MOTOR VEHICLES AND
12 ENGINES AND MODERNIZE AND IMPROVE CURRENT TESTING, INSPECTION,
13 AND READJUSTMENT SERVICES OFFERED BY THE DEPARTMENT;

14 (V) TO PROVIDE TRAINING AND DEVELOPMENT OF A CLEAN
15 TRANSPORTATION WORKFORCE TO SUPPORT THE ADOPTION OF ELECTRIC
16 MOTOR VEHICLES FOR USE IN MOTOR VEHICLE FLEETS;

17 (VI) TO RESEARCH AND DEVELOP STRATEGIES, BUSINESS PLANS,
18 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS
19 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
20 SERVICES;

21 (VII) TO PROVIDE OUTREACH, EDUCATION, OR TRAINING TO
22 SUPPORT THE SUCCESSFUL APPLICATION AND PERFORMANCE BY ENTITIES
23 RECEIVING FUNDS;

24 (VIII) TO PROVIDE OR SUPPORT THE DELIVERY OF COMPANION
25 SERVICES SUCH AS FLEET MOTOR VEHICLE TESTING, INSPECTION, AND
26 READJUSTMENT SERVICES;

27 (IX) TO ADDRESS NONATTAINMENT OF NATIONAL AMBIENT AIR

1 QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE
2 RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE
3 BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS
4 IN OR NEAR NONATTAINMENT AREAS;

5 (X) TO ADDRESS COMMUNITY EXPOSURE, INCLUDING EXPOSURE IN
6 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND HEALTH DISPARITIES
7 IN SUCH COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO MOTOR
8 VEHICLE FLEET OPERATIONS;

9 (XI) TO HELP COMPANIES THAT MAINTAIN MOTOR VEHICLE FLEETS
10 AND RENT MOTOR VEHICLES IN THE FLEETS TO TRANSPORTATION NETWORK
11 COMPANY DRIVERS FOR USE IN PROVIDING TRANSPORTATION NETWORK
12 COMPANY SERVICES PURCHASE OR LEASE ELECTRIC MOTOR VEHICLES FOR
13 THAT USE;

14 (XII) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE
15 INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO
16 PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND

17 (XIII) TO PROVIDE ADDITIONAL REMEDIATION SERVICES TO FEE
18 PAYERS AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO
19 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING
20 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO
21 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE
22 SERVICES.

23 (10) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
24 CONTROL DIVISION OF THE DEPARTMENT TO DEVELOP PROPOSED RULES
25 FOR THE CONSIDERATION OF THE COMMISSION THAT WILL SUPPORT THE
26 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
27 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE

1 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
2 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
3 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

4 (11) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
5 ENTERPRISE SHALL:

6 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
7 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
8 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
9 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
10 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
11 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
12 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

13 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
14 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
15 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
16 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
17 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
18 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
19 EXPENDITURES;

20 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
21 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
22 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
23 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
24 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
25 AND

26 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
27 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION

1 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
2 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
3 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
4 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
5 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
6 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
7 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
8 REQUIRED IN THIS SUBSECTION (11)(a)(IV) TO THE SPECIFIED LEGISLATIVE
9 COMMITTEES CONTINUES INDEFINITELY.

10 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
11 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
12 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
13 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

14 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
15 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
16 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
17 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
18 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
19 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
20 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
21 LOCAL GOVERNMENTS COMBINED.

22 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
23 OF ARTICLE 57 OF TITLE 11.

24 **SECTION 12.** In Colorado Revised Statutes, 39-21-102, **add** (7)
25 as follows:

26 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE 21 APPLY
27 TO THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,

1 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION
2 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS
3 ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF
4 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION
5 40-10.1-607.5.

6 **SECTION 13.** In Colorado Revised Statutes, 39-21-119.5,
7 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and
8 (4)(k) as follows:

9 **39-21-119.5. Mandatory electronic filing of returns -**
10 **mandatory electronic payment - penalty - waiver - definitions.**

11 (2) Except as provided in subsection (6) of this section, the executive
12 director may, as specified in subsection (3) of this section, require the
13 electronic filing of returns and require the payment of any tax or fee due
14 by electronic funds transfer for the following:

15 (i) Any motor fuel tax OR FEE return required to be filed and
16 payment required to be made pursuant to section 39-27-303;

17 (s) Any prepaid wireless 911 charge report required to be filed and
18 payment required to be made pursuant to section 29-11-102.5 (3); ~~and~~

19 (t) Any prepaid wireless telecommunications relay service charge
20 report required to be filed and payment required to be made pursuant to
21 section 29-11-102.7 (3); AND

22 (u) ANY RETAIL DELIVERY FEE OR ENTERPRISE RETAIL DELIVERY
23 FEES RETURN REQUIRED TO BE FILED PURSUANT TO SECTION 43-4-218 (6).

24 (4) Except as provided in subsection (6) of this section, on and
25 after August 2, 2019, electronic filing of returns and the payment of any
26 tax or fee by electronic funds transfer is required for the following:

27 (d) (I) Any gasoline or special fuel report required to be filed

1 pursuant to section 39-27-105 and the payment required to be made
2 pursuant to section 39-27-105.3;

3 (II) ANY ROAD USAGE FEE REPORT OR BRIDGE AND TUNNEL IMPACT
4 FEE REPORT REQUIRED TO BE FILED WITH A GASOLINE OR SPECIAL FUEL
5 REPORT PURSUANT TO SECTION 43-4-217 (7);

6 (i) Any tobacco products excise tax return required to be filed and
7 payment required to be made pursuant to article 28.5 of THIS title 39; ~~and~~

8 (j) Any nicotine products tax return required to be filed and
9 payment required to be paid pursuant to article 28.6 of this title 39; AND

10 (k) ANY CLEAN FLEET PER RIDE FEE AND AIR POLLUTION
11 MITIGATION PER RIDE FEE RETURN REQUIRED TO BE FILED AND PAYMENT
12 REQUIRED PURSUANT TO SECTION 40-10.1-607.5.

13 **SECTION 14.** In Colorado Revised Statutes, 39-26-102, **amend**
14 (7)(a) introductory portion as follows:

15 **39-26-102. Definitions.** As used in this article 26, unless the
16 context otherwise requires:

17 (7) (a) "Purchase price" means the price to the consumer,
18 exclusive of any direct tax imposed by the federal government or by this
19 ~~article~~ ARTICLE 26, EXCLUSIVE OF ANY RETAIL DELIVERY FEE AND
20 ENTERPRISE RETAIL DELIVERY FEES IMPOSED OR COLLECTED AS SPECIFIED
21 IN SECTION 43-4-218, and, in the case of all retail sales involving the
22 exchange of property, also exclusive of the fair market value of the
23 property exchanged at the time and place of the exchange, if:

24 **SECTION 15.** In Colorado Revised Statutes, 39-26-123, **repeal**
25 (3.5) as follows:

26 **39-26-123. Receipts - disposition - transfers of general fund**
27 **surplus - sales tax holding fund - creation - definitions.** (3.5) For each

1 ~~state fiscal year commencing on or after the first state fiscal year in which~~
2 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~
3 ~~(2)(d), C.R.S., the general assembly may appropriate or transfer, in its~~
4 ~~sole discretion, moneys from the general fund to the sales and use tax~~
5 ~~holding fund.~~

6 **SECTION 16.** In Colorado Revised Statutes, 39-27-301, **amend**
7 (1), (4), and (6); and **add** (3.3) as follows:

8 **39-27-301. Definitions.** As used in this part 3, unless the context
9 otherwise requires:

10 (1) "Agreement" means a motor fuel tax AND FEE agreement under
11 this part 3.

12 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION
13 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED
14 BY SECTION 43-4-805 (5)(g.5).

15 (4) "Licensee" means a motor carrier who has been issued a fuel
16 tax license under a motor fuel tax AND FEE agreement.

17 (6) "Motor fuel" means all fuel subject to FEES AND SUBJECT TO
18 tax under this ~~article~~ ARTICLE 27.

19 **SECTION 17.** In Colorado Revised Statutes, **amend** 39-27-302
20 as follows:

21 **39-27-302. Agreements between jurisdictions.** The department
22 may enter into a motor fuel tax AND FEE cooperative agreement with
23 another jurisdiction or jurisdictions that provide for the administration,
24 collection, and enforcement of each jurisdiction's motor fuel taxes AND
25 FEES on motor fuel used by motor carriers. The agreement shall not
26 contain any provision that exempts any motor vehicle, owner, or operator
27 from complying with the laws, rules, and regulations pertaining to motor

1 vehicle licensing, size, weight, load, or operation upon the public
2 highways of this state.

3 **SECTION 18.** In Colorado Revised Statutes, 39-27-304, **amend**
4 (1)(a), (1)(b), (1)(c), (1)(e), (1)(f), and (1)(g) as follows:

5 **39-27-304. Provisions of agreements.** (1) An agreement entered
6 into under this part 3 may provide for:

7 (a) Defining the classes of motor vehicles upon which taxes AND
8 FEES are to be collected under the agreement;

9 (b) Establishing methods for base jurisdiction fuel tax licensing,
10 license revocation, and tax AND FEE collection from motor carriers on
11 behalf of the jurisdictions that are parties to the agreement;

12 (c) Establishing procedures for the granting of credits or refunds
13 on the purchase of excess tax-paid AND FEE-PAID fuel;

14 (e) Establishing tax AND FEE reporting periods not to exceed one
15 calendar quarter and TAX AND FEE report due dates not to exceed one
16 calendar month after the close of the reporting period;

17 (f) Penalties and interest for filing of tax AND FEE reports after the
18 due dates prescribed by the agreement;

19 (g) Establishing procedures for the forwarding of fuel taxes, FEES,
20 penalties, and interest collected on behalf of another jurisdiction to such
21 jurisdiction;

22 **SECTION 19.** In Colorado Revised Statutes, **amend** 39-27-305
23 as follows:

24 **39-27-305. Credit for purchases.** Any licensee purchasing more
25 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in
26 this state during the course of a reporting period shall be permitted a
27 credit against future tax AND FEE liability for the excess tax-paid AND

1 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the
2 licensee by the department in accordance with the agreement.

3 **SECTION 20.** In Colorado Revised Statutes, 39-27-306, **amend**
4 (1) as follows:

5 **39-27-306. Tax and fee collection.** (1) The agreement may
6 require the department to perform audits of licensees or persons required
7 to be licensed and who are based in this state to determine whether motor
8 fuel taxes AND FEES to be collected under the agreement have been
9 reported properly and paid to each jurisdiction that is a party to the
10 agreement. The agreement may authorize other jurisdictions to perform
11 audits on licensees or persons required to be licensed and who are based
12 in such other jurisdictions on behalf of the state of Colorado and forward
13 the audit findings to the department. Such findings may be served upon
14 the licensee or such other person in the same manner as audits performed
15 by the department.

16 **SECTION 21.** In Colorado Revised Statutes, 39-27-310, **amend**
17 (1) as follows:

18 **39-27-310. Construction of this part 3 - rules and regulations.**
19 (1) This part 3 shall be applied and construed to effectuate its general
20 purpose to make uniform the law with respect to the subject of this part
21 3 among jurisdictions enacting it for the purpose of participating in a
22 multijurisdictional motor fuel tax AND FEE agreement.

23 **SECTION 22.** In Colorado Revised Statutes, **add** 40-10.1-118 as
24 follows:

25 **40-10.1-118. Certificated taxi carrier parity study -**
26 **recommendations - legislative declaration - repeal.** (1) THE GENERAL
27 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL
2 21-260, ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE
3 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND
4 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE
5 RELATIONSHIP TO THEIR USE OF AND IMPACTS ON THE SYSTEM AND THE
6 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

7 (b) AS A RESULT OF THE ENACTMENT OF SENATE BILL 21-260,
8 ENACTED IN 2021, ON AND AFTER JULY 1, 2022, TRANSPORTATION
9 NETWORK COMPANIES WILL PAY PER RIDE FEES FOR EACH PREARRANGED
10 RIDE REQUESTED AND ACCEPTED THROUGH THEIR DIGITAL NETWORKS, BUT
11 CERTIFICATED TAXI CARRIERS WILL NOT BE REQUIRED TO PAY PER RIDE
12 FEES; AND

13 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION
14 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS
15 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER
16 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND
17 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR
18 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

19 (2) THE COMMISSION SHALL CONDUCT A STUDY TO ASSESS
20 WHETHER, TAKING INTO ACCOUNT ANY RELEVANT DIFFERENCES IN THEIR
21 BUSINESS MODELS, REGULATORY BURDENS, AND IMPACTS ON THE
22 SUSTAINABILITY OF THE TRANSPORTATION SYSTEM, THERE IS PARITY
23 BETWEEN CERTIFICATED TAXI CARRIERS AND TRANSPORTATION NETWORK
24 COMPANIES WITH RESPECT TO THEIR CONTRIBUTIONS TO THE FUNDING OF
25 THE TRANSPORTATION SYSTEM. THE COMMISSION SHALL REPORT THE
26 RESULTS OF THE STUDY TO THE TRANSPORTATION LEGISLATION REVIEW
27 COMMITTEE OF THE GENERAL ASSEMBLY CREATED IN SECTION 43-2-145

1 (1)(a) DURING THE 2023 LEGISLATIVE INTERIM.

2 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 23.** In Colorado Revised Statutes, 40-10.1-605,
4 **amend** (1)(d) as follows:

5 **40-10.1-605. Operational requirements.** (1) The following
6 requirements apply to the provision of services:

7 (d) Before permitting a person to act as a driver on its digital
8 network, a transportation network company shall confirm that the person
9 HAS SELF-CERTIFIED TO THE TRANSPORTATION NETWORK COMPANY
10 THROUGH THE TRANSPORTATION NETWORK COMPANY'S ONLINE
11 APPLICATION OR DIGITAL NETWORK THAT HE OR SHE IS PHYSICALLY AND
12 MENTALLY FIT TO DRIVE, is at least twenty-one years of age and possesses:

13 (I) A valid driver's license;

14 (II) Proof of automobile insurance; AND

15 (III) Proof of a Colorado vehicle registration; and

16 (IV) ~~Within ninety days of June 5, 2014, and pursuant to~~
17 ~~commission rules, proof that the person is medically fit to drive.~~

18 **SECTION 24.** In Colorado Revised Statutes, **amend** 40-10.1-607
19 as follows:

20 **40-10.1-607. Fees - transportation network company fund -**
21 **creation.** The commission shall transmit all fees PAYABLE TO AND
22 collected BY THE COMMISSION pursuant to this part 6 to the state treasurer,
23 who shall credit the fees to the transportation network company fund,
24 which is hereby created in the state treasury. The ~~moneys~~ MONEY in the
25 fund ~~are~~ IS continuously appropriated to the commission for the purposes
26 set forth in this part 6. All interest earned from the DEPOSIT AND
27 investment of ~~moneys~~ MONEY in the fund is credited to the fund. Any

1 ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~
2 REMAINS in the fund and ~~do~~ DOES not revert to the general fund or any
3 other fund.

4 **SECTION 25.** In Colorado Revised Statutes, **add** 40-10.1-607.5
5 as follows:

6 **40-10.1-607.5. Fees - enterprise per ride fees - collection -**
7 **distribution of fee proceeds - rules - definitions.** (1) AS USED IN THIS
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "AIR POLLUTION MITIGATION PER RIDE FEE" MEANS THE AIR
10 POLLUTION MITIGATION PER RIDE FEE IMPOSED BY THE NONATTAINMENT
11 AREA AIR POLLUTION MITIGATION ENTERPRISE AS REQUIRED BY SECTION
12 43-4-1303 (7).

13 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
14 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
15 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
16 SEPARATELY REQUESTED A PREARRANGED RIDE.

17 (c) "CLEAN FLEET PER RIDE FEE" MEANS THE CLEAN FLEET PER
18 RIDE FEE IMPOSED BY THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
19 25-7.5-103 (1)(a) AS REQUIRED BY SECTION 25-7.5-103 (7).

20 (d) "ENTERPRISE PER RIDE FEES" MEANS THE CLEAN FLEET PER
21 RIDE FEE AND THE AIR POLLUTION MITIGATION PER RIDE FEE.

22 (2) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
23 STATE FISCAL YEAR 2022-23, EACH TRANSPORTATION NETWORK COMPANY
24 SHALL PAY TO THE DEPARTMENT OF REVENUE, AT THE TIME AND IN THE
25 MANNER PRESCRIBED BY THE DEPARTMENT, THE ENTERPRISE PER RIDE
26 FEES, WHICH, FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
27 TRANSPORTATION NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR

1 THE STATE, THE DEPARTMENT SHALL COLLECT ON BEHALF OF THE
2 ENTERPRISES.

3 (3) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET
4 ENTERPRISE PER RIDE FEE REVENUE TO THE STATE TREASURER, WHO SHALL
5 CREDIT THE NET REVENUE AS FOLLOWS:

6 (a) ALL NET CLEAN FLEET PER RIDE FEE REVENUE SHALL BE
7 CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
8 25-7.5-103 (5); AND

9 (b) ALL NET AIR POLLUTION MITIGATION PER RIDE FEE REVENUE
10 SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR POLLUTION
11 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

12 (4) WHEN COLLECTING THE ENTERPRISE PER RIDE FEES, THE
13 DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT THAT DOES NOT
14 EXCEED THE TOTAL COST OF COLLECTING, ADMINISTERING, AND
15 ENFORCING THE ENTERPRISE PER RIDE FEES AND SHALL TRANSMIT THE
16 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
17 THE ENTERPRISE PER RIDE FEES FUND, WHICH IS HEREBY CREATED IN THE
18 STATE TREASURY. ALL MONEY IN THE ENTERPRISE PER RIDE FEES FUND IS
19 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO
20 DEFRAID THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,
21 ENFORCING, AND ADMINISTERING THE ENTERPRISE PER RIDE FEES.

22 (5) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
23 THE ENTERPRISE PER RIDE FEES COLLECTED AS REQUIRED BY SUBSECTION
24 (2) OF THIS SECTION SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR
25 OF THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS THE
26 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF STATE TAXES
27 PURSUANT TO ARTICLE 21 OF TITLE 39. THE DEPARTMENT OF REVENUE

1 MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

2 **SECTION 26.** In Colorado Revised Statutes, 42-3-304, **amend**
3 (25)(a) and (25)(b); and **add** (25)(a.5), (25)(a.6), (25)(a.7), (25)(a.8), and
4 (25)(a.9) as follows:

5 **42-3-304. Registration fees - passenger and passenger-mile**
6 **taxes - clean screen fund - rules - definitions.** (25) (a) In addition to
7 any other fee imposed by this section, FOR REGISTRATION PERIODS
8 BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR
9 2022-23, each authorized agent shall annually collect a fee of fifty dollars
10 at the time of registration on every ~~plug-in~~ electric motor vehicle. FOR
11 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23
12 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED
13 AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE
14 FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE
15 FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION
16 PERIODS BEGINNING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR
17 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE
18 RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL
19 RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE
20 SHALL ANNUALLY CALCULATE THE INFLATION-ADJUSTED AMOUNT OF THE
21 FEE FOR REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL
22 YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
23 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS. The
24 authorized agent shall transmit the fee to the state treasurer, who shall
25 credit thirty dollars, ADJUSTED FOR INFLATION, of each fee to the highway
26 users tax fund created in section 43-4-201, and twenty dollars, ADJUSTED
27 FOR INFLATION, of each fee to the electric vehicle grant fund created in

1 section 24-38.5-103.

2 (a.5) (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS
3 SECTION, INCLUDING THE FEE IMPOSED BY SUBSECTION (25)(a) OF THIS
4 SECTION, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
5 YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
6 AUTHORIZED AGENT SHALL ANNUALLY COLLECT AN ELECTRIC MOTOR
7 VEHICLE ROAD USAGE EQUALIZATION FEE AT THE TIME OF REGISTRATION
8 ON EVERY BATTERY ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
9 SUBSECTIONS (25)(a.5)(II) AND (25)(a.5)(III) OF THIS SECTION AND ON
10 EVERY PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
11 SUBSECTIONS (25)(a.5)(IV) AND (25)(a.5)(V) OF THIS SECTION. THE
12 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,
13 WHO SHALL CREDIT IT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION
14 AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8).

15 (II) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
16 YEARS 2022-23 THROUGH 2031-32, THE AMOUNT OF THE ELECTRIC MOTOR
17 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A BATTERY ELECTRIC
18 MOTOR VEHICLE IS AS FOLLOWS:

19	FISCAL YEAR	FEE
20	2022-2023	\$4
21	2023-2024	\$8
22	2024-2025	\$12
23	2025-2026	\$16
24	2026-2027	\$26
25	2027-2028	\$36
26	2028-2029	\$51
27	2029-2030	\$66

1	2030-2031	\$81
2	2031-2032	\$96

3 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
4 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
5 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
6 FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF THE FEE
7 FOR REGISTRATION PERIODS BEGINNING DURING THE PRIOR STATE FISCAL
8 YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE
9 MADE ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE
10 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE
11 DEPARTMENT OF REVENUE SHALL ANNUALLY CALCULATE THE INFLATION
12 ADJUSTED AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE
13 EQUALIZATION FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE FOR
14 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND
15 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE
16 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

17 (IV) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
18 YEARS 2022-23 THROUGH 2031-32, THE AMOUNT OF THE ELECTRIC MOTOR
19 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC
20 MOTOR VEHICLE IS:

21	FISCAL YEAR	FEE
22	2022-2023	\$3
23	2023-2024	\$5
24	2024-2025	\$8
25	2025-2026	\$11
26	2026-2027	\$13
27	2027-2028	\$16

1	2028-2029	\$19
2	2029-2030	\$21
3	2030-2031	\$24
4	2031-2032	\$27

5 (V) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
6 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
7 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
8 FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF
9 THE FEE FOR REGISTRATION PERIODS COMMENCING DURING THE PRIOR
10 STATE FISCAL YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN
11 ADJUSTMENT SHALL BE MADE ONLY IF THE RATE OF INFLATION IS POSITIVE
12 AND THE ADJUSTMENT MUST BE THE LESSER OF THE ACTUAL RATE OF
13 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL
14 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ELECTRIC MOTOR
15 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC
16 MOTOR VEHICLE FOR REGISTRATION PERIODS BEGINNING DURING EACH
17 STATE FISCAL YEAR AND SHALL NOTIFY AUTHORIZED AGENTS OF THE
18 AMOUNT NO LATER THAN THE MAY 1 OF THE CALENDAR YEAR IN WHICH
19 THE STATE FISCAL YEAR BEGINS.

20 (a.6) BECAUSE THE ELECTRIC MOTOR VEHICLE FEE IMPOSED
21 PURSUANT TO SUBSECTION (25)(a) OF THIS SECTION AND THE ELECTRIC
22 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IMPOSED PURSUANT TO
23 SUBSECTION (25)(a.5) OF THIS SECTION ARE INTENDED TO EQUALIZE THE
24 AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES AND MOTOR FUEL
25 CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC MOTOR VEHICLES AND
26 OWNERS OF MOTOR VEHICLES POWERED EXCLUSIVELY BY INTERNAL
27 COMBUSTION ENGINES, AND BECAUSE MOTOR FUEL CHARGES ARE PAID

1 THROUGHOUT THE YEAR RATHER THAN AT THE TIME OF ANNUAL MOTOR
2 VEHICLE REGISTRATION, THE DEPARTMENT SHALL IMPLEMENT A PILOT
3 PROGRAM TO ALLOW FEES IMPOSED PURSUANT TO THIS SUBSECTION (25)
4 TO BE PAID ON AN AUTOMATED PRORATED QUARTERLY BASIS. AFTER
5 EVALUATING THE SUCCESS OF THE PILOT PROGRAM AFTER THE SECOND
6 YEAR OF IMPLEMENTATION, THE DEPARTMENT SHALL MAKE THE PILOT
7 PROGRAM PERMANENT UNLESS THERE IS COMPELLING EVIDENCE THAT THE
8 PILOT PROGRAM HAS NOT BEEN SUCCESSFUL. THE DEPARTMENT MAY
9 PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (25)(a.6).

10 (a.7) (I) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SUBSECTION
11 (25), FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR
12 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
13 AUTHORIZED AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC
14 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT
15 SPECIFIED IN SUBSECTION (25)(a.7)(II) OR (25)(a.7)(III) OF THIS SECTION.
16 THE AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE
17 TREASURER, WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION
18 (25)(a.7)(IV) OF THIS SECTION.

19 (II) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
20 YEAR 2022-23, THE AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR
21 VEHICLE ROAD USAGE EQUALIZATION FEE IS:

22 (A) FIFTY DOLLARS FOR AN COMMERCIAL ELECTRIC MOTOR
23 VEHICLE THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT
24 MORE THAN SIXTEEN THOUSAND POUNDS;

25 (B) ONE HUNDRED DOLLARS FOR A COMMERCIAL ELECTRIC MOTOR
26 VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS BUT NOT
27 MORE THAT TWENTY-SIX THOUSAND POUNDS; AND

1 (C) ONE HUNDRED FIFTY DOLLARS FOR A COMMERCIAL ELECTRIC
2 MOTOR VEHICLE THAT WEIGHS MORE THAN TWENTY-SIX THOUSAND
3 POUNDS.

4 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
5 YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
6 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE
7 EQUALIZATION FEE IS THE AMOUNT OF THE FEE FOR REGISTRATION PERIODS
8 COMMENCING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR
9 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE
10 RATE OF INFLATION IS POSITIVE AND THE ADJUSTMENT MUST BE THE
11 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE
12 DEPARTMENT OF REVENUE SHALL CALCULATE THE INFLATION ADJUSTED
13 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE
14 EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE FOR
15 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND
16 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE
17 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

18 (IV) THE STATE TREASURER SHALL CREDIT FEE REVENUE
19 COLLECTED PURSUANT SUBSECTIONS (25)(a.7)(II) AND (25)(a.7)(III) AS
20 FOLLOWS:

21 (A) SEVENTY PERCENT TO THE HIGHWAY USERS TAX FUND FOR
22 ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8);
23 AND

24 (B) THIRTY PERCENT TO THE STATE HIGHWAY FUND CREATED IN
25 SECTION 43-1-219 FOR THE PURPOSE OF FUNDING FREIGHT-RELATED
26 PROJECTS THAT EASE EFFECTIVE, EFFICIENT, AND SAFE FREIGHT
27 TRANSPORT.

1 (a.8) DURING THE 2026 LEGISLATIVE INTERIM, THE COLORADO
2 ENERGY OFFICE, THE DEPARTMENT OF TRANSPORTATION, AND THE
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AFTER CONSULTING
4 WITH THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION
5 24-38.5-303 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
6 25-7.5-103 (1)(a), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
7 43-4-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
8 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), SHALL
9 JOINTLY COMPLETE A WRITTEN REPORT AND PRESENT THE REPORT AT A
10 HEARING OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
11 CREATED IN SECTION 43-2-145 (1)(a). THE REPORT SHALL DETAIL
12 PROGRESS ON ALL PROJECTS COMPLETED OR UNDERTAKEN USING FUNDING
13 PROVIDED PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, IDENTIFY
14 OTHER PROJECTS EXPECTED TO BE COMPLETED IN THE NEXT FIVE YEARS,
15 SPECIFICALLY DOCUMENT THE USE OF GENERAL FUND MONEY PROVIDED
16 PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, AND MAKE
17 RECOMMENDATIONS AS TO WHETHER ADDITIONAL GENERAL FUND MONEY
18 SHOULD BE PROVIDED FOR SIMILAR USES IN LIGHT OF CURRENT ECONOMIC
19 CONDITIONS, INFLATION, AND OTHER PROJECT COMPLETION COST FACTORS,
20 AND AVAILABLE STATE REVENUE. THE REPORT SHALL ALSO INCLUDE THE
21 JOINT RECOMMENDATIONS OF THE OFFICE AND THE DEPARTMENTS AS TO
22 WHETHER, BEGINNING IN STATE FISCAL YEAR 2027-28 OR A LATER STATE
23 FISCAL YEAR, THE AMOUNT OF ANY OR ALL OF THE FEES IMPOSED BY THIS
24 SUBSECTION (25) SHOULD BE ADJUSTED TO ENSURE THAT THE GOAL OF
25 EQUALIZING THE AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES
26 AND MOTOR FUEL CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC
27 MOTOR VEHICLES AND OWNERS OF MOTOR VEHICLES POWERED

1 EXCLUSIVELY BY INTERNAL COMBUSTION ENGINES CONTINUES TO BE
2 REALIZED. WHEN DEVELOPING THEIR RECOMMENDATIONS REGARDING THE
3 FEES, THE OFFICE AND THE DEPARTMENTS SHALL TAKE INTO ACCOUNT, AT
4 A MINIMUM, THE MOST RECENT AVAILABLE RELIABLE DATA ON CURRENT
5 AVERAGE FUEL EFFICIENCY AND CURRENT FUEL EFFICIENCY FOR THE MOST
6 FUEL-EFFICIENT MOTOR VEHICLES FOR THE COLORADO LIGHT-DUTY AND
7 COMMERCIAL MOTOR VEHICLE FLEETS OR, IF COLORADO DATA IS NOT
8 AVAILABLE, THE UNITED STATES LIGHT-DUTY AND COMMERCIAL MOTOR
9 VEHICLE FLEETS, AND THE MOST RECENT AVAILABLE RELIABLE
10 PROJECTIONS OF FUTURE AVERAGE FUEL EFFICIENCY AND FUTURE FUEL
11 EFFICIENCY FOR THE MOST FUEL-EFFICIENT MOTOR VEHICLES FOR THE
12 COLORADO LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS OR, IF
13 COLORADO DATA IS NOT AVAILABLE, FOR THE UNITED STATES
14 LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS. TO THE EXTENT
15 FEASIBLE BASED ON THE DATA AVAILABLE, ANALYSIS OF COMMERCIAL
16 MOTOR VEHICLE FLEET DATA SHALL ACCOUNT SEPARATELY FOR
17 DIFFERENT CATEGORIES OR WEIGHT CLASSES OF COMMERCIAL MOTOR
18 VEHICLES.

19 (a.9) AS USED IN THIS SUBSECTION (25), UNLESS THE CONTEXT
20 OTHERWISE REQUIRES:

21 (I) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
22 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
23 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
24 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
25 PROPULSION.

26 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN
27 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

1 (III) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
2 MOTOR VEHICLE, AND A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE.

3 (IV) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
4 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,
5 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION
6 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR
7 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A
8 STATE FISCAL YEAR FOR WHICH AN ANNUAL INFLATION ADJUSTMENT TO
9 THE AMOUNT OF ANY FEE IMPOSED PURSUANT TO THIS SUBSECTION (25) IS
10 TO BE MADE BEGINS.

11 (V) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
12 VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY PACK
13 THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE
14 OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN
15 INTERNAL COMBUSTION ENGINE.

16 (b) The department of revenue shall create an electric vehicle
17 decal, which an authorized agent shall give to each person who pays the
18 ~~fee~~ FEES charged under ~~subsection (25)(a)~~ SUBSECTIONS (25)(a), (25)(a.5),
19 AND (25)(a.7) of this section. The decal must be attached to the upper
20 right-hand corner of the front windshield on the motor vehicle for which
21 it was issued. If there is a change of vehicle ownership, the decal is
22 transferable to the new owner.

23 **SECTION 27.** In Colorado Revised Statutes, 43-1-117, **add** (4)
24 as follows:

25 **43-1-117. Transportation development division - created -**
26 **duties - freight mobility and safety branch.** (4) THE FREIGHT MOBILITY
27 AND SAFETY BRANCH IS CREATED IN THE TRANSPORTATION DEVELOPMENT

1 DIVISION. THE FUNCTION OF THE FREIGHT MOBILITY AND SAFETY BRANCH
2 IS TO PLAN, DESIGN, AND IMPLEMENT PROGRAMS AND PROJECTS THAT
3 ENHANCE FREIGHT MOBILITY AND SAFETY WITHIN THE STATE. NO LATER
4 THAN JANUARY 1, 2022, THE FREIGHT MOBILITY AND SAFETY BRANCH
5 SHALL PROVIDE TO THE COMMISSION A LONG-TERM STRATEGIC PLAN THAT
6 SETS FORTH THE VISION AND GOALS FOR THE BRANCH, KEY PRIORITIES FOR
7 ALL FREIGHT-RELATED PROGRAMS, ACTIVITIES, AND PROJECTS, AND
8 GUIDELINES FOR COORDINATION BETWEEN THE BRANCH AND THE FREIGHT
9 ADVISORY COMMITTEE.

10 **SECTION 28.** In Colorado Revised Statutes, **add** 43-1-128,
11 43-1-129, and 43-1-130 as follows:

12 **43-1-128. Environmental impacts of capacity projects -**
13 **additional requirements - legislative declaration - definitions.** (1) THE
14 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

15 (a) TRANSPORTATION CAPACITY PROJECTS THAT ARE INTENDED TO
16 ALLEVIATE TRAFFIC CONGESTION BY INCREASING THE CAPACITY OF
17 HIGHWAYS IN MAJOR TRANSPORTATION CORRIDORS CAN CAUSE ADVERSE
18 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL
19 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

20 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES IN THE
21 AREAS WHERE THE PROJECTS ARE LOCATED, INCLUDING
22 DISPROPORTIONATELY IMPACTED COMMUNITIES;

23 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH
24 IMPACTS OF PLANNED TRANSPORTATION CAPACITY PROJECTS AND
25 ADDRESS INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS,
26 IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE
27 AND ALL COLORADANS TO REQUIRE THE DEPARTMENT AND

1 METROPOLITAN PLANNING ORGANIZATIONS, WHICH ARE THE STATE'S
2 PRIMARY TRANSPORTATION PLANNING ENTITIES WITH RESPONSIBILITY FOR
3 SELECTING AND FUNDING TRANSPORTATION CAPACITY PROJECTS, TO
4 ENGAGE IN AN ENHANCED LEVEL OF PLANNING, ANALYSIS, COMMUNITY
5 ENGAGEMENT, AND MONITORING WITH RESPECT TO SUCH PROJECTS AS
6 REQUIRED BY THIS SECTION; AND

7 (d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO, AND
8 DO NOT SUPPLANT, ANY OTHER REQUIREMENTS, INCLUDING FEDERAL
9 SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS, FOR
10 TRANSPORTATION PLANNING, PROJECT PRIORITIZATION, PUBLIC
11 OUTREACH, PROJECT IMPLEMENTATION, OR TRANSPARENCY AND
12 ACCOUNTABILITY THAT ARE ESTABLISHED BY LAW, RULE, OR COMMISSION
13 OR DEPARTMENT POLICY.

14 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN
17 SECTION 25-7-103 (1.5).

18 (b) "CRITERIA POLLUTANT" MEANS CARBON MONOXIDE,
19 GROUND-LEVEL OZONE, LEAD, NITROGEN DIOXIDE, PARTICULATE MATTER,
20 AND SULFUR DIOXIDE.

21 (c) (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
22 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
23 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
24 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
25 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
26 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
27 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS

1 GREATER THAN FORTY PERCENT.

2 (II) AS USED IN THIS SUBSECTION (2)(c):

3 (A) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
4 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

5 (B) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
6 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
7 POVERTY GUIDELINE.

8 (d) "GREENHOUSE GAS POLLUTANTS" MEANS ANTHROPOGENIC
9 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
10 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
11 AND SULFUR HEXAFLUORIDE.

12 (e) "STATEWIDE GREENHOUSE GAS POLLUTION" HAS THE SAME
13 MEANING AS SET FORTH IN SECTION 25-7-103 (22.5).

14 (3) THE DEPARTMENT SHALL ESTABLISH AND PROPOSE TO THE
15 COMMISSION FOR ITS REVIEW IMPLEMENTING PROCEDURES AND
16 GUIDELINES THAT REQUIRE THE DEPARTMENT AND METROPOLITAN
17 PLANNING ORGANIZATIONS TO TAKE ADDITIONAL STEPS IN THE PLANNING
18 PROCESS FOR TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE
19 IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION
20 AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO
21 RESULT FROM SUCH PROJECTS. THE COMMISSION SHALL, WITH SUCH
22 MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE
23 REQUIREMENTS OF THIS SECTION, ADOPT THE PROCEDURES AND
24 GUIDELINES. AT A MINIMUM, BOTH THE PROPOSED AND ADOPTED
25 PROCEDURES AND GUIDELINES MUST REQUIRE THE DEPARTMENT AND
26 METROPOLITAN PLANNING ORGANIZATIONS TO:

27 (a) IMPLEMENT RELEVANT RULES AND REGULATIONS AS ISSUED BY

1 THE AIR QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-7-105;

2 (b) OTHERWISE REDUCE GREENHOUSE GAS EMISSIONS TO HELP
3 ACHIEVE THE STATEWIDE GREENHOUSE GAS POLLUTION REDUCTION
4 TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g);

5 (c) MODIFY THEIR GUIDANCE DOCUMENTS TO ENSURE THAT AT
6 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO
7 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF
8 CONCERN IN THE STATE INCLUDING CONSIDERATION OF THE IMPACT ON
9 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND
10 RESULTING FROM TRANSPORTATION CAPACITY PROJECTS; AND

11 (d) CONSIDER THE ROLE OF LAND USE IN THE TRANSPORTATION
12 PLANNING PROCESS AND DEVELOP STRATEGIES TO ENCOURAGE LAND USE
13 DECISIONS THAT REDUCE VEHICLE MILES TRAVELED AND GREENHOUSE GAS
14 EMISSIONS.

15 (4) IF A PLANNED TRANSPORTATION CAPACITY PROJECT IS A
16 REGIONALLY SIGNIFICANT PROJECT, AS DETERMINED BY THE DEPARTMENT
17 WITH CONSIDERATION GIVEN TO FEDERAL LAW OR REGULATIONS THAT
18 DEFINE OR DESCRIBE SUCH PROJECTS, THE DEPARTMENT SHALL, THROUGH
19 ITS ENVIRONMENTAL STUDY PROCESS:

20 (a) THOROUGHLY AND APPROPRIATELY MODEL AIR POLLUTANT
21 EMISSIONS IMPACTS FOR THE PLANNED PROJECT, INCLUDING WHERE
22 FEASIBLE AND APPROPRIATE MONITORING AND MEASUREMENT OF
23 CRITERIA POLLUTANTS;

24 (b) DEVELOP AND IMPLEMENT A CONSTRUCTION PLAN TO PROVIDE
25 TRANSPARENT PUBLIC REPORTING OF CRITERIA POLLUTANT DATA AND
26 TIMELY PUBLIC ALERTS WHEN CRITERIA POLLUTANT EXCEEDANCE EVENTS
27 OCCUR; AND

1 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY
2 IMPACTS ON COMMUNITIES, INCLUDING BUT NOT LIMITED TO
3 DISPROPORTIONATELY IMPACTED COMMUNITIES, IN THE AREA OF THE
4 PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON MITIGATION OF
5 FINE PARTICULATE MATTER POLLUTION.

6 (5) TO PROMOTE TRANSPARENCY AND INCREASE BOTH PUBLIC
7 PARTICIPATION AND PUBLIC CONFIDENCE IN TRANSPORTATION CAPACITY
8 PROJECT SELECTION, PLANNING, AND IMPLEMENTATION IN COMMUNITIES,
9 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
10 COMMUNITIES, THE DEPARTMENT SHALL REVIEW, UPDATE, AND IMPROVE
11 AS NECESSARY ITS PUBLIC ENGAGEMENT PROGRAM FOR PLANNED
12 TRANSPORTATION CAPACITY PROJECTS. IN DOING SO, THE DEPARTMENT
13 SHALL CREATE DIVERSE AND IMPACTFUL WAYS TO GATHER INPUT FROM
14 COMMUNITIES ACROSS THE STATE BY COMMUNICATING IN MULTIPLE
15 LANGUAGES AND MULTIPLE FORMATS AND TRANSPARENTLY SHARING
16 READILY UNDERSTANDABLE INFORMATION ABOUT POTENTIAL ADVERSE
17 IMPACTS, INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL AND HEALTH
18 IMPACTS, OF POTENTIAL TRANSPORTATION CAPACITY PROJECTS.

19 **43-1-129. Road usage charge study - repeal.** (1) THE
20 DEPARTMENT SHALL STUDY THE FEASIBILITY OF IMPLEMENTING A ROAD
21 USAGE CHARGE PROGRAM IN THE STATE. THE STUDY MUST, AT A MINIMUM:

22 (a) IDENTIFY AND ANALYZE THE IMPLEMENTATION OF ROAD USAGE
23 CHARGE PROGRAMS IN OTHER STATES;

24 (b) IDENTIFY AND ASSESS AVAILABLE AND DEVELOPING
25 TECHNOLOGY FOR TRACKING MILEAGE AND COLLECTING ROAD USAGE
26 CHARGES;

27 (c) IDENTIFY BARRIERS TO IMPLEMENTING A ROAD USAGE CHARGE

1 PROGRAM AND IDENTIFY AND ASSESS OPTIONS FOR OVERCOMING THOSE
2 BARRIERS; AND

3 (d) IDENTIFY WAYS IN WHICH THE STATE CAN CONSULT OR
4 COORDINATE WITH OTHER STATES THAT HAVE ROAD USAGE CHARGE
5 PROGRAMS AND WITH REGIONAL GROUPS THAT HAVE ROAD USAGE CHARGE
6 PROGRAM INFORMATION AND EXPERTISE TO LEVERAGE THEIR EXPERIENCE
7 AND EXPERTISE AND ENSURE THAT ANY ROAD USAGE CHARGE PROGRAM
8 TO BE IMPLEMENTED IN THE STATE IS IMPLEMENTED IN ACCORDANCE WITH
9 IDENTIFIED AND ESTABLISHED BEST PRACTICES.

10 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
11 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
12 43-2-145 (1) DURING THE 2023 LEGISLATIVE INTERIM.

13 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

14 **43-1-130. Autonomous motor vehicles study - repeal.** (1) THE
15 DEPARTMENT SHALL STUDY ISSUES RELATING TO THE DEVELOPMENT AND
16 ADOPTION OF AUTONOMOUS MOTOR VEHICLES. THE STUDY MUST, AT A
17 MINIMUM:

18 (a) SUMMARIZE THE CURRENT STATUS OF AUTONOMOUS MOTOR
19 VEHICLE TECHNOLOGY AND THE EXTENT OF THE USE OF SUCH
20 TECHNOLOGY IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS
21 AND PERSONAL MOTOR VEHICLES;

22 (b) PROVIDE AN ESTIMATED TIMELINE FOR FUTURE
23 ADVANCEMENTS IN AUTONOMOUS MOTOR VEHICLE TECHNOLOGY, IN
24 PARTICULAR ADVANCEMENTS THAT ENABLE MOTOR VEHICLE AUTOMATION
25 TO ATTAIN HIGHER LEVELS IN THE MOTOR VEHICLE CLASSIFICATION
26 SYSTEM ADOPTED BY THE UNITED STATES DEPARTMENT OF
27 TRANSPORTATION, AND THE ADOPTION OF SUCH ADVANCEMENTS FOR USE

1 IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS AND
2 PERSONAL MOTOR VEHICLES;

3 (c) SUMMARIZE THE ANTICIPATED SAFETY BENEFITS, INCLUDING
4 BENEFITS TO TRANSPORTATION SYSTEMS ASSOCIATED WITH THE
5 TRANSITION TO AUTOMATED COMMERCIAL AND GOVERNMENT MOTOR
6 VEHICLE FLEETS AND PERSONAL MOTOR VEHICLES, AND SAFETY RISKS,
7 INCLUDING CYBERSECURITY RISKS, OF AUTONOMOUS MOTOR VEHICLES;

8 (d) IDENTIFY ANY MODIFICATIONS OR ADDITIONS THAT EXISTING
9 STATE TRANSPORTATION INFRASTRUCTURE MAY NEED TO ENABLE THE USE
10 OF AUTONOMOUS MOTOR VEHICLES, THE TIMELINE FOR MAKING SUCH
11 MODIFICATIONS OR ADDITIONS, AND THE ANTICIPATED COST OF MAKING
12 SUCH MODIFICATIONS OR ADDITIONS; AND

13 (e) IDENTIFY AND SUMMARIZE LEGAL ISSUES RELATING TO THE USE
14 OF AUTONOMOUS MOTOR VEHICLES.

15 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
16 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
17 43-2-145 (1) DURING THE 2025 LEGISLATIVE INTERIM.

18 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

19 **SECTION 29.** In Colorado Revised Statutes, **amend** 43-1-219 as
20 follows:

21 **43-1-219. Funds created.** There are hereby created two separate
22 funds, one to be known as the state highway fund and the other to be
23 known as the state highway supplementary fund. All ~~moneys~~ MONEY paid
24 into either of ~~said~~ THE funds shall be available immediately, without
25 further appropriation, for the purposes of ~~such~~ THE fund as provided by
26 law. MONEY TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO
27 SECTION 24-75-219 (7)(c) AND (7)(e) AND ANY INTEREST AND INCOME

1 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE
2 EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102
3 (5). Any sums paid into the state treasury, which by law belong to the
4 state highway fund or to the state highway supplementary fund, shall be
5 immediately placed by the state treasurer to the credit of the appropriate
6 fund. Upon request of the commission or of the chief engineer, it is the
7 duty of the state treasurer to report to the commission or to the chief
8 engineer the amount of money on hand in each of ~~said~~ THE two funds and
9 the amounts derived from each source from which each such fund is
10 accumulated. All accounts and expenditures from each of ~~said~~ THE two
11 funds shall be certified by the chief engineer and paid by the state
12 treasurer upon warrants drawn by the controller. The controller is
13 authorized as directed to draw warrants payable out of the specified fund
14 upon such vouchers properly certified and audited. Nothing in this part 2
15 shall operate to alter the manner of the execution and issuance of
16 transportation revenue anticipation notes provided in part 7 of article 4 of
17 this ~~title~~ TITLE 43.

18 **SECTION 30.** In Colorado Revised Statutes, 43-4-203, **amend**
19 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

20 **43-4-203. Sources of revenue.** (1) All net revenue from the
21 following sources shall be paid into and credited to the highway users tax
22 fund as soon as IT IS received:

23 (f) FROM THE IMPOSITION OF ELECTRIC MOTOR VEHICLE ROAD
24 USAGE EQUALIZATION FEES PURSUANT TO SECTION 42-3-304 (25)(a.5);
25 AND

26 (g) FROM THE IMPOSITION OF ROAD USAGE FEES PURSUANT TO
27 SECTION 43-4-217 (3) AND (4).

1 **SECTION 31.** In Colorado Revised Statutes, 43-4-205, **amend**
2 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)
3 and (6.9) as follows:

4 **43-4-205. Allocation of fund.** (6) ~~Revenues~~ REVENUE raised by
5 the excise tax imposed on gasoline and special fuel pursuant to sections
6 39-27-102 and 39-27-102.5 ~~C.R.S.~~, in excess of seven cents per gallon of
7 tax shall be placed in the highway users tax fund to be allocated as
8 follows; except that ~~revenues~~ REVENUE raised by the excise tax imposed
9 on gasoline in excess of eighteen cents per gallon of tax shall be allocated
10 according to ~~the provisions of paragraph (b) of this subsection (6)~~
11 SUBSECTION (6)(b) OF THIS SECTION:

12 (b) The remaining balance of such revenue may be expended only
13 for improvements to highways within the state, including new
14 construction, safety improvements, maintenance, and capacity
15 improvements, and for other transportation-related projects to the extent
16 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206
17 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for
18 administrative purposes. Such revenue is allocated as follows:

19 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE
20 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE
21 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO
22 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX
23 FUND AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)
24 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO
25 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS
26 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED
27 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN

1 SUBSECTION (6)(b) OF THIS SECTION.

2 (b) (I) REVENUE FROM THE RETAIL DELIVERY FEE IMPOSED
3 PURSUANT TO SECTION 43-4-218 (3) THAT IS CREDITED TO THE HIGHWAY
4 USERS TAX FUND AS REQUIRED BY SECTION 43-4-218 (5)(a)(I) MUST BE
5 ALLOCATED AND EXPENDED AS FOLLOWS:

6 (A) FORTY PERCENT MUST BE PAID TO THE STATE HIGHWAY FUND
7 AND EXPENDED AS PROVIDED IN SECTION 43-4-206;

8 (B) THIRTY-THREE PERCENT MUST BE PAID TO THE COUNTY
9 TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
10 APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND
11 EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

12 (C) TWENTY-SEVEN PERCENT MUST BE PAID TO THE CITIES AND
13 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE
14 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS
15 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

16 (II) REVENUE FROM THE RETAIL DELIVERY FEE MAY BE EXPENDED
17 FOR THE PURPOSES SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND
18 MAY ALSO BE EXPENDED FOR TRANSIT-RELATED PROJECTS NEEDED TO
19 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
20 TRANSPORTATION SYSTEM.

21 (c) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE
22 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (7)(a)(II)
23 AND (7)(b) MUST BE ALLOCATED AND EXPENDED AS FOLLOWS:

24 (I) FIFTY-FIVE PERCENT MUST BE PAID TO THE COUNTY
25 TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
26 APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND
27 EXPENDED AS PROVIDED IN SECTION 43-4-207;

1 (II) FORTY-FIVE PERCENT MUST BE PAID TO THE CITIES AND
2 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE
3 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS
4 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

5 **SECTION 32.** In Colorado Revised Statutes, 43-4-206, **amend**
6 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

7 **43-4-206. State allocation.** (2) (b) Notwithstanding section
8 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation
9 shall report annually to the transportation committee of the senate and the
10 transportation and energy committee of the house of representatives
11 concerning the revenue expended by the department pursuant to
12 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~
13 ~~fund money that is credited to the state highway fund pursuant to section~~
14 ~~24-75-219 (5) and any net proceeds of lease-purchase agreements~~
15 ~~executed as required by section 24-82-1303 (2)(a) that are credited to the~~
16 ~~state highway fund pursuant to section 24-82-1303 (4)(b) and expended~~
17 ~~by the department pursuant to subsection (1)(b)(V) of this section. and~~
18 ~~any net proceeds of transportation revenue anticipation notes issued as~~
19 ~~authorized by a ballot issue submitted to and approved by the registered~~
20 ~~electors of the state at the 2020 statewide election pursuant to section~~
21 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~
22 ~~this section.~~ The department shall present the report at the joint meeting
23 required under section 43-1-113 (9)(a), and the report shall describe for
24 each fiscal year, if applicable:

25 (III) The projected amounts of revenue and net proceeds that the
26 department expects to receive under this subsection (2) ~~section 24-75-219~~
27 ~~(5); AND section 24-82-1303 (4)(b) and section 43-4-714 (1)(a) during the~~

1 fiscal year;

2 (IV) The amount of revenue and net proceeds that the department
3 has already received under this subsection (2) ~~section 24-75-219 (5)~~, AND
4 section 24-82-1303 (4)(b) ~~and section 43-4-714 (1)(a)~~ during the fiscal
5 year; and

6 **SECTION 33.** In Colorado Revised Statutes, **add** 43-4-217 and
7 43-4-218 as follows:

8 **43-4-217. Additional funding - road usage fees - legislative**
9 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
10 AND DECLARES THAT:

11 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE
12 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR
13 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,
14 ROADS, AND STREETS OF THE STATE;

15 (b) THE AMOUNT OF MOTOR FUEL TAXES PAID FOR MOTOR FUEL
16 USED TO PROPEL A MOTOR VEHICLE BEARS A REASONABLE RELATIONSHIP
17 TO THE VEHICLE'S USE OF AND IMPACT ON THE HIGHWAYS, ROADS, AND
18 STREETS OF THE STATE BECAUSE THE AMOUNT OF MOTOR FUEL USED BY A
19 VEHICLE IS IN LARGE PART A FUNCTION OF THE AMOUNT OF MILES
20 TRAVELED BY THE VEHICLE AND THE WEIGHT OF THE VEHICLE;

21 (c) MOTOR FUEL TAX RATES HAVE NOT BEEN INCREASED IN OVER
22 TWENTY-FIVE YEARS, AND MOTOR FUEL TAX REVENUE HAS NOT KEPT PACE
23 AND WILL NOT KEEP PACE WITH INFLATION OR THE INCREASED
24 TRANSPORTATION INFRASTRUCTURE DEMANDS OF THE GROWING
25 POPULATION OF THE STATE BECAUSE:

26 (I) THE AMOUNT OF MOTOR FUEL TAX PAID DOES NOT DEPEND ON
27 THE PRICE OF MOTOR FUEL AND THEREFORE DOES NOT INCREASE WHEN

1 MOTOR FUEL PRICES INCREASE BUT INSTEAD DEPENDS ON THE QUANTITY
2 OF MOTOR FUEL PURCHASED, WHICH FOR MOST DRIVERS DOES NOT
3 INCREASE OVER TIME; AND

4 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER
5 TIME;

6 (d) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
7 THE STATE TO MITIGATE THE DECLINING PURCHASING POWER OF MOTOR
8 FUEL EXCISE TAXES BY COLLECTING A ROAD USAGE FEE FROM PERSONS
9 WHO USE THE TRANSPORTATION SYSTEM TO TRAVEL BY MOTOR VEHICLE,
10 BASING THE AMOUNT OF THE FEE ON REASONABLE ESTIMATES OF FEE
11 PAYERS' USAGE OF AND IMPACT ON THE SYSTEM, AND USING FEE REVENUE
12 SOLELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
13 HIGHWAYS OF THE STATE;

14 (e) BECAUSE MOTOR FUEL CONSUMPTION IS REASONABLY RELATED
15 TO USE OF AND IMPACT ON THE TRANSPORTATION SYSTEM, IT IS FAIR TO
16 FEE PAYERS, REASONABLE, AND APPROPRIATE TO CALCULATE THE
17 AMOUNT OF THE ROAD USE FEE BASED ON THEIR MOTOR FUEL
18 CONSUMPTION;

19 (f) IT IS ALSO FAIR TO FEE PAYERS, REASONABLE, AND
20 APPROPRIATE TO STREAMLINE FEE COLLECTION BY COLLECTING THE ROAD
21 USE FEE FROM DISTRIBUTORS OF MOTOR FUELS WHEN MOTOR FUEL TAXES
22 ARE COLLECTED BECAUSE THE AMOUNT OF THE FEE WILL BE
23 INCORPORATED INTO THE RETAIL PRICE OF MOTOR FUEL AND THEREFORE
24 PASSED ON TO USERS OF THE TRANSPORTATION SYSTEM IN PRECISE
25 PROPORTION TO THEIR CONSUMPTION OF MOTOR FUEL AND IN REASONABLE
26 RELATION TO THEIR USE OF AND IMPACT ON THE TRANSPORTATION
27 SYSTEM; AND

1 (g) IN ACCORDANCE WITH NUMEROUS COLORADO JUDICIAL
2 PRECEDENTS, THE ROAD USAGE FEE AND THE BRIDGE AND TUNNEL IMPACT
3 FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805 (5)(g.5) AND
4 COLLECTED BY THE DEPARTMENT OF REVENUE ON BEHALF OF THE
5 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE PURSUANT TO THIS SECTION
6 ARE FEES AND ARE NOT TAXES BECAUSE:

7 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL
8 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE
9 PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND
10 SUPERVISION OF THE TRANSPORTATION SYSTEM;

11 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN
12 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
13 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF
14 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE
15 TRANSPORTATION SYSTEM; AND

16 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY
17 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE
18 BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE
19 PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE
20 PAYERS.

21 (2) AS USED IN THIS SECTION:

22 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION
23 39-27-101 (12), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
24 39-27-102 (1)(a)(II)(A).

25 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
26 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,
27 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION

1 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR
2 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A
3 STATE FISCAL YEAR FOR WHICH AN ADJUSTMENT TO THE ROAD USAGE FEE
4 IMPOSED PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS TO BE
5 MADE BEGINS.

6 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION
7 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
8 39-27-102 (1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL
9 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS
10 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH
11 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION
12 39-27-102.5 (1.5).

13 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
14 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF
15 GASOLINE THAT PAYS THE EXCISE TAX IMPOSED ON GASOLINE SHALL ALSO
16 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A
17 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (3)(b)(I) OF
18 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF
19 REVENUE AS REQUIRED BY SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS
20 SECTION.

21 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
22 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE
23 DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32, IS:

- 24 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 25 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 26 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 27 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;

1 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;

2 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

3 AND

4 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29
5 THROUGH 2031-32.

6 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(b)(III)
7 OF THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
8 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE
9 DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE
10 FISCAL YEAR IS THE SUM OF:

11 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
12 2030, ADJUSTED FOR INFLATION; AND

13 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
14 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
15 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
16 2030.

17 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT
18 TO SUBSECTION (3)(b)(II) OF THIS SECTION ONLY IF THE RATE OF
19 INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF
20 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL
21 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE
22 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO
23 LATER THAN APRIL 15, 2032.

24 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
25 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF SPECIAL
26 FUEL THAT PAYS THE EXCISE TAX IMPOSED ON SPECIAL FUEL SHALL ALSO
27 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A

1 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (4)(b)(I) OF
2 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF
3 REVENUE AS REQUIRED BY SUBSECTION (4)(b)(II) OF (4)(b)(III) OF THIS
4 SECTION.

5 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
6 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS
7 STATE DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32 IS:

- 8 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 9 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 10 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 11 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 12 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 13 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

14 AND

15 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29
16 THROUGH 2031-32.

17 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(III)
18 OF THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
19 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS
20 STATE DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT
21 STATE FISCAL YEAR IS THE SUM OF:

22 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
23 2030, ADJUSTED FOR INFLATION; AND

24 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
25 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
26 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
27 2030.

1 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT
2 TO SUBSECTION (4)(b)(II) OF THIS SECTION ONLY IF THE RATE OF
3 INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF
4 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL
5 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE
6 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO
7 LATER THAN APRIL 15, 2032.

8 (5) EACH DISTRIBUTOR OF SPECIAL FUEL THAT PAYS THE EXCISE
9 TAX IMPOSED ON SPECIAL FUEL SHALL ALSO PAY, AT THE SAME TIME AND
10 IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE FEE
11 IMPOSED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, A
12 BRIDGE AND TUNNEL IMPACT FEE IN THE AMOUNT IMPOSED BY THE
13 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE AS AUTHORIZED BY SECTION
14 43-4-805 (5)(g.5). THE COLLECTION AND ADMINISTRATION OF THE BRIDGE
15 AND TUNNEL IMPACT FEE BY THE DEPARTMENT OF REVENUE ON BEHALF OF
16 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE IS DONE ON BEHALF OF
17 THE ENTERPRISE FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
18 DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR THE STATE, AND ALL
19 BRIDGE AND TUNNEL IMPACT FEE REVENUE IS REVENUE OF THE
20 ENTERPRISE ONLY AND IS EXCLUDED FROM STATE FISCAL YEAR SPENDING,
21 AS DEFINED IN SECTION 24-77-102 (17).

22 (6) (a) A DISTRIBUTOR IS NOT REQUIRED TO PAY THE ROAD USAGE
23 FEE IMPOSED BY SUBSECTION (3) OR (4) OF THIS SECTION OR THE BRIDGE
24 AND TUNNEL IMPACT FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805
25 (5)(g.5), IF THE DISTRIBUTOR WOULD OTHERWISE BE LIABLE FOR THE
26 EXCISE TAX ON THE GASOLINE OR SPECIAL FUEL SUBJECT TO THE FEE BUT
27 IS ALLOWED TO SELL THE GASOLINE OR SPECIAL FUEL WITHOUT PAYMENT

1 OF THE APPLICABLE EXCISE TAX PURSUANT TO SECTION 39-27-102
2 (1)(b)(II) OR SECTION 39-27-102.5 (2)(b).

3 (b) GASOLINE OR SPECIAL FUEL REMOVED FROM A TERMINAL IN
4 THIS STATE BY A PERSON LICENSED AS AN EXPORTER PURSUANT TO
5 SECTION 39-27-104 EXCLUSIVELY FOR DELIVERY TO ANOTHER STATE IS
6 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)
7 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
8 AUTHORIZED BY SECTION 43-4-805 (5)(g.5).

9 (c) THE BURDEN OF PROVING THAT GASOLINE OR SPECIAL FUEL IS
10 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)
11 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
12 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) IS ON THE DISTRIBUTOR UNDER
13 SUCH REASONABLE REQUIREMENTS OF PROOF AS THE EXECUTIVE
14 DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE.

15 (7) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
16 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS
17 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
18 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) SHALL BE PERFORMED BY THE
19 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN THE SAME
20 MANNER AS THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
21 STATE GASOLINE AND SPECIAL FUEL TAXES PURSUANT TO ARTICLE 27 OF
22 TITLE 39. A DISTRIBUTOR WHO PAYS THE ROAD USAGE FEE AS REQUIRED
23 BY SUBSECTION (3) OR (4) OF THIS SECTION SHALL REMIT THE FEE,
24 TOGETHER WITH ANY BRIDGE AND TUNNEL IMPACT FEE THAT THE
25 DISTRIBUTOR ALSO PAYS AS REQUIRED BY SECTION 43-4-805 (5)(g.5) AND
26 SUBSECTION (5) OF THIS SECTION TO THE DEPARTMENT OF REVENUE AT
27 THE SAME TIME AND IN THE SAME MANNER IN WHICH THE DISTRIBUTOR

1 REMITS GASOLINE OR SPECIAL FUEL TAXES COLLECTED BY THE
2 DISTRIBUTOR AS REQUIRED BY ARTICLE 27 OF TITLE 39. THE DEPARTMENT
3 OF REVENUE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

4 (8) IN ACCORDANCE WITH SECTION 43-4-203 (1)(f), THE STATE
5 TREASURER SHALL CREDIT ALL ROAD USAGE FEE REVENUE COLLECTED AS
6 REQUIRED BY THIS SECTION TO THE HIGHWAY USERS TAX FUND CREATED
7 IN SECTION 43-4-201. IN ACCORDANCE WITH SECTION 43-4-805 (5)(g.5),
8 THE STATE TREASURER SHALL CREDIT ALL BRIDGE AND TUNNEL IMPACT
9 FEE REVENUE COLLECTED AS REQUIRED BY THIS SECTION TO THE
10 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND
11 CREATED IN SECTION 43-4-805 (3)(a). ALL FEES CREDITED TO THE
12 HIGHWAY USERS TAX FUND PURSUANT TO THIS SECTION SHALL BE
13 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
14 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8).

15 **43-4-218. Additional funding - retail delivery fee - fund**
16 **created - simultaneous collection of enterprise fees - rules - legislative**
17 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
18 AND DECLARES THAT:

19 (a) IN RECENT YEARS, THE NUMBER OF RETAIL DELIVERIES OF
20 TANGIBLE PERSONAL PROPERTY, INCLUDING RESTAURANT FOOD, HAS
21 RAPIDLY INCREASED, AND THIS RAPID GROWTH IS EXPECTED TO CONTINUE;

22 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030
23 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON
24 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH
25 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE
26 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, TRAFFIC
27 CONGESTION, AND RETAIL-DELIVERY-RELATED EMISSIONS;

1 (c) THIS ADDITIONAL USAGE HAS ACCELERATED AND IS EXPECTED
2 TO CONTINUE TO ACCELERATE DETERIORATION OF SURFACE
3 TRANSPORTATION SYSTEM INFRASTRUCTURE, AND HAS REQUIRED AND IS
4 EXPECTED TO CONTINUE TO REQUIRE THE STATE, COUNTIES, AND
5 MUNICIPALITIES TO PERFORM MORE MAINTENANCE AND RECONSTRUCTION
6 OF STATE HIGHWAYS, COUNTY ROADS, AND CITY STREETS;

7 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS
8 EXPECTED TO CONTINUE TO INCREASE MOTOR-VEHICLE-RELATED
9 EMISSIONS OF AIR POLLUTANTS, INCLUDING OZONE PRECURSORS,
10 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,
11 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE
12 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE
13 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

14 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

15 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS
16 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY
17 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE
18 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL
19 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION
20 43-4-1103 (1)(a);

21 (II) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE CREATED
22 IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS RETAIL
23 DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7), AUTHORIZE THE
24 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a) TO
25 IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS SPECIFIED IN SECTION
26 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE AND TUNNEL
27 ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO IMPOSE A BRIDGE

1 AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-4-805
2 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
3 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
4 SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE THE
5 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE CREATED
6 IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION MITIGATION
7 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8) TO HELP
8 FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS
9 PURPOSES; AND

10 (III) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR FEE
11 PAYERS AND ADMINISTRATIVE COSTS FOR THE STATE, TO REQUIRE THE
12 DEPARTMENT OF REVENUE TO COLLECT THE RETAIL DELIVERY FEES
13 IMPOSED BY THE ENTERPRISES ON BEHALF OF THE ENTERPRISES WHEN IT
14 COLLECTS THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS
15 SECTION AND TO DISTRIBUTE THE ENTERPRISE FEE REVENUE TO THE
16 ENTERPRISES.

17 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "ENTERPRISE RETAIL DELIVERY FEES" MEANS:

20 (I) THE COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED BY
21 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
22 (1), AS SPECIFIED IN SECTION 24-38.5-303 (7);

23 (II) THE CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY THE
24 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a), AS
25 SPECIFIED IN SECTION 25-7.5-103 (8);

26 (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
27 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION

1 43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

2 (IV) THE CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED BY THE
3 CLEAN TRANSIT ENTERPRISE CREATED IN SECTION 43-4-1203 (1)(a) AS
4 SPECIFIED IN SECTION 43-4-1203 (7); AND

5 (V) THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
6 IMPOSED BY THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
7 ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a) AS SPECIFIED IN
8 SECTION 43-1-1303 (8).

9 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
10 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
11 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
12 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
13 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
14 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE
15 CALENDAR YEAR IN WHICH A STATE FISCAL YEAR FOR WHICH AN
16 INFLATION ADJUSTMENT TO THE RETAIL DELIVERY FEE IMPOSED BY
17 SUBSECTION (3) OF THIS SECTION IS TO BE MADE BEGINS.

18 (c) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
19 SECTION 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL
20 DELIVERY DEVICE.

21 (d) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
22 OPERATED ROBOT THAT IS:

23 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
24 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
25 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
26 TYPICALLY USED BY PEDESTRIANS;

27 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,

1 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
2 AND

3 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR
4 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY
5 THAT ARE TYPICALLY USED BY PEDESTRIANS.

6 (e) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
7 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
8 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
9 PURCHASER AT A PHYSICAL ADDRESS IN THIS STATE, WHICH SALE
10 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS
11 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

12 (f) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION
13 39-26-102 (8).

14 (g) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN
15 SECTION 39-26-102 (9).

16 (h) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS
17 SET FORTH IN SECTION 39-26-102 (15).

18 (3) (a) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
19 PURCHASED DURING STATE FISCAL YEAR 2022-23, EACH RETAILER WHO
20 MAKES A RETAIL DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL
21 DELIVERY, COLLECT FROM THE PURCHASER, AND PAY TO THE DEPARTMENT
22 OF REVENUE AT THE TIME AND IN THE MANNER PRESCRIBED BY THE
23 DEPARTMENT IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A
24 RETAIL DELIVERY FEE IN THE AMOUNT OF EIGHT AND FOUR-TENTHS CENTS.

25 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF
26 THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
27 PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY

1 SUBSEQUENT STATE FISCAL YEAR, EACH RETAILER WHO MAKES A RETAIL
2 DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT
3 FROM THE PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE
4 TIME AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN
5 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A RETAIL DELIVERY
6 FEE EQUAL TO THE AMOUNT OF THE RETAIL DELIVERY FEE FOR RETAIL
7 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
8 PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE DEPARTMENT OF
9 REVENUE SHALL ANNUALLY CALCULATE THE INFLATION ADJUSTED
10 AMOUNT OF THE RETAIL DELIVERY FEE TO BE IMPOSED ON RETAIL
11 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
12 STATE FISCAL YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN
13 APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
14 BEGINS.

15 (II) THE DEPARTMENT OF REVENUE SHALL ADJUST THE AMOUNT OF
16 THE RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
17 PROPERTY PURCHASED DURING A STATE FISCAL YEAR ONLY IF INFLATION
18 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
19 ADJUSTMENT IN THE AMOUNT OF THE RETAIL DELIVERY FEE, WHEN
20 APPLIED TO THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL
21 CURRENT ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE
22 NEAREST WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE
23 WHOLE CENT IN THE TOTAL AMOUNT OF THE RETAIL DELIVERY FEE AND
24 ALL ENTERPRISE RETAIL DELIVERY FEES IMPOSED ON EACH RETAIL
25 DELIVERY. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO
26 THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL CURRENT
27 ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE NEAREST

1 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
2 PERCENT.

3 (c) A RETAIL DELIVERY THAT INCLUDES ONLY TANGIBLE PERSONAL
4 PROPERTY, THE SALE OF WHICH IS EXEMPT FROM STATE SALES TAX UNDER
5 ARTICLE 26 OF TITLE 39, IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
6 FROM THE ENTERPRISE RETAIL DELIVERY FEES. A RETAIL DELIVERY MADE
7 TO A PURCHASER WHO IS EXEMPT FROM PAYING STATE SALES TAX UNDER
8 ARTICLE 26 OF TITLE 39 IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
9 FROM THE ENTERPRISE RETAIL DELIVERY FEES.

10 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
11 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT
12 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE
13 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF
14 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
15 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),
16 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
17 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
18 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
19 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE
20 ENTERPRISE RETAIL DELIVERY FEES.

21 (b) WHEN COLLECTING THE RETAIL DELIVERY FEE AND, IN
22 ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION, THE ENTERPRISE
23 RETAIL DELIVERY FEES, THE DEPARTMENT OF REVENUE SHALL RETAIN AN
24 AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
25 ADMINISTERING, AND ENFORCING THE RETAIL DELIVERY FEE AND THE
26 ENTERPRISE RETAIL DELIVERY FEES AND SHALL TRANSMIT THE AMOUNT
27 RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE RETAIL

1 DELIVERY FEES FUND, WHICH IS HEREBY CREATED IN THE STATE
2 TREASURY. ALL MONEY IN THE RETAIL DELIVERY FEES FUND IS
3 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO
4 DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,
5 ENFORCING, AND ADMINISTERING THE RETAIL DELIVERY FEE AND THE
6 ENTERPRISE RETAIL DELIVERY FEES.

7 (5) (a) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET
8 REVENUE COLLECTED FROM THE RETAIL DELIVERY FEE IMPOSED BY
9 SUBSECTION (3) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL
10 CREDIT THE NET REVENUE AS FOLLOWS:

11 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED
12 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
13 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
14 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);
15 AND

16 (II) TWENTY-EIGHT AND NINE-TENTHS PERCENT SHALL BE
17 CREDITED TO THE MULTIMODAL TRANSPORTATION AND MITIGATION
18 OPTIONS FUND CREATED IN SECTION 43-4-1103 (1)(a);

19 (b) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET
20 REVENUE COLLECTED FROM ENTERPRISE RETAIL DELIVERY FEES TO THE
21 STATE TREASURER WHO SHALL CREDIT THE NET REVENUE AS FOLLOWS:

22 (I) ALL NET COMMUNITY ACCESS RETAIL DELIVERY FEE REVENUE
23 SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE FUND
24 CREATED IN SECTION 24-38.5-303 (5);

25 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL
26 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
27 25-7.5-103 (5);

1 (III) ALL NET BRIDGE AND TUNNEL RETAIL DELIVERY FEE
2 REVENUE SHALL BE CREDITED TO THE STATEWIDE BRIDGE AND TUNNEL
3 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3)(a);

4 (IV) ALL NET CLEAN TRANSIT RETAIL DELIVERY FEE REVENUE
5 SHALL BE CREDITED TO THE CLEAN TRANSIT ENTERPRISE FUND CREATED
6 IN SECTION 43-4-1203 (5); AND

7 (V) ALL NET AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
8 REVENUE SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR
9 POLLUTION MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303
10 (5).

11 (6) (a) EXCEPT TO THE EXTENT OTHERWISE AUTHORIZED OR
12 REQUIRED BY THE DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION
13 (6)(d) OF THIS SECTION WITH RESPECT TO THE TIMING OF THE REMITTANCE
14 OF FEES TO THE DEPARTMENT, THE COLLECTION, ADMINISTRATION, AND
15 ENFORCEMENT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
16 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES SHALL BE
17 PERFORMED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
18 REVENUE IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION,
19 AND ENFORCEMENT OF STATE SALES TAX PURSUANT TO ARTICLE 26 OF
20 TITLE 39.

21 (b) EVERY RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
22 THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS SECTION
23 AND THE ENTERPRISE RETAIL DELIVERY FEES TO THE PRICE OR CHARGE FOR
24 THE RETAIL DELIVERY SHOWING THE TOTAL OF THE FEES AS ONE ITEM
25 CALLED "RETAIL DELIVERY FEES" THAT IS SEPARATE AND DISTINCT FROM
26 THE PRICE AND ANY OTHER TAXES OR FEES IMPOSED ON THE RETAIL
27 DELIVERY. WHEN ADDED, THE FEES CONSTITUTE A PART OF THE RETAIL

1 DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE
2 RETAILER UNTIL PAID, AND ARE RECOVERABLE AT LAW IN THE SAME
3 MANNER AS OTHER DEBTS.

4 (c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE
5 AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE
6 TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
7 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH
8 RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF
9 SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A
10 RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL
11 DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE
13 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.
14 THE RETAILER IS ENTITLED, AS COLLECTING AGENT FOR THE STATE, TO
15 APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS
16 AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

17 (d) A RETAILER WHO COLLECTS THE RETAIL DELIVERY FEE
18 IMPOSED BY SUBSECTION (3) OF THIS SECTION AND THE ENTERPRISE RETAIL
19 DELIVERY FEES SHALL REMIT THE FEES TO THE DEPARTMENT OF REVENUE
20 AT THE SAME TIME AND IN THE SAME MANNER AS THE RETAILER REMITS
21 SALES TAX REVENUE COLLECTED TO THE DEPARTMENT AS REQUIRED BY
22 ARTICLE 26 OF TITLE 39 UNLESS THE DEPARTMENT REQUIRES OR
23 AUTHORIZES THE FEES TO BE REMITTED AT ANOTHER TIME OR IN ANOTHER
24 MANNER.

25 (e) ALL MONEY PAID TO A RETAILER AS A RETAIL DELIVERY FEE
26 IMPOSED BY SUBSECTION (3) OF THIS SECTION, OR AS ONE OR MORE OF THE
27 ENTERPRISE RETAIL DELIVERY FEES, SHALL BE AND REMAINS PUBLIC

1 MONEY, THE PROPERTY OF THE STATE OF COLORADO, IN THE HANDS OF
2 THE RETAILER, AND THE RETAILER SHALL HOLD THE MONEY IN TRUST FOR
3 THE SOLE USE AND BENEFIT OF THE STATE OF COLORADO UNTIL PAID TO
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AND, FOR
5 FAILURE TO PAY THE MONEY TO THE EXECUTIVE DIRECTOR, A RETAILER
6 SHALL BE PUNISHED AS PROVIDED BY LAW. IF ANY RETAILER COLLECTS
7 FEES IN EXCESS OF THE AMOUNT IMPOSED BY THIS SECTION AND SECTIONS
8 24-38.5-303 (7), 25-7.5-103 (8), 43-4-1203 (7), AND 43-4-1303 (8), THE
9 RETAILER SHALL REMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
10 OF REVENUE THE FULL AMOUNT OF THE FEES AND ALSO THE FULL AMOUNT
11 OF THE EXCESS.

12 (7) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES TO
13 IMPLEMENT THIS SECTION.

14 **SECTION 34.** In Colorado Revised Statutes, 43-4-602, **amend**
15 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

16 **43-4-602. Definitions.** As used in this part 6, unless the context
17 otherwise requires:

18 (1.5) "Authority" means a body corporate and political subdivision
19 of the state created pursuant to this part 6 OR A TRANSPORTATION
20 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
21 AUTHORIZED BY SECTION 43-4-622.

22 (2) "Board" means the board of directors of an authority OR OF A
23 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
24 AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622.

25 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
26 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE
27 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE

1 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
2 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
3 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
4 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
5 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
6 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY
7 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

8 (12.5) "Region" means all of the territory within the boundaries
9 of, and subject to the jurisdiction of, the governing body of any member
10 of a combination that creates an authority pursuant to section 43-4-603 OR
11 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
12 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
13 AUTHORIZED BY SECTION 43-4-622.

14 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
15 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
16 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION
17 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
18 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

19 **SECTION 35.** In Colorado Revised Statutes, 43-4-603, **amend**
20 (1), (1.5), and (3); and **add** (2.5) as follows:

21 **43-4-603. Creation of authorities - exercise of powers of an**
22 **authority by transportation planning organization.** (1) Any
23 combination may create, by contract, an authority that is authorized to
24 exercise the functions conferred by ~~the provisions of this part 6~~ upon the
25 issuance by the director of the division of a certificate stating that the
26 authority has been duly organized according to the laws of the state. IN
27 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT

1 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN
2 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY
3 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE
4 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED
5 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF
6 THE STATE. The combination joining in the creation of the authority OR
7 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION
8 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall
9 provide a copy of the contract OR RESOLUTION to the department of
10 transportation for comment and, if the territory of the proposed authority
11 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
12 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
13 AUTHORITY includes or borders any territory of the regional transportation
14 district created in article 9 of title 32 ~~C.R.S.~~, or intersects with or is likely
15 to divert vehicle traffic to or from a toll highway operated by a public
16 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall
17 also provide a copy of the contract OR RESOLUTION to the district or the
18 affected public highway authority, as applicable, for comment. The
19 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also
20 provide a copy of the contract OR RESOLUTION FOR COMMENT to each
21 county and municipality that is not a member of the combination OR A
22 MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that
23 includes territory that borders the territory of the proposed authority ~~for~~
24 ~~comment~~ OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
25 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
26 AUTHORITY. A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A
27 RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY

1 SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY
2 EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY
3 IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE
4 THE POWERS OF AN AUTHORITY. The director shall issue the certificate
5 upon the filing with the director of a copy of the contract by the
6 combination joining in the creation of the authority OR A COPY OF THE
7 RESOLUTION ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING
8 ORGANIZATION AUTHORIZING THE TRANSPORTATION PLANNING
9 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY. The director
10 shall cause the certificate to be recorded in the real estate records in each
11 county having territory included in the boundaries of the authority. Upon
12 issuance of the certificate by the director, ~~the AN authority shall constitute~~
13 CREATED BY A COMBINATION BY CONTRACT CONSTITUTES a separate
14 political subdivision and body corporate of the state and shall have all of
15 the duties, privileges, immunities, rights, liabilities, and disabilities of a
16 public body politic and corporate.

17 (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract
18 that creates an authority OR A RESOLUTION AUTHORIZING A
19 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
20 AN AUTHORITY provided pursuant to subsection (1) of this section, but in
21 no event more than ninety days after a copy of the contract OR
22 RESOLUTION is provided pursuant to subsection (1) of this section, the
23 department of transportation, the regional transportation district created
24 in article 9 of title 32, ~~C.R.S.~~, a bordering county or municipality, ~~or a~~
25 public highway authority established under part 5 of this ~~article~~ ARTICLE
26 4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,
27 informs the combination that executed the contract OR THE

1 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE
2 RESOLUTION that any portions of the regional transportation systems to be
3 provided by the proposed authority that involve road construction or
4 improvement, as specified in the contract OR RESOLUTION pursuant to
5 ~~paragraph (a) of subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS
6 SECTION, and that are on, alter the physical structure of, or negatively
7 impact safe operation of any highway, road, or street under its jurisdiction
8 or will provide mass transportation services that impact the district, then,
9 at the request of the affected entity, the combination OR THE
10 TRANSPORTATION PLANNING ORGANIZATION shall enter into an
11 intergovernmental agreement concerning the identified portions or mass
12 transportation services with the department, the district, the bordering
13 county or municipality, the public highway authority, THE EXISTING
14 AUTHORITY, or any combination thereof, as applicable, within one
15 hundred eighty days after a copy of the contract OR RESOLUTION was
16 provided, ~~or~~ eliminate those portions or services from the list of projects
17 specified in the contract before it submits the contract to a vote of the
18 registered electors residing within the boundaries of the proposed
19 authority as required by subsection (4) of this section, OR AMEND OR
20 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES
21 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When
22 requesting that an intergovernmental agreement be entered into or that
23 portions of a regional transportation system be eliminated due to a
24 negative impact to safe operation of a highway, road, or street, the
25 requesting entity shall provide, at the time of the request, evidence of the
26 negative impact. The intergovernmental agreement shall specify whatever
27 terms the combination OR TRANSPORTATION PLANNING ORGANIZATION

1 and the affected entity or entities deem necessary to avoid duplication of
2 effort and to ensure coordinated transportation planning, efficient
3 allocation of resources, and equitable sharing of costs. If the department
4 is a party to the intergovernmental agreement, the agreement shall also
5 describe in detail any effect on department funding of any portion of the
6 state highway system within the proposed region that is expected to result
7 from the creation of the proposed authority OR THE EXERCISE OF THE
8 POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING
9 ORGANIZATION. Nothing in this subsection (1.5) shall be construed to
10 preclude a combination, ~~or any~~ authority, OR TRANSPORTATION PLANNING
11 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering
12 into an intergovernmental agreement with the department, the district, a
13 public highway authority, a bordering county or municipality, or any other
14 governmental entity regarding any regional transportation system.

15 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING
16 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS
17 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

18 (a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;
19 AND

20 (b) THE BOUNDARIES OF THE TERRITORY IN WHICH THE
21 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
22 THE POWERS OF AN AUTHORITY, WHICH MAY NOT INCLUDE:

23 (I) TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF
24 THE TRANSPORTATION PLANNING ORGANIZATION;

25 (II) TERRITORY WITHIN THE BOUNDARIES OF AN EXISTING
26 AUTHORITY WITHOUT THE APPROVAL OF THE EXISTING AUTHORITY;

27 (III) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY

1 THAT IS A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF
2 THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS A RESOLUTION
3 OBJECTING TO THE INCLUSION OF THE TERRITORY;

4 (IV) TERRITORY WITHIN THE BOUNDARIES OF A COUNTY THAT IS
5 A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF THE
6 GOVERNING BODY OF THE COUNTY ADOPTS A RESOLUTION OBJECTING TO
7 THE INCLUSION OF THE TERRITORY;

8 (V) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT
9 IS NOT A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION AS
10 THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE
11 RESOLUTION IS ADOPTED WITHOUT THE CONSENT OF THE GOVERNING BODY
12 OF THE MUNICIPALITY; OR

13 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF
14 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING
15 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY
16 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT
17 OF THE GOVERNING BODY OF THE COUNTY.

18 (3) No municipality, county, or special district shall enter into a
19 contract establishing an authority AND NO TRANSPORTATION PLANNING
20 ORGANIZATION SHALL ADOPT A RESOLUTION AUTHORIZING IT TO EXERCISE
21 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
22 without holding at least two public hearings thereon in addition to other
23 requirements imposed by law for public notice. The municipality, county,
24 ~~or~~ special district, OR TRANSPORTATION PLANNING ORGANIZATION shall
25 give notice of the time, place, and purpose of the public hearing by
26 publication in a newspaper of general circulation in the municipality,
27 county, ~~or~~ special district, OR TERRITORY OF THE TRANSPORTATION

1 PLANNING ORGANIZATION as the case may be, at least ten days prior to the
2 date of the public hearing.

3 **SECTION 36.** In Colorado Revised Statutes, 43-4-604, **amend**
4 (3)(i) as follows:

5 **43-4-604. Board of directors.** (3) The board, in addition to all
6 other powers conferred by this part 6, has the following powers:

7 (i) AS APPLICABLE, to amend the contract that created the authority
8 to the extent that any amendment procedures specified in the contract
9 pursuant to section 43-4-603 (2)(f) authorize the board, rather than the
10 members of the combination that are parties to the contract, to amend the
11 contract OR TO AMEND OR REPLACE THE RESOLUTION AUTHORIZING THE
12 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
13 AN AUTHORITY ADOPTED AS AUTHORIZED BY SECTION 43-4-622.

14 **SECTION 37.** In Colorado Revised Statutes, 43-4-605, **amend**
15 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,
16 (1)(j)(I), and (2)(a) as follows:

17 **43-4-605. Powers of the authority - inclusion or exclusion of**
18 **property - determination of regional transportation system alignment**
19 **- fund created - repeal.** (1) In addition to any other powers granted to
20 ~~the~~ AN authority pursuant to this part 6, ~~the~~ AN authority has the following
21 powers:

22 (f) To finance, construct, operate, or maintain regional
23 transportation systems within or without the boundaries of the authority;
24 except that the authority shall not construct regional transportation
25 systems in any territory located outside the boundaries of the authority
26 and within the boundaries of a municipality as the boundaries of the
27 municipality exist on the date the authority is created without the consent

1 of the governing body of the municipality; outside the boundaries of the
2 authority and within the unincorporated boundaries of a county as the
3 unincorporated boundaries of the county exist on the date the authority is
4 created without the consent of the governing body of the county; or inside
5 or outside the boundaries of the authority if the regional transportation
6 systems would alter the state highway system, as defined in section
7 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),
8 except as authorized by an intergovernmental agreement entered into by
9 the members of the combination that created the authority OR THE
10 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
11 AN AUTHORITY and the department of transportation as required by
12 section 43-4-603 (1.5);

13 (i) To impose an annual motor vehicle registration fee of not more
14 than ten dollars for each motor vehicle registered with the authorized
15 agent, as defined in section 42-1-102, of the county by persons residing
16 in all or any designated portion of the members of the combination OR OF
17 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
18 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
19 43-4-622; except that the authority shall not impose a motor registration
20 fee with respect to motor vehicles registered to persons residing outside
21 the boundaries of the authority and within the boundaries of a
22 municipality as the boundaries of the municipality exist on the date the
23 authority is created OR THE RESOLUTION AUTHORIZING THE
24 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
25 AN AUTHORITY IS ADOPTED without the consent of the governing body of
26 the municipality or outside the boundaries of the authority and within the
27 unincorporated boundaries of a county as the unincorporated boundaries

1 of the county exist on the date the authority is created without the consent
2 of the governing body of the county. The registration fee is in addition to
3 any fee or tax imposed by the state or any other governmental unit. If a
4 motor vehicle is registered in a county that is a member of more than one
5 authority, the total of all fees imposed pursuant to this subsection (1)(i)
6 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The
7 authorized agent of the county in which the registration fee is imposed
8 shall collect the fee and remit the fee to the authority. The authority shall
9 apply the registration fees solely to the financing, construction, operation,
10 or maintenance of regional transportation systems that are consistent with
11 the expenditures specified in section 18 of article X of the state
12 constitution.

13 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,
14 in all or any designated portion of the members of the combination OR OF
15 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
16 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
17 43-4-622, a visitor benefit tax on persons who purchase overnight rooms
18 or accommodations in any amount that would not cause the aggregate
19 amount of the visitor benefit tax and any lodging tax imposed on such
20 overnight rooms or accommodations to exceed two percent of the price
21 of such overnight rooms or accommodations; except that the authority
22 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or
23 accommodations that are in any territory:

24 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
25 or any designated portion of the members of the combination OR OF THE
26 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
27 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a

1 sales or use tax, or both, at a rate not to exceed one percent upon every
2 transaction or other incident with respect to which a sales or use tax is
3 levied by the state; except that, ~~on and after January 1, 2006~~, if the
4 authority includes territory that is within the regional transportation
5 district created and existing pursuant to article 9 of title 32, ~~C.R.S.~~, a
6 designated portion of the members of the combination OR OF THE
7 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
8 a new tax is levied ~~shall~~ MUST be composed of entire territories of
9 members of the combination OR OF THE MEMBERS OF THE
10 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
11 imposed pursuant to this part 6 within the territory of any single member
12 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION
13 PLANNING ORGANIZATION is uniform and except that the authority shall
14 not levy a sales or use tax on any transaction or other incident occurring
15 in any territory located outside the boundaries of the authority and within
16 the boundaries of a municipality as the boundaries of the municipality
17 exist on the date the authority is created without the consent of the
18 governing body of the municipality or outside the boundaries of the
19 authority and within the unincorporated boundaries of a county as the
20 unincorporated boundaries exist on the date the authority is created
21 without the consent of the governing body of the county. Subject to the
22 provisions of section 43-4-612, the authority may elect to levy any such
23 sales or use tax at different rates in different designated portions of the
24 members of the combination OR OF THE MEMBERS OF THE
25 TRANSPORTATION PLANNING ORGANIZATION; except that, ~~on and after~~
26 ~~January 1, 2006~~, if the authority includes territory that is within the
27 regional transportation district, a designated portion of the members of

1 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
2 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of
3 entire territories of members of the combination OR OF THE MEMBERS OF
4 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
5 imposed pursuant to this part 6 within the territory of any single member
6 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
7 is uniform. If the authority so elects, it shall submit a single ballot
8 question that lists all of the different rates to the registered electors of all
9 designated portions of the members of the combination OR OF THE
10 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
11 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~
12 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed
13 pursuant to law. If a member of the combination OR OF THE
14 TRANSPORTATION PLANNING ORGANIZATION is located within more than
15 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~
16 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction
17 or other incident with respect to which a sales or use tax is levied by the
18 state. The executive director of the department of revenue shall collect,
19 administer, and enforce the sales or use tax, to the extent feasible, in the
20 manner provided in section 29-2-106. ~~C.R.S.~~ The director shall make
21 monthly distributions of the tax collections to the authority, which shall
22 apply the proceeds solely to the financing, construction, operation, or
23 maintenance of regional transportation systems. The department shall
24 retain an amount not to exceed the ~~net incremental~~ TOTAL cost of the
25 collection, administration, and enforcement and shall transmit the amount
26 to the state treasurer, who shall credit the same to the regional
27 transportation authority sales tax fund, which fund is hereby created. The

1 amounts so retained are hereby appropriated annually from the fund to the
2 department to the extent necessary for the department's collection,
3 administration, and enforcement of ~~the provisions~~ of this part 6. Any
4 ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the
5 prior fiscal year shall be transmitted to the authority; except that, prior to
6 the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~
7 MONEY appropriated from the general fund to the department for the
8 collection, administration, and enforcement of the tax for the prior fiscal
9 year shall be repaid.

10 (2) (a) The board may include property within or exclude property
11 from the boundaries of the authority in the manner provided in this
12 subsection (2). Property may not be included within the boundaries of the
13 authority unless it is within the boundaries of the members of the
14 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
15 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
16 43-4-622 at the time of the inclusion. Property located within the
17 boundaries of a municipality that is not a member of the combination OR
18 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of
19 the municipality exist on the date the property is included may not be
20 included without the consent of the governing body of ~~such~~ THE
21 municipality, and property within the unincorporated boundaries of a
22 county that is not a member of the combination OR OF THE
23 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated
24 boundaries of the county exist on the date the property is included may
25 not be included without the consent of the governing body of ~~such~~ THE
26 county.

27 **SECTION 38.** In Colorado Revised Statutes, 43-4-611, **amend**

1 (2) as follows:

2 **43-4-611. Powers of governmental units.** (2) To assist in the
3 financing, construction, operation, or maintenance of a regional
4 transportation system, any county, municipality, or special district that is
5 a member of a combination OR OF A TRANSPORTATION PLANNING
6 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
7 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the
8 authority all or a portion of the revenues it receives from the highway
9 users tax fund or from any other legally available funds. The authority
10 shall apply revenues that it receives pursuant to the pledge to the
11 financing, construction, operation, or maintenance of any regional
12 transportation system. The authority may refuse to accept any revenues
13 that would cause a member of the combination OR OF THE
14 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal
15 year spending under section 20 of article X of the state constitution and
16 that could result in a refund of excess revenues under said section 20.

17 **SECTION 39.** In Colorado Revised Statutes, 43-4-612, **amend**
18 (1) as follows:

19 **43-4-612. Referendum.** (1) (a) No action by an authority to
20 establish or increase any tax authorized by this part 6 shall take effect
21 unless first submitted to a vote of the registered electors of that portion of
22 the combination OR THAT PORTION OF THE TERRITORY IN WHICH A
23 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
24 THE POWERS OF AN AUTHORITY in which the tax is proposed to be
25 collected.

26 (b) THE EFFECTIVE DATE OF ANY SALES OR USE TAX ADOPTED
27 UNDER THIS PART 6 MUST BE EITHER JANUARY 1 OR JULY 1 FOLLOWING

1 THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,
2 AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX
4 PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF
5 THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION
6 HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1
7 FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE
8 EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

9 **SECTION 40.** In Colorado Revised Statutes, **amend** 43-4-615 as
10 follows:

11 **43-4-615. Agreement of the state not to limit or alter rights of**
12 **obligees.** The state hereby pledges and agrees with the holders of any
13 bonds issued under this part 6 and with those parties who enter into
14 contracts with an authority or any member of ~~the~~ A combination OR
15 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING
16 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
17 pursuant to this part 6 that the state will not impair the rights vested in the
18 authority or the rights or obligations of any person with which the
19 authority contracts to fulfill the terms of any agreements made pursuant
20 to this part 6. The state further agrees that it will not impair the rights or
21 remedies of the holders of any bonds of the authority until the bonds have
22 been paid or until adequate provision for payment has been made. The
23 authority may include this provision and undertaking for the state in ~~such~~
24 THE bonds.

25 **SECTION 41.** In Colorado Revised Statutes, **add** 43-4-622 as
26 follows:

27 **43-4-622. Exercise of authority powers by transportation**

1 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF
2 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO
3 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN
4 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE
5 TRANSPORTATION PLANNING ORGANIZATION.

6 (2) THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A
7 TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL
8 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY
9 OTHER LAW INCLUDING, BUT NOT LIMITED TO:

10 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTIONS 43-4-603
11 (1), 43-4-613, AND 43-4-614 (1);

12 (b) THE INTERGOVERNMENTAL AGREEMENT AND SERVICES
13 ELIMINATION REQUIREMENTS SET FORTH IN SECTION 43-4-603 (1.5);

14 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION
15 43-4-603 (3);

16 (d) THE LIMITATIONS ON THE BOARD DELEGATING CERTAIN
17 POWERS SET FORTH IN SECTION 43-4-604 (1);

18 (e) ALL REQUIREMENTS SET FORTH IN THIS PART 6 THAT REQUIRE
19 THE CONSENT OF A COUNTY OR MUNICIPALITY THAT IS NOT A MEMBER OF
20 THE TRANSPORTATION PLANNING ORGANIZATION TO OPERATIONS,
21 TAXATION, OR OTHER ACTIVITIES WITHIN ITS TERRITORY;

22 (f) ALL BOARD SUPER-MAJORITY VOTING REQUIREMENTS SET
23 FORTH IN THIS PART 6; AND

24 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION
25 43-4-612.

26 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL
27 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION

1 EXERCISING THE POWERS OF AN AUTHORITY SHALL COMPLY WITH THE
2 PROCEDURES AND GUIDELINES ADOPTED BY THE TRANSPORTATION
3 COMMISSION PURSUANT TO SECTION 43-1-128 (3) AND ANALYZE AND
4 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S
5 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE
6 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON
7 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT
8 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7
9 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING
10 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
11 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE
12 ANALYSIS.

13 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE
14 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT
15 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES
16 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD
17 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE
18 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD.
19 THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH
20 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE
21 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED
22 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING
23 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS
24 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE
25 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING
26 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

27 **SECTION 42.** In Colorado Revised Statutes, 43-4-705, **repeal**

1 (2)(a)(II.5) and (13)(b) as follows:

2 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

3 (2) (a) Subject to the provisions of this subsection (2), the principal of
4 and interest on revenue anticipation notes and any costs associated with
5 the issuance and administration of such notes shall be payable solely
6 from:

7 ~~(II.5) Money transferred from the general fund to the state
8 highway fund pursuant to section 24-75-219 (5)(c); and~~

9 ~~(13) (b) (I) Subject to voter approval of the ballot issue submitted
10 at the November 2021 statewide election pursuant to subsection
11 (13)(b)(III) of this section and the repayment funding commitment
12 requirement specified in subsection (13)(b)(II) of this section, the
13 executive director shall issue additional transportation revenue
14 anticipation notes in a maximum amount of one billion three hundred
15 thirty-seven million dollars and with a maximum repayment cost of one
16 billion eight hundred sixty-five million dollars. The maximum repayment
17 term for any notes issued pursuant to this subsection (13)(b) is twenty
18 years, and the certificate, trust indenture, or other instrument authorizing
19 their issuance shall provide that the state may pay the notes in full without
20 penalty no later than ten years following the date of issuance.~~

21 ~~(II) Notwithstanding section 43-1-113 (19) and subsection (12)(a)
22 of this section, before issuing any revenue anticipation notes as
23 authorized by subsection (13)(b)(I) of this section, the transportation
24 commission shall adopt a resolution in which it agrees, subject to the
25 requirements of section 43-4-706 (2), that it intends to annually allocate
26 from legally available money under its control any amount needed for
27 payment of the notes until the notes are fully repaid. The commission~~

1 shall first allocate for payment of the notes money transferred from the
2 general fund to the state highway fund pursuant to section 24-75-219
3 (5)(b) and any money allocated by the commission from the transportation
4 revenue anticipation notes reserve account created in section 43-4-714(2)
5 and thereafter shall allocate for payment of the notes any other legally
6 available money under its control.

7 (III) The secretary of state shall submit to the registered electors
8 of the state for their approval or rejection at the November 2021 statewide
9 election the following ballot issue: "Shall state of Colorado debt be
10 increased \$1,337,000,000, with a maximum repayment cost of
11 \$1,865,000,000, without raising taxes, through the issuance of
12 transportation revenue anticipation notes for the purpose of addressing
13 critical priority transportation needs in the state by financing
14 transportation projects, shall note proceeds and investment earnings on
15 note proceeds be excluded from state fiscal year spending limits, and shall
16 the amount of lease-purchase agreements required by current law to be
17 issued for the purpose of financing transportation projects be reduced?"

18 (IV) No later than May 1, 2021, the department shall provide to
19 the director of research of the legislative council the most recent available
20 list of qualified federal aid transportation projects, including multimodal
21 capital projects, that are designated for tier 1 funding as ten-year
22 development program projects on the department's 2021 development
23 program project list and that the department will fund with proceeds of
24 any transportation revenue anticipation notes issued as authorized by this
25 subsection (13)(b). In order to fully inform the voters of the state
26 concerning the projects to be funded with proceeds of any such additional
27 transportation revenue anticipation notes before the voters vote on the

1 ~~ballot question specified in subsection (13)(b)(III) of this section, the~~
2 ~~director of research shall publish the list, including any subsequent~~
3 ~~updates to the list made before final approval by the legislative council of~~
4 ~~the 2021 ballot information booklet prepared pursuant to section~~
5 ~~1-40-124.5, which updates the department shall expeditiously provide to~~
6 ~~the director of research, in the ballot information booklet.~~

7 ~~(V) (A) (Deleted by amendment, L. 2019.)~~

8 ~~(B) This subsection (13)(b) is repealed, effective January 1, 2022,~~
9 ~~if a majority of the electors voting on the ballot issue in subsection~~
10 ~~(13)(b)(III) of this section vote "No/Against".~~

11 ~~(C) This subsection (13)(b)(V) is repealed, effective January 1,~~
12 ~~2022, if a majority of the electors voting on the ballot issue in subsection~~
13 ~~(13)(b)(III) of this section vote "Yes/For".~~

14 **SECTION 43.** In Colorado Revised Statutes, 43-4-802, **amend**
15 **(2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:**

16 **43-4-802. Legislative declaration.** (2) The general assembly
17 further finds and declares that:

18 (c) Increasing funding for designated bridge projects, TUNNEL
19 PROJECTS, and road safety projects in the short- and medium-term through
20 the imposition of bridge and road safety surcharges, A BRIDGE AND
21 TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated
22 based on the benefits received by the persons paying the fees will not only
23 provide funding to complete the projects but will also accelerate the
24 state's economic recovery by increasing bridge, TUNNEL, and road
25 construction, repair, reconstruction, and maintenance activity, as well as
26 related economic activity, and by employing significant numbers of
27 Coloradans;

1 (d) The creation of a statewide bridge AND TUNNEL enterprise
2 authorized to complete designated bridge projects AND TUNNEL PROJECTS,
3 to impose a bridge safety surcharge AND A BRIDGE AND TUNNEL IMPACT
4 FEE and issue revenue bonds, and, if required approvals are obtained, to
5 contract with the state to receive one or more loans of moneys received
6 by the state under the terms of one or more lease-purchase agreements
7 authorized by this part 8 and to use the revenues generated by the bridge
8 safety surcharge AND THE BRIDGE AND TUNNEL IMPACT FEE to repay any
9 such loan or loans, will improve the safety and efficiency of the state
10 transportation system by allowing the state to accelerate the repair,
11 reconstruction, and replacement of structurally deficient, functionally
12 obsolete, and rated as poor bridges AND REPAIR, MAINTAIN, AND MORE
13 SAFELY OPERATE TUNNELS;

14 (f) Granting the bridge enterprise and the transportation enterprise
15 both responsibility for the completion, respectively, of designated bridge
16 projects AND TUNNEL PROJECTS and other important surface transportation
17 projects and the flexibility to execute their respective missions in a variety
18 of innovative ways will ensure that available resources for such projects
19 are efficiently and effectively leveraged so that both the projects and the
20 state's economic recovery can be completed as quickly as possible.

21 (3) The general assembly further finds and declares that:

22 (a) While it is necessary, appropriate, and in the best interests of
23 the state to fund designated bridge projects, TUNNEL PROJECTS, and
24 highway safety projects and stimulate economic recovery in the short- and
25 medium-term, the state must also develop a long-term strategy to provide
26 sustainable long-term revenue streams dedicated for the construction of
27 important surface transportation infrastructure projects and the continuing

1 maintenance, repair, and reconstruction of the statewide surface
2 transportation system that will:

3 **SECTION 44.** In Colorado Revised Statutes, 43-4-803, **amend**
4 (4) and (7); and **add** (26.5) as follows:

5 **43-4-803. Definitions.** As used in this part 8, unless the context
6 otherwise requires:

7 (4) "Bridge enterprise" means the statewide bridge AND TUNNEL
8 enterprise created in section 43-4-805 (2).

9 (7) "Bridge special fund" means the statewide bridge AND TUNNEL
10 enterprise special revenue fund created in section 43-4-805 (3)(a).

11 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR,
12 MAINTAIN, OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF
13 THE STATE HIGHWAY SYSTEM.

14 **SECTION 45.** In Colorado Revised Statutes, 43-4-804, **amend**
15 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and
16 (1)(b)(IV) as follows:

17 **43-4-804. Highway safety projects - surcharges and fees -**
18 **crediting of money to highway users tax fund - definition.** (1) On and
19 after July 1, 2009, the following surcharges, fees, and fines shall be
20 collected and credited to the highway users tax fund created in section
21 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
22 municipalities as specified in section 43-4-205 (6.3):

23 (a) (I) A road safety surcharge, which, except as otherwise
24 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is
25 imposed for any registration period that commences on or after July 1,
26 2009, upon the registration of any vehicle for which a registration fee
27 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.

1 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~
2 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the
3 surcharge is:

4 (VIII) (A) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR
5 AFTER JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2023, THE AMOUNT OF
6 EACH ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION
7 (1)(a)(I) OF THIS SECTION IS REDUCED BY ELEVEN DOLLARS AND TEN
8 CENTS.

9 (B) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER
10 JANUARY 1, 2023, BUT BEFORE JANUARY 1, 2024, THE AMOUNT OF EACH
11 ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION (1)(a)(I)
12 OF THIS SECTION IS REDUCED BY FIVE DOLLARS AND FIFTY-FIVE CENTS.

13 (b) (I) (A) Except as otherwise provided in ~~subparagraph (H) of~~
14 ~~this paragraph (b)~~ SUBSECTIONS (1)(b)(III) AND (1)(b)(IV) OF THIS
15 SECTION, a daily vehicle rental fee is imposed on all short-term vehicle
16 rentals at the rate of two dollars per day; except that a subsequent renewal
17 of a short-term vehicle rental is exempt from the fee to the extent that the
18 renewal extends the total rental period beyond thirty days. The rental
19 invoice shall list the daily vehicle rental fee separately as a Colorado road
20 safety program fee. ON AND AFTER JULY 1, 2022, A CAR SHARING
21 PROGRAM, AS DEFINED IN SECTION 6-1-1202 (4), SHALL COLLECT THE
22 DAILY VEHICLE RENTAL FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF
23 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING
24 PROGRAM.

25 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle
26 rental" means the rental of any motor vehicle, as defined in section
27 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six

1 thousand pounds or less that is rented within Colorado for a period of not
2 more than thirty days.

3 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
4 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL
5 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
6 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE
7 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF
8 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE
9 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND
10 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE
11 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

12 (B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS
13 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
14 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
15 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
16 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
17 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
18 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM
19 VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

20 **SECTION 46.** In Colorado Revised Statutes, 43-4-805, **amend**
21 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),
22 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and
23 (5)(g.7) as follows:

24 **43-4-805. Statewide bridge enterprise - creation - board -**
25 **funds - powers and duties - legislative declaration - definition.**

26 (1) The general assembly hereby finds and declares that:

27 (a) The completion of designated bridge projects AND TUNNEL

1 PROJECTS is essential to address increasing traffic congestion and delays,
2 hazards, injuries, and fatalities;

3 (b) Due to the limited availability of state and federal funding and
4 the need to accomplish the financing, repair, reconstruction, and
5 replacement of designated bridges AND TUNNEL PROJECTS as promptly and
6 efficiently as possible, it is necessary to create a statewide bridge AND
7 TUNNEL enterprise and to authorize the enterprise to:

8 (I) Enter into agreements with the commission or the department
9 to finance, repair, reconstruct, and replace designated bridges AND
10 COMPLETE TUNNEL PROJECTS in the state; and

11 (II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL
12 IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates
13 reasonably calculated to defray the costs of completing designated bridge
14 projects AND TUNNEL PROJECTS and distribute the burden of defraying the
15 costs in a manner based on the benefits received by persons paying the
16 fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL
17 DELIVERIES, receive and expend ~~revenues~~ REVENUE generated by the
18 surcharge AND FEES and other ~~moneys~~ MONEY, issue revenue bonds and
19 other obligations, contract with the state, if required approvals are
20 obtained, to receive one or more loans of ~~moneys~~ MONEY received by the
21 state under the terms of one or more lease-purchase agreements
22 authorized by this part 8, expend ~~revenues~~ REVENUE generated by the
23 surcharge to repay any such loan or loans received, and exercise other
24 powers necessary and appropriate to carry out its purposes; and

25 (c) The creation of a statewide bridge AND TUNNEL enterprise is
26 in the public interest and will promote the health, safety, and welfare of
27 all Coloradans and visitors to the state by providing bridges AND

1 REPAIRING, MAINTAINING, AND OPERATING TUNNELS IN A MANNER that
2 ~~incorporate~~ INCORPORATES the benefits of advanced engineering design,
3 experience, and safety.

4 (2) (a) (I) The SCOPE OF THE EXISTING statewide bridge
5 enterprise is hereby created IN THIS SUBSECTION (2)(a)(I) IN 2009 IS
6 HEREBY EXPANDED TO INCLUDE BOTH DESIGNATED BRIDGE PROJECTS AND
7 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR TUNNELS,
8 AND THE NAME OF THE EXPANDED ENTERPRISE IS THE STATEWIDE BRIDGE
9 AND TUNNEL ENTERPRISE. The bridge enterprise ~~shall be and shall operate~~
10 IS AND OPERATES as a government-owned business within the department.
11 The commission shall serve as the bridge enterprise board and shall, with
12 the consent of the executive director, appoint a bridge enterprise director
13 who shall possess such qualifications as may be established by the
14 commission and the state personnel board. The bridge enterprise director
15 shall oversee the discharge of all responsibilities of the bridge enterprise
16 and shall serve at the pleasure of the bridge enterprise board.

17 (b) The business purpose of the bridge enterprise is to finance,
18 repair, reconstruct, and replace any designated bridge in the state and
19 COMPLETE TUNNEL PROJECTS AND, as agreed upon by the enterprise and
20 the commission, or the department to the extent authorized by the
21 commission, to maintain the bridges it finances, repairs, reconstructs, and
22 replaces. To allow the bridge enterprise to accomplish this purpose and
23 fully exercise its powers and duties through the bridge enterprise board,
24 the bridge enterprise may:

25 (I) Impose a bridge safety surcharge, a bridge and tunnel impact
26 fee, and a bridge and tunnel retail delivery fee as authorized ~~in paragraph~~
27 ~~(g) of subsection (5)~~ BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this

1 section;

2 (c) The bridge enterprise shall constitute an enterprise for
3 purposes of section 20 of article X of the state constitution so long as it
4 retains the authority to issue revenue bonds and receives less than ten
5 percent of its total revenues in grants from all Colorado state and local
6 governments combined. So long as it constitutes an enterprise pursuant
7 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be
8 subject to any provisions of section 20 of article X of the state
9 constitution. Consistent with the determination of the Colorado supreme
10 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
11 1995), that the power to impose taxes is inconsistent with "enterprise"
12 status under section 20 of article X of the state constitution, the general
13 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND
14 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE
15 imposed by the bridge enterprise ~~pursuant to paragraph (g) of subsection~~
16 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this
17 section is not a tax but is instead a fee imposed by the bridge enterprise
18 to defray the cost of completing designated bridge projects AND TUNNEL
19 PROJECTS that the enterprise provides as a specific service to the persons
20 upon whom the fee is imposed and at rates reasonably calculated based
21 on the benefits received by such persons.

22 (3) (a) The statewide bridge AND TUNNEL enterprise special
23 revenue fund, referred to in this part 8 as the "bridge special fund", is
24 hereby created in the state treasury. All ~~revenues~~ REVENUE received by
25 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE
26 from a bridge safety surcharge ~~collected pursuant to paragraph (g) of~~
27 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this

1 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
2 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A
3 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY
4 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to
5 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~
6 SUBSECTION (5)(r) of this section, shall be deposited into the bridge
7 special fund. The bridge enterprise board may establish separate accounts
8 within the bridge special fund as needed in connection with any specific
9 designated bridge project. The bridge enterprise also may deposit or
10 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,
11 but in no event may ~~revenues~~ REVENUE from any tax otherwise available
12 for general purposes be deposited into the bridge special fund. The state
13 treasurer, after consulting with the bridge enterprise board, shall invest
14 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or
15 reserves, but excluding any proceeds from the sale of bonds or earnings
16 on such proceeds invested pursuant to section 43-4-807 (2), that are not
17 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the
18 types of investments authorized in sections 24-36-109, 24-36-112, and
19 24-36-113. ~~C.R.S.~~

20 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the
21 bridge special fund to pay bond or loan obligations, to fund the
22 administration, planning, financing, repair, reconstruction, replacement,
23 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL
24 PROJECTS, and for the acquisition of land to the extent required in
25 connection with any designated bridge project. The bridge enterprise may
26 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating
27 costs and expenses. The bridge enterprise board shall have exclusive

1 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the
2 bridge special fund.

3 (4) The commission may transfer ~~moneys~~ MONEY from the state
4 highway fund created in section 43-1-219 to the bridge enterprise for the
5 purpose of defraying expenses incurred by the enterprise prior to the
6 receipt of bond proceeds or ~~revenues~~ REVENUE by the enterprise. The
7 bridge enterprise may accept and expend any ~~moneys~~ MONEY so
8 transferred, and, notwithstanding any state fiscal rule or generally
9 accepted accounting principle that could otherwise be interpreted to
10 require a contrary conclusion, such a transfer shall constitute a loan from
11 the commission to the bridge enterprise and shall not be considered a
12 grant for purposes of section 20 (2)(d) of article X of the state
13 constitution. As the bridge enterprise receives sufficient revenues in
14 excess of expenses, the enterprise shall reimburse the state highway fund
15 for the principal amount of any loan from the state highway fund made by
16 the commission plus interest at a rate set by the commission. Any ~~moneys~~
17 MONEY loaned from the state highway fund to the bridge enterprise
18 pursuant to this section shall be deposited into a fund to be known as the
19 statewide bridge AND TUNNEL enterprise operating fund, which fund is
20 hereby created, and shall not be deposited into the bridge special fund.
21 ~~Moneys~~ MONEY from the bridge special fund may, however, be used to
22 reimburse the state highway fund for the amount of any loan from the
23 state highway fund or any interest thereon.

24 (5) In addition to any other powers and duties specified in this
25 section, the bridge enterprise board has the following powers and duties:

26 (c) To issue revenue bonds, payable solely from the bridge special
27 fund, for the purpose of paying the cost of financing, repairing,

1 reconstructing, replacing, and maintaining designated bridges AND
2 COMPLETING TUNNEL PROJECTS;

3 (g.5) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, TO IMPOSE A
4 BRIDGE AND TUNNEL IMPACT FEE TO BE PAID IN THE AMOUNT IMPOSED BY
5 THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.5)(II) OR
6 (5)(g.5)(III) OF THIS SECTION BY EACH DISTRIBUTOR OF SPECIAL FUEL, AS
7 DEFINED IN SECTION 43-4-217 (2)(c), THAT PAYS THE EXCISE TAX IMPOSED
8 ON SPECIAL FUEL PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME
9 TIME AND IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE
10 FEE IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4). FOR THE
11 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND
12 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
13 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL IMPACT FEE ON
14 BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME MANNER IN WHICH IT
15 COLLECTS AND ADMINISTERS THE EXCISE TAX AND THE ROAD USAGE FEE
16 IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4).

17 (II) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED
18 FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS 2022-23
19 THROUGH 2031-32, THE BRIDGE ENTERPRISE SHALL IMPOSE THE BRIDGE
20 AND TUNNEL IMPACT FEE IN AN AMOUNT OF UP TO:

- 21 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 22 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 23 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 24 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 25 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 26 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

27 AND

1 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29
2 THROUGH 2031-32.

3 (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,
4 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS
5 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE
6 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN
7 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR
8 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE
9 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE
10 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE
11 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN
12 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
13 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
14 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

15 (IV) AS USED IN THIS SUBSECTION (5)(g.5), "INFLATION" MEANS
16 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
17 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
18 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE
19 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING
20 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN
21 ADJUSTMENT TO THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
22 AUTHORIZED BY THIS SUBSECTION (5)(g.5) IS TO BE MADE BEGINS.

23 (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
24 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,
25 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
26 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON
27 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY

1 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
2 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
3 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
4 SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.
5 FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
6 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
7 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL RETAIL
8 DELIVERY FEE ON BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME
9 MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY
10 FEE IMPOSED BY SECTION 43-4-218 (3).

11 (II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
12 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE
13 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
14 MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

15 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
16 (5)(g.7)(III)(B) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE
17 PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR
18 DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE ENTERPRISE
19 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
20 MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE
21 FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE SHALL
22 NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE BRIDGE
23 AND TUNNEL RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
24 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
25 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
26 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
27 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE

1 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

2 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE
3 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL
4 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
5 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
6 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
7 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
8 DURING THE STATE FISCAL YEAR.

9 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS
10 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
11 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
12 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
13 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
14 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
15 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
16 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS
17 SUBSECTION (5)(g.7) BEGINS.

18 (k) To prepare, or cause to be prepared, detailed plans,
19 specifications, or estimates for any designated bridge project OR TUNNEL
20 PROJECT within the state;

21 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under
22 the terms of one or more loan contracts entered into by the state and the
23 bridge enterprise pursuant to ~~subparagraph (III) of this paragraph (r)~~
24 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY
25 borrowed from the state for the purpose of completing designated bridge
26 projects AND TUNNEL PROJECTS and for any other authorized purpose that
27 constitutes the construction, supervision, and maintenance of the public

1 highways of this state for purposes of section 18 of article X of the state
2 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety
3 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL
4 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~
5 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION
6 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to
7 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under
8 the terms of the loan contract.

9 (III) (A) If the state treasurer receives a list from the governor
10 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)
11 OF THIS SECTION, the state, acting by and through the state treasurer, may
12 enter into a loan contract with the bridge enterprise and may raise the
13 money needed to make a loan pursuant to the terms of the loan contract
14 by selling or leasing one or more of the state buildings or other state
15 capital facilities on the list. The state treasurer shall have sole discretion
16 to enter into a loan contract on behalf of the state and to determine the
17 amount of a loan; except that the principal amount of a loan shall not
18 exceed the maximum amount specified by the governor pursuant to
19 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS
20 SECTION. The state treasurer shall also have sole discretion to determine
21 the timing of the entry of the state into any loan contract or the sale or
22 lease of one or more state buildings or other state capital facilities. The
23 loan contract shall require the bridge enterprise to pledge to the state all
24 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND
25 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE
26 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION
27 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan

1 and may also require the BRIDGE enterprise to pledge to the state any other
2 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan
3 contract entered into by the state, acting by and through the state
4 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~
5 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the
6 BRIDGE enterprise pursuant to such a loan contract shall be only for the
7 benefit of, and enforceable only by, the state and the BRIDGE enterprise.
8 Specifically, but without limiting the generality of said limitation, no such
9 loan contract or pledge shall be for the benefit of, or enforceable by, a
10 lessor under a lease-purchase agreement entered into pursuant to this
11 ~~subparagraph (H)~~ SUBSECTION (5)(r)(III), an owner of any instrument
12 evidencing rights to receive rentals or other payments made and to be
13 made under such a lease-purchase agreement as authorized by
14 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~
15 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary
16 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~
17 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any
18 interest rate exchange agreement entered into pursuant to
19 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~
20 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

21 **SECTION 47.** In Colorado Revised Statutes, **amend** 43-4-1101
22 as follows:

23 **43-4-1101. Legislative declaration.** (1) The general assembly
24 hereby finds and declares that it is necessary, appropriate, and in the best
25 interest of the state to use a portion of the general fund money that is
26 dedicated for transportation purposes pursuant to section 24-75-219 ~~(5)~~
27 to fund multimodal transportation projects and operations throughout the

1 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
2 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS
3 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
4 SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE
5 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
6 part 11 because, in addition to the general benefits that it provides to all
7 Coloradans, a complete and integrated multimodal transportation system
8 THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:

9 (a) Benefits seniors by making aging in place more feasible for
10 them;

11 (b) Benefits residents of COMMUNITIES, IN rural ~~areas~~ AND
12 DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with
13 MORE ACCESSIBLE AND flexible public transportation services;

14 (c) Provides enhanced mobility for persons with disabilities; ~~and~~

15 (d) Provides safe routes to schools for children; AND

16 (e) Reduces EMISSIONS OF AIR POLLUTANTS, INCLUDING
17 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
18 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
19 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS.

20 **SECTION 48.** In Colorado Revised Statutes, 43-4-1102, **amend**
21 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

22 **43-4-1102. Definitions.** As used in this part 11, unless the context
23 otherwise requires:

24 (1) ~~"Account" means the transportation revenue anticipation notes~~
25 ~~proceeds account of the multimodal transportation options fund created~~
26 ~~in section 43-4-1103 (1)(b).~~

27 (4) "Fund" means the multimodal transportation AND MITIGATION

1 options fund created in section 43-4-1103 (1)(a).

2 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT
3 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR
4 RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS
5 EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING
6 MULTIMODAL TRAVEL.

7 (5) "Multimodal projects" means capital or operating costs for
8 fixed route and on-demand transit, transportation demand management
9 programs, multimodal mobility projects enabled by new technology,
10 multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS
11 MITIGATION PROJECTS, and bicycle or pedestrian projects.

12 **SECTION 49.** In Colorado Revised Statutes, 43-4-1103, **amend**
13 (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion,
14 (3)(a)(I), and (3)(a)(II) introductory portion; **repeal** (1)(b), (2)(a)(II),
15 (2)(a)(III), and (2)(b); and **add** (2)(a)(IV) and (3)(a.5) as follows:

16 **43-4-1103. Multimodal transportation options fund - creation**
17 **- revenue sources for fund - use of fund.** (1) (a) The multimodal
18 transportation AND MITIGATION options fund is hereby created in the state
19 treasury. The fund consists of money transferred from the general fund to
20 the fund pursuant to section 24-75-219, ~~(5)(a)(III) and (5)(b)(III)~~ RETAIL
21 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION
22 43-4-218 (5)(a)(II), and any other money that the general assembly may
23 appropriate or transfer to the fund. The state treasurer shall credit all
24 interest and income derived from the deposit and investment of money in
25 the fund to the fund.

26 (b) ~~The transportation revenue anticipation notes proceeds account~~
27 ~~is hereby created in the fund. Net proceeds of transportation revenue~~

1 anticipation notes that the state issues shall be credited to the account as
2 specified in section ~~43-4-714 (1)(b)~~. The state treasurer shall credit all
3 interest and income derived from the deposit and investment of money in
4 the account to the account.

5 (2) (a) (I) Except as otherwise provided in subsections ~~(2)(a)(II)~~
6 ~~and (2)(a)(III)~~ SUBSECTION (2)(a)(IV) of this section, subject to annual
7 appropriation by the general assembly, money must be expended from the
8 fund as follows:

9 (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~
10 ~~five hundred thousand dollars from the fund to the fund created in section~~
11 ~~43-4-1002 (1).~~

12 (III) ~~On June 30, 2020, the state treasurer shall transfer ten million~~
13 ~~dollars from the fund to the general fund.~~

14 (IV) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL
15 TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE FUND
16 CREATED IN SECTION 43-4-1002.

17 (b) ~~(I) Subject to the limitations set forth in subsection (2)(b)(II)~~
18 ~~of this section, money must be expended from the account as follows:~~

19 ~~(A) Eighty-five percent to the commission for local multimodal~~
20 ~~projects; and~~

21 ~~(B) Fifteen percent to the commission for state multimodal~~
22 ~~projects that are selected by the commission.~~

23 ~~(H) The commission shall ensure, in cooperation with each~~
24 ~~recipient of such money from the account, that any net proceeds of~~
25 ~~tax-exempt transportation revenue anticipation notes credited to the~~
26 ~~account and any interest and income derived from the deposit and~~
27 ~~investment of any such proceeds are expended only in compliance with~~

1 ~~all applicable federal laws and regulations governing the use of~~
2 ~~tax-exempt note proceeds.~~

3 (c) With respect to the ~~distribution~~ DISTRIBUTIONS of money for
4 local multimodal projects required by subsection (2)(a)(I)(A) of this
5 section, ~~and, for net proceeds of taxable transportation revenue~~
6 ~~anticipation notes and interest and income derived from the deposit and~~
7 ~~investment of such proceeds only, the distribution of money for local~~
8 ~~multimodal projects required by subsection (2)(b)(I)(A) of this section,~~
9 the commission shall establish a formula for disbursement of the amount
10 allocated for local multimodal projects, based on population and transit
11 ridership AND OTHER CRITERIA DEVELOPED in consultation with the
12 transportation advisory committee created in section 43-1-1104, the
13 transit and rail advisory committee of the department, THE STATE
14 TRANSPORTATION ADVISORY COMMITTEE OF THE DEPARTMENT, transit
15 advocacy organizations, and bicycle and pedestrian advocacy
16 organizations. Recipients shall provide a match equal to the amount of the
17 award; except that the commission may create a formula for reducing or
18 exempting the match requirement for local governments or agencies due
19 to their size or any other special circumstances AND MAY ALSO, IF
20 RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY
21 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC
22 PROJECT.

23 (3) (a) The department shall annually report to the transportation
24 legislation review committee of the general assembly created in section
25 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~
26 including, at a minimum:

27 (I) An aggregate accounting of all money expended from the fund

1 ~~and the account~~ during the prior fiscal year; and

2 (II) A listing of all projects receiving funding from the fund ~~and~~
3 ~~the account~~ during the prior fiscal year that includes for each project:

4 (a.5) EACH TRANSPORTATION PLANNING REGION SHALL ANNUALLY
5 REPORT TO THE DEPARTMENT REGARDING THE STATUS OF LOCAL
6 MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED
7 FUNDING FROM THE FUND.

8 **SECTION 50.** In Colorado Revised Statutes, **add** parts 12 and 13
9 to article 4 of title 43 as follows:

10 PART 12

11 CLEAN TRANSIT

12 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
13 HEREBY FINDS AND DECLARES THAT:

14 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO
15 CONTINUE TO INCREASE IN COMMUNITIES ACROSS THE STATE;

16 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
17 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
18 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
19 POLLUTION;

20 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
21 INCREASED EMISSIONS FROM MOTOR VEHICLES USED TO MAKE RETAIL
22 DELIVERIES CAN BE MITIGATED AND OFFSET BY SUPPORTING THE
23 WIDESPREAD ADOPTION OF ELECTRIC BUSES FOR TRANSIT FLEETS AND
24 REDUCING VEHICLE MILES TRAVELED BY ENCOURAGING PEOPLE TO
25 CHOOSE CLEAN, EFFICIENT, PUBLIC TRANSIT OPTIONS INSTEAD OF
26 PERSONAL MOTOR VEHICLE TRAVEL;

27 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY

1 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
2 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
3 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
4 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
5 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
6 MITIGATION ACTIVITIES;

7 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
8 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
9 ACCELERATE THE ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND
10 URBAN AREAS THROUGHOUT THE STATE BECAUSE ELECTRIFICATION:

11 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
12 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
13 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
14 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS IN
15 AND BETWEEN COMMUNITIES, INCLUDING COMMUNITIES NEAR HIGH-USE
16 TRANSIT CORRIDORS AND DISPROPORTIONATELY IMPACTED COMMUNITIES,
17 AND HELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION
18 REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT
19 STANDARDS; AND

20 (II) BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
21 WITH THE USE OF MOTOR VEHICLES, HELPS PUBLIC TRANSIT PROVIDERS
22 OPERATE MORE EFFICIENTLY, USE COST SAVINGS TO PROVIDE MORE
23 RELIABLE AND CONVENIENT TRANSIT SERVICE TO MORE RIDERS, AND
24 FURTHER REDUCE EMISSIONS BY REDUCING PERSONAL MOTOR VEHICLE
25 USE; AND

26 (f) BY REDUCING MOTOR VEHICLE EMISSIONS, TRANSIT FLEET
27 ELECTRIFICATION EFFECTIVELY REMEDIATES SOME OF THE IMPACTS OF

1 RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE INCREASED MOTOR
2 VEHICLE EMISSIONS RESULTING FROM SUCH DELIVERIES.

3 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

4 (a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
5 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE
6 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY
7 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN
8 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT
9 ENTERPRISE THAT CAN PROVIDE SPECIALIZED REMEDIATION AND OTHER
10 SERVICES THAT HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE
11 CONSTRUCTION OF THE CHARGING INFRASTRUCTURE NEEDED TO SUPPORT
12 ELECTRIFICATION AND THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

13 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
14 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
15 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
16 THROUGH INCENTIVIZATION, SUPPORT, AND ACCELERATION OF THE
17 ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND URBAN AREAS
18 THROUGHOUT THE STATE;

19 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
20 WHEN, IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL
21 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
22 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
23 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
24 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

25 (I) MAKING GRANTS OR LOANS OR PROVIDING REBATES TO FUND
26 THE ACQUISITION OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR
27 VEHICLES FOR USE IN TRANSIT FLEETS AND THE CONSTRUCTION OF

1 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF SUCH ELECTRIC
2 MOTOR VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

3 (A) IMPROVING TRANSPORTATION OPTIONS FOR FEE PAYERS AND
4 THE GENERAL PUBLIC, MAKING TRANSIT MORE ATTRACTIVE TO NEW OR
5 INFREQUENT USERS, AND REDUCING PERSONAL MOTOR VEHICLE
6 EMISSIONS; AND

7 (B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCING TRAFFIC
8 CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL
9 DELIVERIES, FURTHER REDUCES EMISSIONS OF AIR POLLUTANTS AND
10 GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCES
11 AND MITIGATES THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
12 SUCH EMISSIONS;

13 (II) CONTRIBUTING IN A UNIQUE AND TARGETED WAY TO THE
14 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
15 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
16 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
17 SYSTEM; AND

18 (III) PROVIDING ADDITIONAL REMEDIATION SERVICES TO OFFSET
19 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW;

20 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
21 THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY
22 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
23 THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
24 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*
25 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

26 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
27 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896

1 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
2 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
3 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
4 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
5 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL
6 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION
7 43-4-1203 (7) IS:

8 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
9 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
10 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
11 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
12 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
13 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
14 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
15 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
16 SYSTEM SPECIFIED IN THIS SECTION; AND

17 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
18 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
19 REMEDIATING THOSE IMPACTS; AND

20 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
21 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
22 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY
23 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
24 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
25 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
26 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
27 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS

1 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

2 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
5 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
6 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
7 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
8 PROPULSION.

9 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

10 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
11 CREATED IN SECTION 43-1-106 (1).

12 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
13 CREATED IN SECTION 24-1-128.7.

14 (5) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
15 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
16 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
17 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
18 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
19 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
20 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
21 GREATER THAN FORTY PERCENT.

22 (b) AS USED IN THIS SUBSECTION (5):

23 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
24 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

25 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
26 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
27 POVERTY GUIDELINE.

1 (6) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
2 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
3 HYBRID ELECTRIC MOTOR VEHICLE.

4 (7) "ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE
5 CREATED IN SECTION 43-4-1203 (1)(a).

6 (8) "FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND
7 CREATED IN SECTION 43-4-1203 (5)

8 (9) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
9 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
10 THAT USES HYDROGEN GAS AS FUEL.

11 (10) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
12 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
13 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
14 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
15 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
16 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
17 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
18 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
19 43-4-1203 (7) BEGINS.

20 (11) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
21 SECTION 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL
22 DELIVERY DEVICE.

23 (12) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
24 OPERATED ROBOT THAT IS:

25 (a) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
26 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
27 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE

1 TYPICALLY USED BY PEDESTRIANS;

2 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
3 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
4 AND

5 (c) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR WHEN
6 ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT
7 ARE TYPICALLY USED BY PEDESTRIANS.

8 (13) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
9 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
10 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
11 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
12 AS AN INTERNAL COMBUSTION ENGINE.

13 (14) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
14 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
15 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
16 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
17 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
18 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

19 (15) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
20 SECTION 39-26-102 (8).

21 (16) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN
22 SECTION 39-26-102 (9).

23 (17) "TANGIBLE PERSONAL PROPERTY HAS THE SAME MEANING AS
24 SET FORTH IN SECTION 39-26-102 (15).

25 (18) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION
26 43-1-102 (4).

27 (19) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY

1 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

2 **43-4-1203. Clean transit enterprise - creation - board - powers**

3 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS

4 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES

5 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER

6 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF

7 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES

8 SET FORTH IN THIS SECTION.

9 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS

10 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE

11 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED

12 IN SECTION 24-1-105.

13 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

14 NINE MEMBERS APPOINTED AS FOLLOWS:

15 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL

16 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH

17 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL

18 MAKE REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE

19 BEEN SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER

20 MEMBERS THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN

21 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO

22 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE

23 GOVERNOR:

24 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND

25 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

26 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE

27 TRANSIT EXPERTISE;

1 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE
2 TRANSIT EXPERTISE;

3 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS
4 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

5 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED
6 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;
7 AND

8 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP
9 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

10 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
11 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

12 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
13 DIRECTOR'S DESIGNEE; AND

14 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

16 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
17 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
18 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS
19 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION
20 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS
21 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A
22 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE
23 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS
24 SERVE FOR AS LONG AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED
25 TO SERVE.

26 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
27 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND

1 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
2 PURSUANT TO THIS PART 12.

3 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO
4 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH
5 IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED
6 BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING
7 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
8 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
9 ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION
10 ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,
11 PROVIDING THE ASSOCIATED RECHARGING INFRASTRUCTURE FOR ELECTRIC
12 TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS
13 THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC
14 TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT
15 ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE
16 ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS
17 BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
18 THROUGH THE BOARD, THE ENTERPRISE MAY:

19 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
20 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

21 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS
22 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

23 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
24 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

25 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
26 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
27 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS

1 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
2 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
3 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
4 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
5 CONSTITUTION.

6 (5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED
7 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL
8 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO
9 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
10 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY
11 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
12 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
13 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
16 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE
17 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY
18 OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY
19 THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND
20 OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS
21 AUTHORIZED BY THIS PART 3.

22 (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE
23 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR
24 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
25 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A
26 TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18
27 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE

1 PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND
2 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
3 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
4 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
5 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE
6 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
7 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
8 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
9 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
10 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
11 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
12 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
13 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
14 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
15 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE
18 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY
19 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
20 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
21 REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
22 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
23 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
24 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
25 THE COMMISSION.

26 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
27 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND

1 DUTIES:

2 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
3 THE CONDUCT OF ITS BUSINESS;

4 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
5 PERSONAL PROPERTY;

6 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL
7 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT
8 TO CARRY OUT ITS BUSINESS PURPOSE;

9 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

10 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND
11 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
12 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED
13 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
14 SHALL CREDIT THE MONEY TO THE FUND;

15 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO
16 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO
17 SUBSECTION (8) OF THIS SECTION;

18 (g) TO PROMULGATE RULES GOVERNING THE PROCESS BY WHICH
19 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES
20 GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

21 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
22 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
23 GRANTED BY THIS SECTION.

24 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
25 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
26 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
27 ENTERPRISE, A CLEAN TRANSIT RETAIL DELIVERY FEE ON EACH RETAIL

1 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
2 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
3 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
4 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
5 43-4-218 (6) THE CLEAN TRANSIT RETAIL DELIVERY FEE. FOR THE PURPOSE
6 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
7 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
8 AND ADMINISTER THE CLEAN TRANSIT RETAIL DELIVERY FEE ON BEHALF
9 OF THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
10 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218
11 (3).

12 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
13 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
14 IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
15 OF THREE CENTS.

16 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
17 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
18 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
19 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
20 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS
21 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR
22 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
23 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE
24 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
25 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
26 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
27 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER

1 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
2 BEGINS.

3 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
4 THE CLEAN TRANSIT RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
5 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
6 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
7 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
8 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
9 STATE FISCAL YEAR.

10 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT
11 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE
12 ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO
13 SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

14 (b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO
15 FUND:

16 (I) CLEAN TRANSIT PLANNING EFFORTS;

17 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION
18 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC
19 TRANSIT PROVIDERS;

20 (III) THE CONSTRUCTION OF CHARGING INFRASTRUCTURE FOR
21 ELECTRIC MOTOR VEHICLES USED BY PUBLIC TRANSIT PROVIDERS; AND

22 (IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR
23 VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC
24 MOTOR VEHICLES.

25 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE
26 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
27 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT

1 APPLICATIONS.

2 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
3 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
4 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
5 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
6 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
7 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
8 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
9 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
10 THE DEPARTMENT WHEN DEVELOPING THE RULES.

11 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
12 ENTERPRISE SHALL:

13 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
14 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
15 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
16 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
17 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
18 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
19 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

20 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
21 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
22 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
23 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
24 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
25 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
26 EXPENDITURES;

27 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND

1 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
2 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
3 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
4 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
5 AND

6 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
7 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
8 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
9 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
10 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
11 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
12 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
13 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
14 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
15 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
16 COMMITTEES CONTINUES INDEFINITELY.

17 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
18 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
19 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
20 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

21 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
22 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
23 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
24 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
25 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
26 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
27 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND

1 LOCAL GOVERNMENTS COMBINED.

2 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
3 OF ARTICLE 57 OF TITLE 11.

4 PART 13
5 NONATTAINMENT AREA AIR POLLUTION
6 MITIGATION ENTERPRISE

7 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 HEREBY FINDS AND DECLARES THAT:

9 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE
10 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH
11 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL
12 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM
13 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL
14 AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN
15 NONATTAINMENT AREAS, INCLUDING BUT NOT LIMITED TO
16 DISPROPORTIONATELY IMPACTED COMMUNITIES AND COMMUNITIES
17 ADJACENT TO HIGHWAYS;

18 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE
19 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION
20 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING
21 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
22 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE
23 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
24 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
25 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
26 CONSTRUCTION EQUIPMENT;

27 (c) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES

1 AND PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION
2 NETWORK COMPANIES, BY LIMITING RETAIL DELIVERY AND PREARRANGED
3 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO
4 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND
5 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL
6 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT
7 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE
8 WITHOUT UNDUE RESTRICTIONS AND TO INSTEAD IMPOSE A SMALL FEE ON
9 EACH RETAIL DELIVERY AND PREARRANGED RIDE AND USE FEE REVENUE
10 TO FUND NECESSARY MITIGATION ACTIVITIES.

11 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

12 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
13 WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION
14 PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR
15 POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF
16 TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS
17 AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF
18 PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK
19 COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE
20 STATE'S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND
21 EMISSIONS.

22 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
23 BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
24 ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES
25 THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN
26 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME
27 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,

1 2018 CO 36;

2 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
3 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
4 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
5 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
7 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
8 GENERATED BY FEES, NOT TAXES, BECAUSE THE AIR POLLUTION
9 MITIGATION PER RIDE FEE AND THE AIR POLLUTION MITIGATION RETAIL
10 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
11 SUBSECTIONS (7) AND (8) OF THIS SECTION ARE:

12 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
13 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
14 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
15 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
16 ACTIVITIES ON WHICH THE FEES ARE ASSESSED, AND CONTRIBUTE TO THE
17 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
18 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
19 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
20 SYSTEM; AND

21 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
22 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
23 REMEDIATING THOSE IMPACTS; AND

24 (c) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
25 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
26 REVENUE FROM THE COMMUNITY ACCESS RETAIL DELIVERY FEE
27 COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS

1 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN
2 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE
3 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE
4 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
5 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

6 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN
9 SECTION 25-7-103 (1.5).

10 (2) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
11 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
12 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
13 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
14 PROPULSION.

15 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

16 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
17 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
18 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
19 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
20 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

21 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR
22 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL
23 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR
24 PROGRAM.

25 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF
26 TRANSPORTATION.

27 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A

1 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
2 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
3 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
4 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
5 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
6 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
7 GREATER THAN FORTY PERCENT.

8 (b) AS USED IN THIS SUBSECTION (7):

9 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
10 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

11 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
12 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
13 POVERTY GUIDELINE.

14 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
15 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
16 HYBRID ELECTRIC MOTOR VEHICLE.

17 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING
18 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO
19 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND
20 FOR AN ELIGIBLE PROJECT.

21 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A
22 NONATTAINMENT AREA THAT:

23 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

24 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS
25 POLLUTANTS.

26 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR
27 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303

1 (1)(a).

2 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION
3 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

4 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC
5 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
6 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
7 AND SULFUR HEXAFLUORIDE.

8 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
9 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
10 THAT USES HYDROGEN GAS AS FUEL.

11 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
12 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
13 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
14 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
15 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
16 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
17 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
18 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303
19 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY
20 SECTION 43-4-1303 (8) BEGINS.

21 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR
22 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS
23 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION
24 25-7-107.

25 (17) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
26 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
27 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL

1 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
2 AS AN INTERNAL COMBUSTION ENGINE.

3 (18) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 40-10.1-602 (2).

5 (19) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
6 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
7 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
8 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
9 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
10 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

11 (20) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 39-26-102 (8).

13 (21) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN
14 SECTION 39-26-102 (9).

15 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
16 40-10.1-602 (5).

17 (23) "TANGIBLE PERSONAL PROPERTY HAS THE SAME MEANING AS
18 SET FORTH IN SECTION 39-26-102 (15).

19 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
20 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

21 (25) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
22 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

23 **43-4-1303. Nonattainment area air pollution mitigation**
24 **enterprise - creation - board - powers and duties - fees - fund.**

25 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
26 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS
27 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE

1 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
2 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
3 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

4 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
5 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
6 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
7 IN SECTION 24-1-105.

8 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
9 UP TO SEVEN MEMBERS AS FOLLOWS:

10 (I) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

11 (A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,
12 ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

13 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
14 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
15 DENVER REGIONAL COUNCIL OF GOVERNMENTS;

16 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
17 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
18 METROPOLITAN PLANNING ORGANIZATION; AND

19 (D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF
20 DISPROPORTIONATELY IMPACTED COMMUNITIES;

21 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
22 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

23 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
24 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

25 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
26 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
27 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED

1 TO SERVE BY AN EXECUTIVE DIRECTOR.

2 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE
3 ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
4 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT
5 RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL
6 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES
7 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING
8 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING
9 DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO
10 DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS
11 RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF
12 ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.
13 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY
14 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE
15 MAY:

16 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN
17 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY
18 SUBSECTIONS (7) AND (8) OF THIS SECTION;

19 (b) ISSUE GRANTS, LOANS, AND REBATES AS AUTHORIZED BY
20 SUBSECTION (9) OF THIS SECTION; AND

21 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
22 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

23 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
24 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
25 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
26 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
27 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT

1 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
2 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION.

4 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
5 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
6 CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR
7 POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE
8 FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
9 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
10 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
11 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
12 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
13 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
14 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
15 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
16 SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE
17 AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF
18 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

19 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
20 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
21 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
22 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
23 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
24 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
25 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
26 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
27 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR

1 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
2 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
3 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
4 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL
5 EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND
6 LOAN LIABILITIES THAT ARE RECORDED IN THE NONATTAINMENT AREA AIR
7 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND BUT THAT
8 ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT
9 BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
10 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
11 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
12 AND INVESTMENT OF MONEY IN THE NONATTAINMENT AREA AIR
13 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.
14 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
15 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
16 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
17 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
18 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
19 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
20 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
21 INTEREST AT A RATE SET BY THE DEPARTMENT.

22 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
23 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
24 DUTIES:

25 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
26 THE CONDUCT OF ITS BUSINESS;

27 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND

1 PERSONAL PROPERTY;

2 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
4 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
5 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
6 BUSINESS PURPOSE;

7 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
8 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
9 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
10 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
11 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,
12 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
13 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
14 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
15 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
16 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
17 SINGLE-SOURCE BIDS.

18 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
19 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
20 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
21 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
22 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
23 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
24 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
25 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
26 MONEY TO THE FUND.

27 (f) TO PROVIDE SERVICES AS SET FORTH IN SUBSECTION (9) OF THIS

1 SECTION;

2 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
3 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
4 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO
5 SUBSECTION (9) OF THIS SECTION; AND

6 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
7 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
8 GRANTED BY THIS SECTION.

9 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
10 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR
11 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION
12 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND
13 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE
14 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION
15 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
16 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION
17 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A
18 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE
19 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

20 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
21 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR
22 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

23 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED
24 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
25 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

26 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER
27 PREARRANGED RIDE.

1 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
2 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
3 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
4 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION
5 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE
6 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
7 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
8 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
9 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND
10 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
11 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
12 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
13 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
14 BEGINS.

15 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
16 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES
17 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE
18 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE
19 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN
20 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER
21 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS
22 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST
23 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT
24 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE
25 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS
26 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE
27 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION

1 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
2 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL
3 CUMULATIVE INFLATION OR FIVE PERCENT.

4 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE
5 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET AIR POLLUTION
6 MITIGATION PER RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER,
7 WHO SHALL CREDIT THE REVENUE TO THE FUND.

8 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
9 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
10 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
11 ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON
12 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
13 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
14 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
15 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
16 SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY
17 FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS
18 AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF
19 REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION
20 MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE
21 SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL
22 DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

23 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
24 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
25 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
26 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

27 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)

1 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
2 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
3 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
4 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
5 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
6 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
7 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
8 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
9 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
10 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
11 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
12 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
13 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

14 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
15 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
16 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
17 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
18 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
19 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
20 DURING THE STATE FISCAL YEAR.

21 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
22 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
23 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
24 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM
25 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
26 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
27 ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE

1 TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR
2 COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE
3 MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL
4 AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH
5 AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE
6 MATTER.

7 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
8 ENTERPRISE SHALL:

9 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
10 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
11 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
12 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
13 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
14 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
15 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

16 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
17 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
18 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
19 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
20 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
21 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
22 EXPENDITURES;

23 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
24 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING
25 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND
26 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS
27 AND ACTIVITIES; AND

1 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
2 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
3 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
4 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
5 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
6 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
7 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
8 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
9 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
10 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
11 COMMITTEES CONTINUES INDEFINITELY.

12 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
13 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
14 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
15 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

16 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
17 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
18 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
19 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
20 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
21 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
22 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
23 LOCAL GOVERNMENTS COMBINED.

24 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
25 OF ARTICLE 57 OF TITLE 11.

26 **SECTION 51.** In Colorado Revised Statutes, **repeal** 43-4-714.

1 **SECTION 52. Appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting for the fiscal year beginning July 1, 2021. Section**

2 **2 of SB 21-205, amend Part IV (1)(C), as follows:**

3 **Section 2. Appropriation.**

4 **PART IV**

5 **GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING**

6

7 **(1) OFFICE OF THE GOVERNOR**

8 **(C) Colorado Energy Office**

9	<u>Program Administration</u>	<u>6,257,311</u>	<u>2,625,625</u>	<u>3,631,686(I)</u>
10		<u>(24.8 FTE)</u>		
11	<u>Electric Vehicle Charging</u>			
12	<u>Station Grants</u>	<u>1,036,204</u>	<u>1,036,204^g</u>	
13			<u>1,036,204(I)^a</u>	
14	<u>Legal Services</u>	<u>486,329</u>	<u>433,951</u>	<u>52,378(I)</u>
15	<u>Vehicle Lease Payments</u>	<u>13,182</u>	<u>13,182</u>	
16	<u>Leased Space</u>	<u>218,835</u>	<u>218,835</u>	
17	<u>Indirect Cost Assessment</u>	<u>153,808</u>	<u>37,763</u>	<u>116,045(I)</u>
18		<u>8,165,669</u>		

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^a This amount shall be from the Electric Vehicle Grant Fund created in Section 24-38.5-103 (1)(a), C.R.S. THIS AMOUNT IS SHOWN FOR INFORMATIONAL PURPOSES ONLY BECAUSE THE ELECTRIC VEHICLE GRANT FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE PURSUANT SECTION 24-38.5-103 (2)(a), C.R.S.

TOTALS PART IV

(GOVERNOR-

LIEUTENANT

GOVERNOR- STATE

PLANNING AND

BUDGETING)

\$365,384,731

\$57,569,143

\$16,648,484^a

\$284,399,642

\$6,767,462^b

^a Of this amount, ~~\$7,300,000~~ \$8,336,204 contains an (I) notation.

^b This amount contains an (I) notation.

1 **SECTION 53. Appropriation.** (1) For the 2021-22 state fiscal
2 year, \$125,599,957 is appropriated to the department of transportation.
3 This appropriation consists of \$259,957 from the state highway fund
4 created in section 43-1-219, C.R.S., and \$125,340,000 from the
5 multimodal transportation options and mitigation fund created in section
6 43-4-1103 (1)(a), C.R.S. To implement this act, the department may use
7 this appropriation as follows:

8 (a) \$259,957 from the state highway fund for administration,
9 which amount is based on an assumption that the division will require an
10 additional 3.0 FTE; and

11 (b) \$125,340,000 from the multimodal transportation options and
12 mitigation fund for multimodal transportation projects.

13 (2) For the 2021-22 state fiscal year, \$1,104,661 is appropriated
14 to the department of revenue. This appropriation consists of \$1,082,480
15 from the general fund and \$22,181 from the license plate cash fund
16 created in section 42-3-301 (1)(b), C.R.S. To implement this act, the
17 department may use this appropriation as follows:

18 (a) \$109,135 general fund for use by the executive director's
19 office for personal services related to administration and support, which
20 amount is based on an assumption that the office will require an
21 additional 1.8 FTE;

22 (b) \$259,875 general fund for use by the taxation business group
23 for tax administration IT system (GenTax) support related to
24 administration;

25 (c) \$231,020 general fund for use by the taxation business group
26 for personal services related to taxation services, which amount is based
27 on an assumption that the group will require an additional 3.5 FTE;

1 (d) \$70,250 general fund for use by the taxation business group
2 for operating expenses related to taxation services;

3 (e) \$412,200 general fund for use by the division of motor
4 vehicles for DRIVES maintenance and support; and

5 (f) \$22,181 from the license plate cash fund for use by the division
6 of motor vehicles for license plate ordering.

7 (3) For the 2021-22 state fiscal year, \$100,491 is appropriated to
8 the energy fund created in section 24-38.5-102.4, C.R.S. This
9 appropriation is from the general fund. The office of the governor is
10 responsible for the accounting related to this appropriation.

11 (4) For the 2021-22 state fiscal year, \$1,669,333 is appropriated
12 to the department of public health and environment. This appropriation
13 is from the general fund. To implement this act, the department may use
14 this appropriation for transfer to the clean fleet enterprise initial expenses
15 fund for startup costs.

16 (5) For the 2021-22 state fiscal year, \$504,583 is appropriated to
17 the department of law and is based on the assumption that the department
18 will require an additional 2.6 FTE. Of this appropriation, \$191,412 is
19 from reappropriated funds received from the department of transportation
20 under subsection (1)(a) of this section and is based on an assumption that
21 the department of law will require an additional 1.0 FTE; \$100,491 is
22 from reappropriated funds received from the office of the governor under
23 subsection (3) of this section and is based on an assumption that the
24 department of law will require an additional 0.5 FTE; and \$212,680 is
25 from reappropriated funds received from the department of public health
26 and environment under subsection (4) of this section and is based on an

1 assumption that the department of law will require an additional 1.1 FTE.
2 To implement this act, the department of law may use this appropriation
3 to provide legal services for the department of transportation, office of the
4 governor, and department of public health and environment.

5 **SECTION 54. Severability.** If any provision of this Senate Bill
6 21-260 or the application thereof to any person or circumstance is held
7 invalid, such invalidity does not affect other provisions or applications of
8 this Senate Bill 21-260 that can be given effect without the invalid
9 provision or application, and to this end the provisions of this Senate Bill
10 21-260 are declared to be severable.

11 **SECTION 55. Effective date.** This act takes effect upon passage;
12 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as
13 enacted in section 49 of this act, takes effect only if Senate Bill 21-238
14 becomes law, in which case section 43-4-1103 (2)(a)(IV) and takes effect
15 either upon the effective date of this act or Senate Bill 21-238, whichever
16 is later.

17 **SECTION 56. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.