

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 24, 2021

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB21-260 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 29, line 20, after the period add "EACH
- 2 SUCH RETAIL SALE IS A SINGLE RETAIL DELIVERY REGARDLESS OF THE
- 3 NUMBER OF SHIPMENTS NECESSARY TO DELIVER THE ITEMS OF TANGIBLE
- 4 PERSONAL PROPERTY PURCHASED."

- 5 Page 30, lines 16 and 17, strike "WHO SHALL SERVE AT THE PLEASURE OF
- 6 THE GOVERNOR" and substitute "WITH THE ADVICE AND CONSENT OF THE
- 7 SENATE".

- 8 Page 40, line 26, strike "(1)(g.5) and (7)" and substitute "(1)(g.5), (7), and
- 9 (8)".

- 10 Page 45, line 25, strike "FORTY-SEVEN" and substitute "TWENTY-NINE".

- 11 Page 48, after line 12 insert:

- 12 "(8) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS
- 13 SECTION:
- 14 (a) On June 30, 2021, the state treasurer shall transfer from the
- 15 revenue loss restoration cash fund created in section 24-75-226 (3)(a),
- 16 ENACTED BY SENATE BILL 21-___, ENACTED IN 2021:
- 17 (I) ONE HUNDRED EIGHTY-ONE MILLION SIX HUNDRED SIXTY
- 18 THOUSAND DOLLARS TO THE STATE HIGHWAY FUND. OF THIS AMOUNT,
- 19 TWENTY-TWO MILLION ONE HUNDRED SIXTY THOUSAND DOLLARS IS FOR

1 THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE REVITALIZING
2 MAIN STREETS PROGRAM AND FIVE HUNDRED THOUSAND DOLLARS IS FOR
3 THE PURPOSE OF ACQUIRING, PLANNING THE DEVELOPMENT OF, OR
4 DEVELOPING THE BURNHAM YARD RAIL PROPERTY IN DENVER.

5 (II) ONE HUNDRED SIXTY MILLION EIGHT HUNDRED FORTY
6 THOUSAND DOLLARS TO THE MULTIMODAL TRANSPORTATION AND
7 MITIGATION OPTIONS FUND; AND

8 (III) THIRTY-SIX MILLION DOLLARS TO THE HIGHWAY USERS TAX
9 FUND.

10 (b) ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER ONE
11 HUNDRED SEVENTY MILLION DOLLARS FROM THE GENERAL FUND TO THE
12 STATE HIGHWAY FUND.

13 (c) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,
14 THE STATE TREASURER SHALL TRANSFER:

15 (I) TEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE
16 GENERAL FUND TO THE MULTIMODAL TRANSPORTATION AND MITIGATION
17 OPTIONS FUND; AND

18 (II) SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE
19 STATE HIGHWAY FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL
20 FUNDING FOR THE REVITALIZING MAIN STREETS PROGRAM.

21 (d) (I) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1,
22 2028, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED MILLION
23 DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND; AND

24 (II) ON EACH JULY 1 FROM JULY 1, 2029, THROUGH JULY 1, 2031,
25 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE
26 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE
27 HIGHWAY FUND.

28 (e) THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND FIVE
29 MILLION DOLLARS OF EACH TRANSFER FROM THE GENERAL FUND TO THE
30 STATE HIGHWAY FUND MADE PURSUANT TO SUBSECTION (8)(d) OF THIS
31 SECTION FROM JULY 1, 2024, THROUGH JULY 1, 2028, SOLELY TO MITIGATE
32 THE ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
33 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS BY FUNDING
34 PROJECTS THAT REDUCE VEHICLE MILES TRAVELED OR THAT DIRECTLY
35 REDUCE AIR POLLUTION.

36 (f) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
37 FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY
38 PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE 2020-21 STATE
39 FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS
40 DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP
41 EXCEEDED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN

1 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
2 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
3 HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

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

6 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND
7 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
8 REVITALIZING MAIN STREETS PROGRAM.

9 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING
10 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER
11 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE
12 LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE
13 PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE
14 REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT
15 EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO
16 EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
17 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
18 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
19 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF
20 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (8)(f)
21 AS FOLLOWS:

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

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

27 Page 63, line 3, after the period add "EACH SUCH RETAIL SALE IS A SINGLE
28 RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS NECESSARY
29 TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY PURCHASED."

30 Page 64, lines 6 and 7, strike "WHO SHALL SERVE AT THE PLEASURE OF
31 THE GOVERNOR" and substitute "WITH THE ADVICE AND CONSENT OF THE
32 SENATE".

33 Page 73, lines 24 and 25, strike "AVAILABLE FOR HEAVY DUTY TRUCKS
34 FOR A PERIOD OF TIME," and substitute "AVAILABLE,".

35 Page 73, line 26, after "GAS" insert "MOTOR VEHICLE".

36 Page 85, line 17, strike "2022-23," and substitute "2022-23 OR ANY



- 1 SUBSEQUENT STATE FISCAL YEAR,".
- 2 Page 92, line 8, strike "PLUG-IN HYBRID" and substitute "COMMERCIAL".
- 3 Page 93, line 18, after "ADJUSTED" insert "OR, DUE TO INCREASED USE OF
4 SUCH MOTOR VEHICLES, FEES SHOULD ALSO BE IMPOSED ON HYDROGEN
5 FUEL CELL MOTOR VEHICLES THAT ARE POWERED BY ELECTRICITY
6 PRODUCED FROM A FUEL CELL THAT USES HYDROGEN GAS AS FUEL".
- 7 Page 94, line 23, strike "VEHICLE," and substitute "VEHICLE".
- 8 Page 104, line 4, strike "(7)(e)" and substitute "(7)(f)".
- 9 Page 106, lines 26 and 27, strike "(7)(a)(II) and (7)(b)" and substitute
10 "(7)(a)(III)".
- 11 Page 114, line 4, strike "TWENTY-TWO" and substitute "TWENTY AND
12 ONE-HALF".
- 13 Page 114, line 5, strike "TWENTY-TWO" and substitute "TWENTY AND
14 ONE-HALF".
- 15 Page 120, line 17, after the period add "EACH SUCH RETAIL SALE IS A
16 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
17 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
18 PURCHASED.".
- 19 Page 153, line 24, strike "project." and substitute "project OR TUNNEL
20 PROJECT.".
- 21 Page 158, line 24, strike "(5)(g.7), "INFLATION" MEANS" and substitute
22 "(5)(g.7):
23 (A) "INFLATION" MEANS".
- 24 Page 159, after line 5 insert:
- 25 (B) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
26 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
27 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
28 PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT
29 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO



1 TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A
2 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
3 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
4 PURCHASED."

5 Page 163, line 2, strike "(2)(a)(IV)" and substitute "(2)(a)(IV), (2)(d),".

6 Page 163, line 21, strike "SUBSECTION (2)(a)(IV)" and substitute
7 "SUBSECTIONS (2)(a)(IV) AND (2)(d)".

8 Page 164, strike line 6 and substitute:

9 "(IV) (A) ON JULY 1, 2021, THE STATE TREASURER SHALL
10 TRANSFER TWELVE MILLION DOLLARS FROM THE FUND TO THE FUND
11 CREATED IN SECTION 43-4-1002 FOR THE PURPOSE OF PROVIDING
12 ADDITIONAL FUNDING FOR THE SOUTHWEST CHIEF LA JUNTA ROUTE
13 RESTORATION PROGRAM.

14 (B) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL".

15 Page 165, after line 14 insert:

16 "(d) (I) ON AND AFTER JULY 1, 2022, UNLESS THE DEPARTMENT
17 HAS BOTH ADOPTED IMPLEMENTING GUIDELINES AND PROCEDURES THAT
18 SATISFY THE REQUIREMENTS OF SECTION 43-1-128 (3) AND UPDATED ITS
19 TEN-YEAR VISION PLAN TO COMPLY WITH THE IMPLEMENTING GUIDELINES
20 AND PROCEDURES, EXPENDITURES FROM THE FUND FOR STATE
21 MULTIMODAL PROJECTS SHALL NOT BE MADE; EXCEPT THAT, DURING
22 STATE FISCAL YEAR 2022-23 ONLY, EXPENDITURES MAY BE MADE FOR
23 MULTIMODAL PROJECTS THAT THE DEPARTMENT, IN CONSULTATION WITH
24 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, DETERMINES
25 WILL HELP BRING THE TEN-YEAR VISION PLAN INTO COMPLIANCE WITH THE
26 REQUIREMENTS OF SECTION 43-1-128 (3).

27 (II) ON AND AFTER JULY 1, 2022, UNLESS THE DEPARTMENT HAS
28 ADOPTED IMPLEMENTING GUIDELINES AND PROCEDURES THAT SATISFY THE
29 REQUIREMENTS OF SECTION 43-1-128 (3) AND A METROPOLITAN PLANNING
30 ORGANIZATION THAT IS IN AN AREA OR INCLUDES AN AREA THAT HAS BEEN
31 OUT OF ATTAINMENT FOR NATIONAL AMBIENT AIR QUALITY STANDARDS
32 FOR OZONE FOR TWO YEARS OR MORE HAS UPDATED ITS REGIONAL
33 TRANSPORTATION PLAN TO COMPLY WITH THE IMPLEMENTING GUIDELINES
34 AND PROCEDURES, EXPENDITURES FROM THE FUND FOR LOCAL
35 MULTIMODAL PROJECTS WITHIN THE TERRITORY OF THE METROPOLITAN



1 PLANNING ORGANIZATION SHALL NOT BE MADE; EXCEPT THAT, DURING
2 STATE FISCAL YEAR 2022-23 ONLY, EXPENDITURES MAY BE MADE FOR
3 MULTIMODAL PROJECTS THAT THE DEPARTMENT, IN CONSULTATION WITH
4 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, DETERMINES
5 WILL HELP BRING THE REGIONAL TRANSPORTATION PLAN INTO
6 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-1-128 (3).

7 (III) THE RESTRICTIONS SET FORTH IN SUBSECTIONS (2)(d)(I) AND
8 (2)(d)(II) OF THIS SECTION APPLY UNTIL THE DEPARTMENT OR AN
9 AFFECTED METROPOLITAN PLANNING ORGANIZATION UPDATES ITS
10 TEN-YEAR VISION PLAN OR REGIONAL TRANSPORTATION PLAN, AS
11 APPLICABLE, TO COMPLY WITH THE IMPLEMENTING GUIDELINES AND
12 PROCEDURES AS REQUIRED. BOTH THE DEPARTMENT AND AN AFFECTED
13 METROPOLITAN PLANNING ORGANIZATION SHALL WORK DILIGENTLY TO
14 ACHIEVE SUCH COMPLIANCE UNTIL IT IS ACHIEVED."

15 Page 173, line 15, after the period add "EACH SUCH RETAIL SALE IS A
16 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
17 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
18 PURCHASED."

19 Page 174, lines 12 and 13, "WHO SHALL SERVE AT THE PLEASURE OF THE
20 GOVERNOR" and substitute "WITH THE ADVICE AND CONSENT OF THE
21 SENATE".

22 Page 181, strike lines 22 through 24 and substitute:

23 "(IV) THE REPLACEMENT OF MOTOR VEHICLES USED BY PUBLIC
24 TRANSIT PROVIDERS THAT ARE NOT ELECTRIC MOTOR VEHICLES BY
25 ELECTRIC MOTOR VEHICLES, OR, IF ELECTRIC MOTOR VEHICLES ARE NOT
26 PRACTICALLY AVAILABLE, BY COMPRESSED NATURAL GAS MOTOR
27 VEHICLES, AS DEFINED IN SECTION 25-7.5-102 (5), IF AT LEAST NINETY
28 PERCENT OF THE FUEL FOR THE COMPRESSED NATURAL GAS MOTOR
29 VEHICLES WILL BE RECOVERED METHANE, AS DEFINED IN SECTION
30 25-7.5-102 (20)."

31 Page 190, line 10, after the period add "EACH SUCH RETAIL SALE IS A
32 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
33 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
34 PURCHASED."

35 Page 191, line 10, after "GOVERNOR" insert "WITH THE CONSENT OF THE



1 SENATE".

2 Page 207, strike lines 11 through 16 and substitute:

3 "SECTION 56. Effective date. (1) Except as otherwise provided
4 in this section, this act takes effect upon passage.

5 (2) Section 24-75-219 (7), Colorado Revised Statutes, as enacted
6 in section 7 of this act, takes effect only if Senate Bill 21-____ does not
7 become law.

8 (3) Section 24-75-219 (8), Colorado Revised Statutes, as enacted
9 in section (7) of this act, takes effect only if Senate Bill 21-____ becomes
10 law, in which case section 24-75-219 (8) takes effect either upon the
11 effective date of this act or Senate Bill 21-____, whichever is later.

12 (4) Section 43-4-1103 (2)(a)(IV)(A), Colorado Revised Statutes,
13 as enacted in section 50 of this act, takes effect only if Senate Bill 21-____
14 becomes law, in which case section 43-4-1103 (2)(a)(IV)(A) takes effect
15 either upon the effective date of this act or Senate Bill 21-____, whichever
16 is later.

17 (5) Section 43-4-1103 (2)(a)(IV)(B), Colorado Revised Statutes,
18 as enacted in section 50 of this act, takes effect only if Senate Bill 21-238
19 becomes law, in which case section 43-4-1103 (2)(a)(IV)(B) takes effect
20 either upon the effective date of this act or Senate Bill 21-238, whichever
21 is later."

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