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:

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

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

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

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

Page 48, after line 12 insert:

"(8) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS SECTION:
(a) On June 30, 2021, the state treasurer shall transfer from the revenue loss restoration cash fund created in section 24-75-226 (3)(a), enacted by Senate Bill 21-___, enacted in 2021:
(i) ONE HUNDRED EIGHTY-ONE MILLION SIX HUNDRED SIXTY THOUSAND DOLLARS TO THE STATE HIGHWAY FUND. OF THIS AMOUNT, TWENTY-TWO MILLION ONE HUNDRED SIXTY THOUSAND DOLLARS IS FOR
THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE REVITALIZING
MAIN STREETS PROGRAM AND FIVE HUNDRED THOUSAND DOLLARS IS FOR
THE PURPOSE OF ACQUIRING, PLANNING THE DEVELOPMENT OF, OR
DEVELOPING THE BURNHAM YARD RAIL PROPERTY IN DENVER.

(II) ONE HUNDRED SIXTY MILLION EIGHT HUNDRED FORTY
THOUSAND DOLLARS TO THE MULTIMODAL TRANSPORTATION AND
MITIGATION OPTIONS FUND; AND
(III) THIRTY-SIX MILLION DOLLARS TO THE HIGHWAY USERS TAX
FUND.

(b) On July 1, 2021, the state treasurer shall transfer one
hundred seventy million dollars from the general fund to the
state highway fund.

(c) On each July 1 from July 1, 2024, through July 1, 2031,
the state treasurer shall transfer:
(I) Ten million five hundred thousand dollars from the
general fund to the multimodal transportation and mitigation
options fund; and
(II) Seven million dollars from the general fund to the
state highway fund for the purpose of providing additional
funding for the revitalizing main streets program.

(d) (I) On each July 1 from July 1, 2024, through July 1, 2028,
the state treasurer shall transfer one hundred million
dollars from the general fund to the state highway fund; and
(II) On each July 1 from July 1, 2029, through July 1, 2031,
the state treasurer shall transfer eighty-two million five
hundred thousand dollars from the general fund to the state
highway fund.

(e) The department of transportation shall expend five
million dollars of each transfer from the general fund to the
state highway fund made pursuant to subsection (8)(d) of this
section from July 1, 2024, through July 1, 2028, solely to mitigate
the environmental and health impacts of increased air pollution
from motor vehicle emissions in nonattainment areas by funding
projects that reduce vehicle miles traveled or that directly
reduce air pollution.

(f) (I) On June 30, 2022, the state treasurer shall transfer
from the general fund an amount equal to the lesser of fifty
percent of the amount by which revenue for the 2020-21 state
fiscal year that is subject to the excess state revenues cap, as
defined in section 24-77-103.6 (6)(b), and does not exceed the cap
exceeded what the cap would have been if the cap had been
CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

Page 85, line 17, strike "2022-23," and substitute "2022-23 OR ANY
Page 92, line 8, strike "PLUG-IN HYBRID" and substitute "COMMERCIAL".

Page 93, line 18, after "ADJUSTED" insert "OR, DUE TO INCREASED USE OF SUCH MOTOR VEHICLES, FEES SHOULD ALSO BE IMPOSED ON HYDROGEN FUEL CELL MOTOR VEHICLES THAT ARE POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL THAT USES HYDROGEN GAS AS FUEL".

Page 94, line 23, strike "VEHICLE," and substitute "VEHICLE".

Page 104, line 4, strike "(7)(e)" and substitute "(7)(f)".

Page 106, lines 26 and 27, strike "(7)(a)(II) and (7)(b)" and substitute "(7)(a)(III)".

Page 114, line 4, strike "TWENTY-TWO" and substitute "TWENTY AND ONE-HALF".

Page 114, line 5, strike "TWENTY-TWO" and substitute "TWENTY AND ONE-HALF".

Page 120, line 17, after the period add "EACH SUCH RETAIL SALE IS A SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY PURCHASED.".

Page 153, line 24, strike "project." and substitute "project OR TUNNEL PROJECT.".

Page 158, line 24, strike "(5)(g.7), "INFLATION" MEANS" and substitute "(5)(g.7):

(A) "INFLATION" MEANS".

Page 159, after line 5 insert:

"(B) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO
TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY PURCHASED.

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

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

Page 164, strike line 6 and substitute:

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

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

Page 165, after line 14 insert:

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

(II) ON AND AFTER JULY 1, 2022, UNLESS THE DEPARTMENT HAS ADOPTED IMPLEMENTING GUIDELINES AND PROCEDURES THAT SATISFY THE REQUIREMENTS OF SECTION 43-1-128(3) AND A METROPOLITAN PLANNING ORGANIZATION THAT IS IN AN AREA OR INCLUDES AN AREA THAT HAS BEEN OUT OF ATTAINMENT FOR NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE FOR TWO YEARS OR MORE HAS UPDATED ITS REGIONAL TRANSPORTATION PLAN TO COMPLY WITH THE IMPLEMENTING GUIDELINES AND PROCEDURES, EXPENDITURES FROM THE FUND FOR LOCAL MULTIMODAL PROJECTS WITHIN THE TERRITORY OF THE METROPOLITAN
PLANNING ORGANIZATION SHALL NOT BE MADE; EXCEPT THAT, DURING
STATE FISCAL YEAR 2022-23 ONLY, EXPENDITURES MAY BE MADE FOR
MULTIMODAL PROJECTS THAT THE DEPARTMENT, IN CONSULTATION WITH
THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, DETERMINES
WILL HELP BRING THE REGIONAL TRANSPORTATION PLAN INTO
COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-1-128 (3).

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

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

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

Page 181, strike lines 22 through 24 and substitute:

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

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

Page 191, line 10, after "GOVERNOR" insert "WITH THE CONSENT OF THE
"SECTION 56. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage. 

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

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

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

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

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