

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1233.01 Kate Meyer x4348

SENATE BILL 16-194

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

Moreno and DelGrosso,

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING FUNDING FOR STATE HIGHWAY AND REGIONAL TRANSIT
102 PROJECTS THAT DIRECTLY ENABLE COMMERCIAL
103 DEVELOPMENT IN ADJACENT AREAS THAT HAVE BEEN DEEMED
104 UNDEVELOPED OR UNDERDEVELOPED DUE TO INADEQUATE
105 STATE HIGHWAY AND TRANSPORTATION SYSTEMS.

Bill Summary

(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://www.leg.state.co.us/billsummaries>.)

To facilitate highway and transit development in areas where the lack of such development is causing adjacent commercial property to be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

undeveloped or underdeveloped due to lack of adequate highway and transportation access, **section 1** of the bill creates the "Regional Transportation Development Act" (act).

The act allows a city, county, city and county, town, or contiguous grouping of such entities (local government) to apply to the state transportation commission (commission) for approval of a regional transportation development project (project), defined as a project that:

- ! Is adjacent to or within the immediate vicinity of undeveloped or underdeveloped commercial property;
- ! Involves the construction, reconstruction, expansion, or repair to allow greater utilization of any component of the state highway system or a regional transit system;
- ! Will result in greater commercial development within a regional transportation development corridor than would otherwise occur but for the completion of the project; and
- ! Is eligible to receive federal highway matching funds.

The act specifies mandatory project application components. The director of the Colorado department of transportation (CDOT) must forward an application within 60 days of receipt, with a recommendation that the commission approve, approve with conditions, or deny the application. No later than 90 days after receiving the forwarded application, the commission must hold a public hearing regarding the application, and take action on the application within 30 days of that hearing.

Any local government or combination of local governments may create an authority to exercise the functions authorized by the act. The legal character, features, powers, and organization of authorities are described. Additionally, any authority may establish a regional transportation development enterprise to conduct activities under the act. Such authorities and enterprises may fund all or a portion of a highway or transit project by issuing bonds and pledge any state sales tax increment revenues approved by the commission to repay such bonds. The act provides for a portion of the state sales tax increment revenues (i.e., the amount of the revenue derived from state sales taxes in excess of the amount of base year revenue) collected by commercial development within a project area to be allocated to the transportation project, only if it can be shown that the increased revenues are due to the improved highway or transit project.

Section 2 sets forth the duties and powers of the department of revenue (DOR) with respect to projects, including the requirement that DOR determine base year revenue for each regional transportation development corridor, appropriately allocate state sales tax increment revenue, and promulgate rules to implement DOR's responsibilities under the act.

Section 3 contains an accountability clause, which requires the

1 (d) THERE ARE CERTAIN COMMERCIAL ZONES IN AREAS OF THE
2 STATE THAT ARE UNDEVELOPED OR UNDERDEVELOPED DUE TO A LACK OF
3 ADEQUATE TRANSPORTATION ACCESS, AND THE CITIZENS OF THE STATE
4 ARE BEST SERVED BY PROMOTING THE INFILL OF THESE AREAS;

5 (e) IT IS THEREFORE IN THE BEST INTERESTS OF THE PEOPLE OF THE
6 STATE TO PROVIDE AN INCENTIVE TO COMMUNITIES TO FINANCE STATE
7 HIGHWAY SYSTEM AND REGIONAL TRANSIT PROJECTS THAT WILL ATTRACT
8 COMMERCIAL DEVELOPMENT TO THESE AREAS BY ALLOCATING A PORTION
9 OF THE STATE SALES TAX INCREMENT REVENUES COLLECTED BY SUCH
10 COMMERCIAL DEVELOPMENT TO THOSE HIGHWAY OR TRANSIT PROJECTS
11 WHEN LOCAL GOVERNMENTS ARE ALSO WILLING TO PROVIDE IMMEDIATE
12 FUNDING FOR SUCH PROJECTS THAT WOULD OTHERWISE NOT BE BUILT OR
13 WOULD BE DELAYED.

14 **43-4-1103. Definitions.** AS USED IN THIS PART 11, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "AUTHORITY" MEANS A BODY CORPORATE AND POLITICAL
17 SUBDIVISION OF THE STATE CREATED PURSUANT TO THIS PART 11.

18 (2) "BASE YEAR REVENUE" MEANS THE STATE SALES TAX REVENUE
19 COLLECTED WITHIN A REGIONAL TRANSPORTATION DEVELOPMENT
20 CORRIDOR DURING THE TWELVE-MONTH PERIOD ENDING ON THE LAST DAY
21 OF THE MONTH IN WHICH THE REGIONAL TRANSPORTATION DEVELOPMENT
22 PROJECT APPLICATION IS SUBMITTED, AS CALCULATED BY THE
23 DEPARTMENT OF REVENUE.

24 (3) "BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

25 (4) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
26 CONTRACT, OR OTHER OBLIGATION OF AN AUTHORITY OR ENTERPRISE
27 AUTHORIZED BY THIS PART 11.

1 (5) "COMBINATION OF LOCAL GOVERNMENTS" OR "COMBINATION"
2 MEANS ANY COMBINATION OF LOCAL GOVERNMENTS, SPECIAL DISTRICTS,
3 AUTHORITIES, ENTERPRISES, OR THE STATE OF COLORADO.

4 (6) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
5 CREATED IN SECTION 43-1-106.

6 (7) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,
7 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,
8 OR RECONSTRUCTION OF REGIONAL TRANSPORTATION DEVELOPMENT
9 SYSTEMS.

10 (8) "COUNTY" MEANS ANY COUNTY ORGANIZED UNDER THE LAWS
11 OF THE STATE, INCLUDING ANY CITY AND COUNTY.

12 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
13 CREATED IN PART 1 OF ARTICLE 1 OF THIS TITLE.

14 (10) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
15 DEPARTMENT.

16 (11) "GOVERNMENTAL UNIT" MEANS THE STATE OR ANY POLITICAL
17 SUBDIVISION OF THE STATE, OTHER THAN A SCHOOL DISTRICT OR SPECIAL
18 PURPOSE AUTHORITY AS DEFINED IN SECTION 24-77-102 (15), C.R.S.

19 (12) (a) "GRANT" MEANS A CASH PAYMENT OF PUBLIC FUNDS
20 MADE DIRECTLY TO A REGIONAL TRANSPORTATION DEVELOPMENT
21 AUTHORITY OR AN ENTERPRISE BY A GOVERNMENTAL UNIT, WHICH CASH
22 PAYMENT IS NOT REQUIRED TO BE REPAYED.

23 (b) "GRANT" DOES NOT INCLUDE THE FOLLOWING:

24 (I) PUBLIC FUNDS PAID OR ADVANCED TO A REGIONAL
25 TRANSPORTATION DEVELOPMENT AUTHORITY OR ENTERPRISE BY A
26 GOVERNMENTAL UNIT IN EXCHANGE FOR AN AGREEMENT BY THE
27 AUTHORITY OR ENTERPRISE TO PROVIDE A REGIONAL TRANSPORTATION

1 DEVELOPMENT SYSTEM OR FOR THE USE OF PROPERTY INCLUDED IN OR IN
2 CONNECTION WITH A REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM;

3 (II) REFUNDS MADE IN THE CURRENT OR NEXT FISCAL YEAR;

4 (III) GIFTS;

5 (IV) ANY PAYMENTS DIRECTLY OR INDIRECTLY FROM FEDERAL
6 FUNDS OR EARNINGS ON FEDERAL FUNDS;

7 (V) COLLECTIONS FOR ANOTHER GOVERNMENT;

8 (VI) PENSION CONTRIBUTIONS BY EMPLOYEES AND PENSION FUND
9 EARNINGS;

10 (VII) RESERVE TRANSFERS OR EXPENDITURES;

11 (VIII) DAMAGE AWARDS; OR

12 (IX) PROPERTY SALES.

13 (13) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND
14 COUNTY, OR TOWN OR A GROUP OF CONTIGUOUS CITIES, COUNTIES, CITY
15 AND COUNTIES, OR TOWNS.

16 (14) "MUNICIPALITY" HAS THE SAME MEANING AS PROVIDED IN
17 SECTION 31-1-101 (6), C.R.S.

18 (15) "PERSON" MEANS ANY NATURAL PERSON, CORPORATION,
19 PARTNERSHIP, ASSOCIATION, OR JOINT VENTURE, THE UNITED STATES OF
20 AMERICA, OR ANY GOVERNMENTAL UNIT.

21 (16) "REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR"
22 MEANS THE AREA DESIGNATED BY THE COMMISSION AS PART OF AN
23 APPROVED APPLICATION THAT ENCOMPASSES THE PROJECT AND THE
24 COMMERCIAL AREAS THAT HAVE BEEN SHOWN TO BE UNDEVELOPED OR
25 UNDERDEVELOPED DUE TO A LACK OF STATE HIGHWAY SYSTEM OR
26 REGIONAL TRANSIT INFRASTRUCTURE AND IS WHOLLY WITHIN THE
27 TERRITORY OF THE APPLICANT.

1 (17) "REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE" OR
2 "ENTERPRISE" MEANS ANY REGIONAL TRANSPORTATION DEVELOPMENT
3 PROJECT BUSINESS, ESTABLISHED PURSUANT TO SECTION 43-4-1106, THAT
4 IS OWNED BY AN AUTHORITY, WHICH ENTERPRISE RECEIVES LESS THAN TEN
5 PERCENT OF ITS ANNUAL REVENUES IN GRANTS FROM ALL STATE AND
6 LOCAL GOVERNMENTS WITHIN THE STATE COMBINED AND IS AUTHORIZED
7 TO ISSUE ITS OWN REVENUE BONDS PURSUANT TO THIS PART 11.

8 (18) "REGIONAL TRANSPORTATION DEVELOPMENT PROJECT" OR
9 "PROJECT" MEANS A STATE HIGHWAY SYSTEM OR REGIONAL TRANSIT
10 PROJECT THAT:

11 (a) IS ADJACENT TO OR WITHIN THE IMMEDIATE VICINITY OF
12 UNDEVELOPED OR UNDERDEVELOPED COMMERCIAL PROPERTY;

13 (b) INVOLVES CONSTRUCTION, RECONSTRUCTION, EXPANSION, OR
14 REPAIR TO ALLOW GREATER UTILIZATION OF ANY COMPONENT OF THE
15 STATE HIGHWAY SYSTEM OR A REGIONAL TRANSIT SYSTEM;

16 (c) WILL RESULT IN GREATER COMMERCIAL DEVELOPMENT WITHIN
17 A REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR THAN WOULD
18 OTHERWISE OCCUR BUT FOR THE COMPLETION OF THE PROJECT; AND

19 (d) IS ELIGIBLE TO RECEIVE FEDERAL HIGHWAY MATCHING FUNDS.

20 (19) "REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM" MEANS
21 ANY PROPERTY, IMPROVEMENT, OR SYSTEM DESIGNED TO BE COMPATIBLE
22 WITH ESTABLISHED STATE AND LOCAL TRANSPORTATION PLANS THAT
23 TRANSPORTS OR CONVEYS PEOPLE OR GOODS OR PERMITS PEOPLE OR
24 GOODS TO BE TRANSPORTED OR CONVEYED WITHIN A REGION BY ANY
25 MEANS, INCLUDING AN AUTOMOBILE, TRUCK, BUS, RAIL, AIR, OR GONDOLA.
26 THE TERM INCLUDES ANY REAL OR PERSONAL PROPERTY OR EQUIPMENT,
27 OR INTEREST THEREIN, THAT IS APPURTENANT OR RELATED TO ANY

1 PROPERTY, IMPROVEMENT, OR SYSTEM THAT TRANSPORTS OR CONVEYS
2 PEOPLE OR GOODS OR PERMITS PEOPLE OR GOODS TO BE TRANSPORTED OR
3 CONVEYED WITHIN A REGION BY ANY MEANS OR THAT IS FINANCED,
4 CONSTRUCTED, OPERATED, OR MAINTAINED IN CONNECTION WITH THE
5 FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY SUCH
6 PROPERTY, IMPROVEMENT, OR SYSTEM. THE TERM MAY ALSO INCLUDE
7 ANY HIGHWAY, ROAD, STREET, BUS SYSTEM, RAILROAD, AIRPORT,
8 GONDOLA SYSTEM, OR MASS TRANSIT SYSTEM AND ANY REAL OR
9 PERSONAL PROPERTY OR EQUIPMENT, OR INTEREST THEREIN, USED IN
10 CONNECTION THEREWITH; ANY REAL OR PERSONAL PROPERTY OR
11 EQUIPMENT, OR INTEREST THEREIN, THAT IS USED TO TRANSPORT OR
12 CONVEY GAS, ELECTRICITY, WATER, SEWAGE, OR INFORMATION OR THAT
13 IS USED IN CONNECTION WITH THE TRANSPORTATION, CONVEYANCE, OR
14 PROVISIONS OF ANY OTHER UTILITIES; AND PAVING, GRADING,
15 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
16 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, CROSS-ROADS,
17 PARKWAYS, DRAINAGE FACILITIES, MASS TRANSIT LANES, PARK-AND-RIDE
18 FACILITIES, SERVICE AREAS, AND ADMINISTRATIVE OR MAINTENANCE
19 FACILITIES. RIGHTS-OF-WAY INCLUDED IN A REGIONAL TRANSPORTATION
20 DEVELOPMENT SYSTEM SHALL BE CONSIDERED PUBLIC RIGHTS-OF-WAY
21 FOR PURPOSES OF THE LOCATION OF UTILITIES OWNED BY PERSONS OTHER
22 THAN THE AUTHORITY.

23 (20) "REGIONAL TRANSIT" MEANS A PUBLIC BUS, RAIL, OR OTHER
24 MASS TRANSPORTATION SYSTEM.

25 (21) "REVENUES" MEANS ANY CHARGES, ASSESSMENTS, GRANTS,
26 CONTRIBUTIONS, OR OTHER INCOME AND REVENUES RECEIVED BY THE
27 AUTHORITY OR ENTERPRISE.

1 (22) "SPECIAL DISTRICT" HAS THE SAME MEANING AS PROVIDED IN
2 SECTION 32-1-103 (20), C.R.S.

3 (23) "STATE" MEANS THE STATE OF COLORADO OR ANY OF ITS
4 AGENCIES.

5 (24) "STATE HIGHWAY SYSTEM" MEANS THE FEDERAL-AID
6 PRIMARY ROADS, THE FEDERAL-AID SECONDARY ROADS, AND THE
7 INTERSTATE SYSTEM, INCLUDING EXTENSIONS THEREOF WITHIN URBAN
8 AREAS, PLUS AN AMOUNT NOT TO EXCEED FIVE PERCENT OF THE MILEAGE
9 OF SUCH SYSTEMS WHICH MAY BE DECLARED TO BE STATE HIGHWAYS BY
10 THE TRANSPORTATION COMMISSION WHILE NOT BEING ANY PART OF ANY
11 FEDERAL SYSTEM.

12 (25) "STATE SALES TAX INCREMENT REVENUE" MEANS THE
13 PORTION OF THE REVENUE DERIVED FROM STATE SALES TAXES COLLECTED
14 WITHIN A REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR IN
15 EXCESS OF THE AMOUNT OF BASE YEAR REVENUE.

16 (26) "UNDEVELOPED OR UNDERDEVELOPED COMMERCIAL
17 PROPERTY" MEANS COMMERCIAL ZONED PROPERTY THAT HAS BEEN
18 DEMONSTRATED TO BE CAPABLE OF SUPPORTING GREATER COMMERCIAL
19 DEVELOPMENT BUT WHERE SUCH DEVELOPMENT HAS NOT OCCURRED DUE
20 TO A LACK OF ADEQUATE STATE HIGHWAY SYSTEM OR REGIONAL TRANSIT
21 INFRASTRUCTURE IN THE IMMEDIATE AREA OF THE PROPERTY.

22 **43-4-1104. Regional transportation development projects.**

23 (1) A LOCAL GOVERNMENT OR COMBINATION OF LOCAL GOVERNMENTS
24 MAY APPLY TO THE COMMISSION FOR APPROVAL OF A REGIONAL
25 TRANSPORTATION DEVELOPMENT PROJECT. THE APPLICATION MUST BE IN
26 A FORM AND MANNER AS DETERMINED BY THE DEPARTMENT AND MUST
27 INCLUDE:

1 (a) A NARRATIVE DESCRIPTION OF THE PROPOSED PROJECT AND A
2 MAP OF THE REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR;

3 (b) THE ANTICIPATED COSTS AND BENEFITS OF THE PROJECT;

4 (c) A DESCRIPTION OF THE REGIONAL TRANSPORTATION
5 DEVELOPMENT CORRIDOR AND EVIDENCE THAT IT IS UNDEVELOPED OR
6 UNDERDEVELOPED DUE TO A LACK OF ADEQUATE TRANSPORTATION
7 INFRASTRUCTURE TO SUPPORT GREATER COMMERCIAL DEVELOPMENT;

8 (d) AN EXPLANATION OF HOW, BUT FOR THE PROJECT, GREATER
9 COMMERCIAL DEVELOPMENT WILL NOT OCCUR WITHIN THE REGIONAL
10 TRANSPORTATION DEVELOPMENT CORRIDOR WITHIN A REASONABLE AND
11 FORESEEABLE PERIOD OF TIME;

12 (e) THE NUMBER AND TYPE OF NEW JOBS TO BE CREATED AS A
13 RESULT OF THE PROJECT;

14 (f) THE ADDITIONAL AMOUNT OF STATE SALES TAX REVENUE
15 ANTICIPATED TO BE GENERATED IN THE PROPOSED REGIONAL
16 TRANSPORTATION DEVELOPMENT CORRIDOR AS A RESULT OF THE PROJECT;

17 (g) THE AMOUNT OF LOCAL SALES TAX, PROPERTY TAX, AND ANY
18 OTHER LOCAL TAX REVENUE ANTICIPATED TO BE GENERATED IN THE
19 PROPOSED REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR AS A
20 RESULT OF THE PROJECT;

21 (h) A DESCRIPTION OF THE PLAN FOR FUNDING THE COMPLETION OF
22 THE PROJECT, INCLUDING A STATEMENT OF THE ANTICIPATED COSTS OF
23 COMPLETING THE PROJECT AND THE AMOUNT AND PERCENTAGE OF THE
24 TOTAL FUNDING OF THE PROJECT TO BE PROVIDED BY THE APPLICANT,
25 INCLUDING THE AMOUNT TO BE FUNDED BY EACH LOCAL GOVERNMENT,
26 THE FEDERAL GOVERNMENT, AND ANY OTHER FUNDING SOURCES.

27 (2) WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION, THE

1 DIRECTOR SHALL FORWARD THE APPLICATION TO THE COMMISSION WITH
2 A RECOMMENDATION THAT THE COMMISSION APPROVE OR DENY THE
3 APPLICATION OR APPROVE THE APPLICATION WITH CONDITIONS. AN
4 APPLICANT MAY MEET WITH THE DIRECTOR PRIOR TO THE DIRECTOR
5 MAKING A RECOMMENDATION.

6 (3) NO LATER THAN NINETY DAYS AFTER THE FORWARDING OF AN
7 APPLICATION TO THE COMMISSION, THE COMMISSION SHALL HOLD A PUBLIC
8 HEARING, SUBJECT TO THE "COLORADO SUNSHINE ACT OF 1972", PART 4
9 OF ARTICLE 6 OF TITLE 24, TO REVIEW AND CONSIDER THE APPLICATION.
10 THE COMMISSION SHALL TAKE ACTION ON THE APPLICATION NO LATER
11 THAN THIRTY DAYS AFTER THE HEARING.

12 (4) THE COMMISSION SHALL APPROVE THE APPLICATION, WITH OR
13 WITHOUT CONDITIONS, IF IT DETERMINES THAT THE APPLICANT HAS MET
14 ALL OF THE APPLICATION CRITERIA SET FORTH IN SUBSECTION (1) OF THIS
15 SECTION.

16 (5) FOLLOWING THE COMMISSION'S APPROVAL OF AN APPLICATION,
17 THE COMMISSION SHALL PROMPTLY TRANSMIT WRITTEN NOTICE AND A
18 COPY OF THE APPROVAL TO THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT OF REVENUE. THE TRANSMITTAL MUST INCLUDE ANY
20 INFORMATION REQUESTED BY THE DEPARTMENT OF REVENUE TO FULFILL
21 ITS OBLIGATIONS PURSUANT TO THIS PART 11.

22 **43-4-1105. Creation of authority - powers.** (1) ANY LOCAL
23 GOVERNMENT MAY CREATE, OR ANY COMBINATION OF LOCAL
24 GOVERNMENTS MAY CONTRACT TO CREATE, AN AUTHORITY THAT IS
25 AUTHORIZED TO EXERCISE THE FUNCTIONS CONFERRED BY THIS PART 11
26 UPON THE ISSUANCE BY THE DIRECTOR OF THE DIVISION OF LOCAL
27 GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, REFERRED TO IN

1 THIS SECTION AS THE "DIVISION", A CERTIFICATE STATING THAT THE
2 AUTHORITY HAS BEEN DULY ORGANIZED ACCORDING TO THE LAWS OF THE
3 STATE. THE COMBINATION OF LOCAL GOVERNMENTS JOINING IN THE
4 CREATION OF THE AUTHORITY SHALL PROVIDE A COPY OF THE CONTRACT
5 TO THE DEPARTMENT FOR COMMENT AND, IF THE TERRITORY OF THE
6 PROPOSED AUTHORITY INCLUDES OR BORDERS ANY TERRITORY OF THE
7 REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32,
8 C.R.S., OR INTERSECTS WITH OR IS LIKELY TO DIVERT VEHICLE TRAFFIC TO
9 OR FROM A TOLL HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY
10 ESTABLISHED UNDER PART 5 OF THIS ARTICLE, SHALL ALSO PROVIDE A
11 COPY OF THE CONTRACT TO THE DISTRICT OR THE AFFECTED PUBLIC
12 HIGHWAY AUTHORITY, AS APPLICABLE, FOR COMMENT. THE COMBINATION
13 SHALL ALSO PROVIDE A COPY OF THE CONTRACT FOR COMMENT TO EACH
14 COUNTY AND MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION
15 BUT THAT INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE
16 PROPOSED AUTHORITY. THE DIRECTOR OF THE DIVISION SHALL ISSUE THE
17 CERTIFICATE UPON THE FILING WITH THE DIRECTOR OF A COPY OF THE
18 CONTRACT BY THE COMBINATION JOINING IN THE CREATION OF THE
19 AUTHORITY. THE DIRECTOR OF THE DIVISION SHALL CAUSE THE
20 CERTIFICATE TO BE RECORDED IN THE REAL ESTATE RECORDS IN EACH
21 COUNTY HAVING TERRITORY INCLUDED IN THE BOUNDARIES OF THE
22 AUTHORITY. UPON ISSUANCE OF THE CERTIFICATE BY THE DIRECTOR, THE
23 AUTHORITY CONSTITUTES A SEPARATE BODY CORPORATE AND SHALL HAVE
24 ALL OF THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND
25 DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE AND SHALL NOT
26 BE SUBJECT TO TAXATION.

27 (2) ANY CONTRACT ESTABLISHING AN AUTHORITY SHALL SPECIFY:

1 (a) THE NAME AND PURPOSE OF THE AUTHORITY AND THE
2 REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS TO BE PROVIDED;

3 (b) THE ESTABLISHMENT AND ORGANIZATION OF THE BOARD OF
4 DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS
5 VESTED, INCLUDING:

6 (I) THE NUMBER OF DIRECTORS, WHICH MUST BE AT LEAST FIVE,
7 ALL OF WHICH, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION,
8 MUST BE ELECTED OFFICIALS FROM THE MEMBERS OF THE ENTITIES
9 FORMING THE AUTHORITY AND WHICH MUST INCLUDE AT LEAST ONE
10 ELECTED OFFICIAL FROM EACH MEMBER OF THE COMBINATION OF LOCAL
11 GOVERNMENTS;

12 (II) THE MANNER OF THE APPOINTMENT, THE QUALIFICATIONS, AND
13 THE COMPENSATION, IF ANY, OF THE DIRECTORS AND THE PROCEDURE FOR
14 FILLING VACANCIES;

15 (III) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR
16 APPOINTMENT, AND THEIR DUTIES; AND

17 (IV) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD;
18 EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE
19 CONTRACT, A MAJORITY OF THE DIRECTORS OF THE BOARD CONSTITUTES
20 A QUORUM AND A MAJORITY OF THE BOARD IS NECESSARY FOR ACTION BY
21 THE BOARD;

22 (c) THE PROVISIONS FOR THE DISTRIBUTION, DISPOSITION, OR
23 DIVISION OF THE ASSETS OF THE AUTHORITY;

24 (d) THE BOUNDARIES OF THE AUTHORITY, WHICH MAY NOT
25 INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF
26 THE COMBINATION OF LOCAL GOVERNMENTS, MAY NOT INCLUDE
27 TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A

1 MEMBER OF THE COMBINATION AS THE BOUNDARIES OF THE MUNICIPALITY
2 EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT
3 OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND MAY NOT INCLUDE
4 TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY
5 THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED
6 BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS
7 CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH
8 COUNTY;

9 (e) THE TERM OF THE CONTRACT, WHICH MAY BE FOR A DEFINITE
10 TERM OR UNTIL RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY
11 WHICH IT MAY BE TERMINATED OR RESCINDED; EXCEPT THAT THE
12 CONTRACT MAY NOT BE TERMINATED OR RESCINDED SO LONG AS THE
13 AUTHORITY HAS BONDS OUTSTANDING;

14 (f) THE PROVISIONS FOR AMENDMENT OF THE CONTRACT;

15 (g) THE LIMITATIONS, IF ANY, ON THE POWERS GRANTED BY THIS
16 PART 11 THAT MAY BE EXERCISED BY THE AUTHORITY PURSUANT TO THIS
17 PART 11; AND

18 (h) THE CONDITIONS REQUIRED WHEN ADDING OR DELETING
19 PARTIES TO THE CONTRACT.

20 (3) NO MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT SHALL ENTER
21 INTO A CONTRACT ESTABLISHING AN AUTHORITY WITHOUT HOLDING AT
22 LEAST ONE PUBLIC HEARING THEREON IN ADDITION TO OTHER
23 REQUIREMENTS IMPOSED BY LAW FOR PUBLIC NOTICE. THE MUNICIPALITY,
24 COUNTY, OR SPECIAL DISTRICT SHALL GIVE NOTICE OF THE TIME, PLACE,
25 AND PURPOSE OF THE PUBLIC HEARING BY PUBLICATION IN A NEWSPAPER
26 OF GENERAL CIRCULATION IN THE MUNICIPALITY, COUNTY, OR SPECIAL
27 DISTRICT, AS THE CASE MAY BE, AT LEAST TEN DAYS PRIOR TO THE DATE

1 OF THE PUBLIC HEARING.

2 (4) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE
3 AUTHORITY PURSUANT TO THIS PART 11, THE AUTHORITY HAS THE
4 FOLLOWING POWERS:

5 (a) TO HAVE PERPETUAL EXISTENCE, EXCEPT AS OTHERWISE
6 PROVIDED IN THE CONTRACT CREATING THE AUTHORITY;

7 (b) TO SUE AND BE SUED;

8 (c) TO ENTER INTO CONTRACTS AND AGREEMENTS AFFECTING THE
9 AFFAIRS OF THE AUTHORITY;

10 (d) TO PLEDGE ALL OR ANY PORTION OF THE REVENUES TO THE
11 PAYMENT OF BONDS OF THE AUTHORITY;

12 (e) TO FINANCE, CONSTRUCT, OPERATE, OR MAINTAIN REGIONAL
13 TRANSPORTATION DEVELOPMENT SYSTEMS WITHIN OR WITHOUT THE
14 BOUNDARIES OF THE AUTHORITY; EXCEPT THAT THE AUTHORITY SHALL
15 NOT CONSTRUCT REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS IN
16 ANY TERRITORY LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY
17 AND WITHIN THE BOUNDARIES OF A MUNICIPALITY AS THE BOUNDARIES OF
18 THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED
19 WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY;
20 OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE
21 UNINCORPORATED BOUNDARIES OF A COUNTY AS THE UNINCORPORATED
22 BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS
23 CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE
24 COUNTY; OR INSIDE OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY IF
25 THE REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS WOULD ALTER
26 THE STATE HIGHWAY SYSTEM OR THE INTERSTATE SYSTEM, AS DEFINED IN
27 SECTION 43-2-101 (2), EXCEPT AS AUTHORIZED BY AN

1 INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY THE MEMBERS OF
2 THE COMBINATION OF LOCAL GOVERNMENTS THAT CREATED THE
3 AUTHORITY AND THE DEPARTMENT.

4 (f) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
5 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, AND ENCUMBER REAL
6 OR PERSONAL PROPERTY AND ANY INTEREST THEREIN, INCLUDING
7 EASEMENTS AND RIGHTS-OF-WAY; AND

8 (g) TO ACCEPT REAL OR PERSONAL PROPERTY FOR THE USE OF THE
9 AUTHORITY OR ENTERPRISE AND TO ACCEPT GIFTS AND CONVEYANCES
10 UPON THE TERMS AND CONDITIONS AS THE BOARD MAY APPROVE.

11 (5) THE STATE, ACTING BY AND THROUGH THE TRANSPORTATION
12 COMMISSION AND UPON THE APPROVAL OF THE GOVERNOR, MAY JOIN IN
13 THE CONTRACT CREATING THE AUTHORITY. THE NUMBER OF DIRECTORS
14 OF THE BOARD TO WHICH THE STATE IS ENTITLED SHALL BE ESTABLISHED
15 IN THE CONTRACT, BUT IN NO CASE SHALL THE STATE BE ENTITLED TO
16 FEWER THAN ONE DIRECTOR. THE GOVERNOR SHALL APPOINT THE
17 DIRECTOR OR DIRECTORS REPRESENTING THE STATE ON THE BOARD, WITH
18 THE CONSENT OF THE SENATE, FOR SUCH TERM AS ESTABLISHED BY THE
19 GOVERNOR.

20 **43-4-1106. Establishment of regional transportation**
21 **development enterprises.** (1) (a) ANY AUTHORITY MAY ESTABLISH
22 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISES FOR THE
23 PURPOSE OF PURSUING OR CONTINUING ACTIVITIES AUTHORIZED BY THIS
24 PART 11. ANY ENTERPRISE ESTABLISHED OR MAINTAINED PURSUANT TO
25 THIS PART 11 IS NOT SUBJECT TO THE PROVISIONS OF SECTION 20 OF
26 ARTICLE X OF THE STATE CONSTITUTION.

27 (b) THE GOVERNING BODY OF A REGIONAL TRANSPORTATION

1 DEVELOPMENT ENTERPRISE IS THE BOARD OF THE AUTHORITY THAT OWNS
2 THE ENTERPRISE.

3 (2) (a) EACH REGIONAL TRANSPORTATION DEVELOPMENT
4 ENTERPRISE MUST BE WHOLLY OWNED BY A SINGLE AUTHORITY AND
5 SHALL NOT BE COMBINED WITH ANY REGIONAL TRANSPORTATION
6 DEVELOPMENT ENTERPRISE OWNED BY ANOTHER AUTHORITY. EACH
7 AUTHORITY MAY ESTABLISH MORE THAN ONE REGIONAL TRANSPORTATION
8 DEVELOPMENT ENTERPRISE AND EACH REGIONAL TRANSPORTATION
9 DEVELOPMENT ENTERPRISE MAY CONDUCT OR CONTINUE TO CONDUCT ONE
10 OR MORE ACTIVITIES AUTHORIZED BY THIS PART 11 AS MAY BE
11 DETERMINED BY THE GOVERNING BODY OF THE ENTERPRISE.

12 (b) THIS SUBSECTION (2) DOES NOT LIMIT THE AUTHORITY OF A
13 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE TO CONTRACT
14 WITH ANY OTHER PERSON OR ENTITY, INCLUDING OTHER AUTHORITIES,
15 OTHER STATE OR LOCAL GOVERNMENTS, OR OTHER REGIONAL
16 TRANSPORTATION DEVELOPMENT ENTERPRISES.

17 (3) THE GOVERNING BODY FOR EACH REGIONAL TRANSPORTATION
18 DEVELOPMENT ENTERPRISE MAY EXERCISE THE AUTHORITY'S LEGAL
19 AUTHORITY RELATING TO ACTIVITIES AUTHORIZED BY THIS PART 11, BUT
20 NO REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE MAY LEVY A
21 TAX THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 20 (4) OF
22 ARTICLE X OF THE STATE CONSTITUTION.

23 (4) AN AUTHORITY OR EACH REGIONAL TRANSPORTATION
24 DEVELOPMENT ENTERPRISE, THROUGH ITS GOVERNING BODY, MAY ISSUE
25 OR REISSUE REVENUE BONDS IN ACCORDANCE WITH SECTION 43-4-1111.
26 EACH BOND ISSUED UNDER THIS SUBSECTION (4) MUST RECITE IN
27 SUBSTANCE THAT THE BOND, INCLUDING THE INTEREST THEREON, IS

1 PAYABLE FROM THE REVENUES AND OTHER AVAILABLE FUNDS OF THE
2 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE PLEDGED FOR THE
3 PAYMENT THEREOF. BONDS ISSUED UNDER THIS SECTION ARE DECLARED
4 TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE
5 AND, TOGETHER WITH INTEREST THEREON OR INCOME THEREFROM, ARE
6 EXEMPTED FROM ALL TAXES.

7 (5) THE POWERS PROVIDED IN THIS SECTION FOR REGIONAL
8 TRANSPORTATION DEVELOPMENT ENTERPRISES DO NOT MODIFY, LIMIT, OR
9 AFFECT THE POWERS CONFERRED BY ANY OTHER LAW, EITHER DIRECTLY
10 OR INDIRECTLY.

11 (6) AN AUTHORITY OR ITS REGIONAL TRANSPORTATION
12 DEVELOPMENT ENTERPRISE MAY CONTRACT WITH ANY OTHER
13 GOVERNMENTAL OR PRIVATE SOURCE OF FUNDING FOR LOANS AND GRANTS
14 RELATED TO REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE
15 FUNCTIONS.

16 (7) (a) LOAN AGREEMENTS SUBJECT TO REPAYMENT OR
17 CONTRACTS TO PROVIDE REGIONAL TRANSPORTATION DEVELOPMENT
18 SYSTEMS OR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH
19 A REGIONAL TRANSPORTATION DEVELOPMENT SYSTEM, WHICH INVOLVE
20 THE PAYMENT OF FUNDS FOR SUCH SYSTEMS OR THE USE OF THE PROPERTY
21 TO AN AUTHORITY OR ITS REGIONAL TRANSPORTATION DEVELOPMENT
22 ENTERPRISE BY A STATE OR LOCAL GOVERNMENT OR BY ANOTHER
23 AUTHORITY OR REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE,
24 ARE NOT GRANTS FOR PURPOSES OF THE DEFINITION OF ENTERPRISE UNDER
25 SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

26 (b) REVENUES COLLECTED OR SPENT BY AN AUTHORITY FOR
27 REGIONAL TRANSPORTATION DEVELOPMENT SYSTEMS OR THE USE OF

1 PROPERTY INCLUDED IN OR IN CONNECTION WITH A REGIONAL
2 TRANSPORTATION DEVELOPMENT SYSTEM RENDERED OR PROVIDED BY A
3 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE OWNED BY THE
4 AUTHORITY ARE NOT SUBJECT TO SECTION 20 (4) AND (7) OF ARTICLE X OF
5 THE STATE CONSTITUTION.

6 (8) THE AUTHORITY GRANTED TO A REGIONAL TRANSPORTATION
7 DEVELOPMENT ENTERPRISE UNDER THIS SECTION IS IN ADDITION TO ALL
8 OTHER AUTHORITY PROVIDED BY LAW. NOTHING CONTAINED IN THIS PART
9 11 REQUIRES THE ESTABLISHMENT, OPERATION, OR CONTINUATION OF A
10 REGIONAL TRANSPORTATION DEVELOPMENT ENTERPRISE OR TO LIMIT THE
11 AUTHORITY OF ANY STATE OR LOCAL GOVERNMENT TO UTILIZE OTHER
12 POLICIES AND PROCEDURES FOR ESTABLISHING, OPERATING, OR
13 CONTINUING ANY ENTERPRISE FOR ANY LAWFUL PURPOSE.

14 **43-4-1107. State sales tax increment revenue.** (1) IN ORDER TO
15 IMPLEMENT THE COLLECTION AND DISTRIBUTION OF STATE SALES TAX
16 INCREMENT REVENUES TO THE LOCAL GOVERNMENT OR COMBINATION OF
17 LOCAL GOVERNMENTS FOR WHICH THE COMMISSION HAS APPROVED A
18 PROJECT, THE DEPARTMENT OF REVENUE SHALL ALLOCATE STATE SALES
19 TAX REVENUE GENERATED WITHIN THE APPROVED REGIONAL
20 TRANSPORTATION DEVELOPMENT CORRIDOR AS FOLLOWS:

21 (a) AN AMOUNT COLLECTED WITHIN THE REGIONAL
22 TRANSPORTATION DEVELOPMENT CORRIDOR EQUAL TO THE BASE YEAR
23 REVENUE WITHIN THE CORRIDOR PLUS THE PERCENTAGE OF STATE SALES
24 TAX INCREMENT REVENUE NOT ALLOCATED ACCORDING TO PARAGRAPH
25 (b) OF THIS SUBSECTION (1), WHICH AMOUNT SHALL BE PAID INTO THE
26 STATE TREASURY AS SUCH STATE SALES TAXES ARE NORMALLY
27 COLLECTED AND PAID; EXCEPT THAT, ONCE ALLOCATIONS REQUIRED BY

1 PARAGRAPH (b) OF THIS SUBSECTION (1) END, ALL STATE SALES TAX
2 REVENUE COLLECTED WITHIN THE CORRIDOR SHALL BE PAID INTO THE
3 STATE TREASURY AS SUCH STATE SALES TAXES ARE NORMALLY
4 COLLECTED AND PAID; AND

5 (b) THE AMOUNT ALLOCATED TO AN APPLICANT PURSUANT TO AN
6 APPROVED PROJECT UNTIL ALL BONDS ISSUED FOR THE PROJECT HAVE
7 BEEN PAID IN FULL OR THIRTY YEARS HAVE PASSED SINCE THE LAST DAY
8 OF THE MONTH IN WHICH THE PROJECT WAS APPROVED BY THE
9 COMMISSION, WHICHEVER OCCURS FIRST. IF THE APPLICANT IS A
10 COMBINATION OF LOCAL GOVERNMENTS, THE STATE SALES TAX REVENUES
11 ALLOCATED TO THE COMBINATION SHALL BE SUBALLOCATED TO EACH
12 POLITICAL SUBDIVISION AS REQUESTED IN THE APPLICANT'S APPLICATION
13 FOR APPROVAL OF A PROJECT. UPON COMPLETION OF A PROJECT, THE
14 APPLICANT SHALL DISCLOSE TO THE DEPARTMENT OF REVENUE THE
15 AMOUNT OF FUNDING THAT IT PROVIDED FOR THE PROJECT SO THAT THE
16 DEPARTMENT CAN END THE ALLOCATION OF STATE SALES TAX INCREMENT
17 REVENUE TO THE COMBINATION AT THE TIME REQUIRED BY THIS
18 PARAGRAPH (b).

19 (2) IN ORDER TO REDUCE THE ADMINISTRATIVE BURDEN OF
20 ACCURATELY IDENTIFYING AND ALLOCATING THE STATE SALES TAX
21 REVENUE COLLECTED WITHIN THE CORRIDOR, THE DEPARTMENT OF
22 REVENUE MAY REQUIRE AN APPLICANT TO PROVIDE A LISTING BY ADDRESS
23 OF THE BUSINESSES LOCATED WITHIN THE CORRIDOR AND ANY OTHER
24 INFORMATION NEEDED TO DETERMINE THE CORRECT ALLOCATION BY THE
25 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE MAY ALSO
26 REQUIRE ANY BUSINESS LOCATED WITHIN THE CORRIDOR THAT COLLECTS
27 SALES TAX TO FILE SALES TAX FORMS ELECTRONICALLY IF:

1 (a) THE AMOUNT OF INFORMATION THAT THE BUSINESS IS
2 REQUIRED TO INCLUDE ON THE SALES TAX FORMS EXCEEDS THE SPACE
3 AVAILABLE ON THE HARD COPY SALES TAX FORMS;

4 (b) INCREASING THE AMOUNT OF SPACE AVAILABLE ON THE HARD
5 COPY SALES TAX FORMS WOULD BE ADMINISTRATIVELY BURDENSOME OR
6 EXPENSIVE TO THE DEPARTMENT OF REVENUE; AND

7 (c) MANDATORY ELECTRONIC FILING WOULD NOT IMPOSE A
8 SIGNIFICANT ADMINISTRATIVE BURDEN OR EXPENSE ON THE BUSINESS.

9 (3) STATE SALES TAX INCREMENT REVENUE, AND ANY INTEREST OR
10 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SUCH REVENUE,
11 SHALL BE CONSTRUED AND TREATED FOR ALL PURPOSES AS BEING
12 ALLOCATED TO THE LOCAL GOVERNMENT OR COMBINATION OF LOCAL
13 GOVERNMENTS AND SHALL NOT BE CONSTRUED FOR ANY PURPOSE AS
14 REVENUE OR PROPERTY OF THE STATE.

15 **43-4-1108. Annual report - audit.** (1) WITHIN NINETY DAYS OF
16 THE END OF THE FIRST FULL STATE FISCAL YEAR AFTER THE COMMISSION
17 APPROVES A PROJECT AND ON THE SAME DATE EACH YEAR THEREAFTER,
18 THE APPLICANT FOR WHICH THE COMMISSION APPROVED THE PROJECT
19 SHALL PREPARE AND SUBMIT TO THE COMMISSION AN ANNUAL REPORT
20 DETAILING THE TOTAL AMOUNT OF STATE SALES TAX INCREMENT REVENUE
21 THAT THE PROJECT HAS COLLECTED OVER THE PAST YEAR, THE AMOUNT
22 OF PROJECTED REVENUE FOR THE REMAINDER OF THE PERIOD FOR WHICH
23 REVENUE IS TO BE ALLOCATED TO THE LOCAL GOVERNMENT OR
24 COMBINATION OF LOCAL GOVERNMENTS, A SUMMARY OF THE STATUS OF
25 CONSTRUCTION OF THE PROJECT, AND ANY OTHER INFORMATION
26 REASONABLY REQUIRED BY THE COMMISSION. IF ANY INFORMATION
27 PROVIDED IN THE ANNUAL REPORT IS A TRADE SECRET, PROPRIETARY, OR

1 OTHERWISE ENTITLED TO PROTECTION PURSUANT TO ARTICLE 72 OF TITLE
2 24, IT SHALL BE SO DESIGNATED AND SHALL BE KEPT CONFIDENTIAL BY
3 THE STATE. THE GOVERNING BODY OR BODIES OF THE APPLICANTS SHALL
4 ATTEST TO THE ACCURACY OF THE INFORMATION PROVIDED IN THE
5 ANNUAL REPORT.

6 (2) NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., THE
7 DEPARTMENT AND THE DEPARTMENT OF REVENUE SHALL EACH INCLUDE,
8 IN THEIR PRESENTATIONS MADE ANNUALLY TO THE FINANCE AND
9 TRANSPORTATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
10 SENATE, OR ANY SUCCESSOR COMMITTEES, INFORMATION ON ALL STATE
11 SALES TAX INCREMENT REVENUES ALLOCATED TO PROJECTS PURSUANT TO
12 THIS PART 11 DURING THE PRIOR FISCAL YEAR.

13 **43-4-1109. Transportation project - commencement of work.**
14 FOR ANY PROJECT APPROVED BY THE COMMISSION PURSUANT TO THIS
15 PART 11 THAT WILL BE CONSTRUCTED BY THE DEPARTMENT, THE
16 DEPARTMENT SHALL BEGIN THE DESIGN AND CONSTRUCTION OF THE
17 PROJECT IMMEDIATELY AFTER THE LOCAL GOVERNMENT FUNDING,
18 FEDERAL FUNDING, AND ANY OTHER PROJECT FUNDING REQUIRED FOR THE
19 COMPLETION OF THE PROJECT IS COMMITTED.

20 **43-4-1110. Borrowing by a local government - agreement by**
21 **the state not to limit or alter rights of obligees.** (1) IN ACCORDANCE
22 WITH ALL APPLICABLE LAWS AND CONSTITUTIONAL PROVISIONS, A LOCAL
23 GOVERNMENT MAY ISSUE BONDS DIRECTLY OR THROUGH A CONDUIT
24 ISSUER OR OTHERWISE BORROW MONEYS FOR THE PURPOSE OF RAISING ALL
25 OR A PORTION OF ITS SHARE OF THE FUNDING FOR A PROJECT AND MAY
26 PLEDGE THE STATE SALES TAX INCREMENT REVENUES ALLOCATED TO IT
27 PURSUANT TO AN APPROVED PROJECT TO THE REPAYMENT OF THE BONDS

1 OR OTHER BORROWING.

2 (2) THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS
3 OF ANY BONDS ISSUED BY A LOCAL GOVERNMENT FOR THE PURPOSE OF
4 RAISING ALL OR A PORTION OF ITS SHARE OF THE FUNDING FOR A PROJECT
5 APPROVED PURSUANT TO THIS PART 11 THAT THE STATE WILL NOT LIMIT,
6 ALTER, RESTRICT, OR IMPAIR THE RIGHT OF THE LOCAL GOVERNMENT TO
7 RECEIVE STATE SALES TAX INCREMENT REVENUES AS PROVIDED IN THIS
8 PART 11 AND IN THE RESOLUTION OF THE COMMISSION APPROVING THE
9 PROJECT OR THE ABILITY OF ANY PERSON WITH WHICH A LOCAL
10 GOVERNMENT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS
11 MADE PURSUANT TO THIS PART 11. THE STATE FURTHER PLEDGES AND
12 AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS OR REMEDIES
13 OF THE HOLDERS OF ANY SUCH BONDS UNTIL THE BONDS HAVE BEEN PAID
14 OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. A LOCAL
15 GOVERNMENT MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THE
16 STATE IN ITS BONDS.

17 **43-4-1111. Bonds.** (1) A REGIONAL TRANSPORTATION
18 DEVELOPMENT AUTHORITY OR ENTERPRISE MAY, FROM TIME TO TIME,
19 ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE
20 ISSUED PURSUANT TO RESOLUTION OF THE APPLICABLE BOARD AND SHALL
21 BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE
22 REVENUES AS DESIGNATED BY THE BOARD.

23 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE AUTHORITY
24 OR ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND
25 DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE
26 SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY
27 WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR

1 BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY
2 BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH
3 INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING THIRTY YEARS FROM
4 THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES
5 WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH
6 RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING
7 TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE
8 AUTHORITY OR ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY
9 INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE,
10 MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE
11 AUTHORITY OR ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY
12 BE EXECUTED BY SUCH OFFICERS OF THE AUTHORITY OR ENTERPRISE,
13 INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS
14 AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY
15 BE EITHER OF AN OFFICER OF THE AUTHORITY OR ENTERPRISE OR OF AN
16 AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON
17 BONDS WHICH HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL
18 OR FACSIMILE SIGNATURE OF AN OFFICER OF THE AUTHORITY OR
19 ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT
20 WITH THIS PART 11, ALL AS PROVIDED IN THE RESOLUTION OF THE
21 AUTHORITY OR ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED
22 TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE
23 AUTHORITY OR ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST
24 COMPANY HAVING FULL TRUST POWERS.

25 (3) THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH
26 PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED
27 BY THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND

1 COMMISSIONS WHICH IT DEEMS NECESSARY OR ADVANTAGEOUS IN
2 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE
3 OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND
4 SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
5 NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN
6 OFFICER OR AGENT OF THE AUTHORITY. ANY OUTSTANDING BONDS MAY
7 BE REFUNDED BY THE AUTHORITY PURSUANT TO ARTICLE 56 OF TITLE 11,
8 C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO
9 ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

10 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
11 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE
12 REVENUES OF THE AUTHORITY OR ENTERPRISE, MAY CONTAIN SUCH
13 PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES
14 OF HOLDERS OF ANY OF THE BONDS AS THE AUTHORITY OR ENTERPRISE
15 DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
16 HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE
17 AUTHORITY OR ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF
18 THE HOLDERS OF THE BONDS, INCLUDING PROVISIONS FOR LETTERS OF
19 CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF
20 CREDIT INSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE
21 REDEMPTION PRICE OR THE PURCHASE PRICE.

22 (5) ANY PLEDGE OF REVENUES OR PROPERTY MADE BY THE
23 AUTHORITY OR ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT
24 WITH WHICH THE AUTHORITY OR ENTERPRISE CONTRACTS SHALL BE VALID
25 AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE REVENUES OR
26 PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF
27 SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND

1 THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL
2 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
3 AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH
4 CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH
5 THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

6 (6) NEITHER THE MEMBERS OF THE BOARD, EMPLOYEES OF THE
7 AUTHORITY OR ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS
8 SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY
9 PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE
10 THEREOF.

11 (7) THE AUTHORITY OR ENTERPRISE MAY PURCHASE ITS BONDS
12 OUT OF ANY AVAILABLE FUNDS AND MAY HOLD, PLEDGE, CANCEL, OR
13 RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS
14 WITH THE HOLDERS THEREOF.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 24-35-118.5 as
16 follows:

17 **24-35-118.5. Regional transportation development projects -**
18 **authority of director - rules.** (1) IN ADDITION TO THE OTHER FUNCTIONS
19 AND POWERS OF THE DEPARTMENT OF REVENUE AND THE EXECUTIVE
20 DIRECTOR OF THE DEPARTMENT PURSUANT TO THIS PART 1, THE
21 DEPARTMENT SHALL ESTABLISH AND DETERMINE, PURSUANT TO PART 11
22 OF ARTICLE 4 OF TITLE 43, C.R.S., THE BASE YEAR REVENUE FOR EACH
23 REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR; SHALL COLLECT,
24 ACCOUNT FOR, AND REMIT TO THE APPLICABLE LOCAL GOVERNMENT,
25 COMBINATION OF LOCAL GOVERNMENTS, AUTHORITY, OR ENTERPRISE, ALL
26 STATE SALES TAX INCREMENT REVENUE GENERATED WITHIN EACH
27 REGIONAL TRANSPORTATION DEVELOPMENT CORRIDOR; AND SHALL

1 OTHERWISE PERFORM SUCH FUNCTIONS AS ARE REQUIRED OF THE
2 DEPARTMENT WITH RESPECT TO ANY LOCAL GOVERNMENT OR
3 COMBINATION AND ANY REGIONAL TRANSPORTATION DEVELOPMENT
4 CORRIDOR DESIGNATED IN THE WRITTEN NOTICE THEREOF TO BE PROVIDED
5 TO THE DIRECTOR PURSUANT TO ARTICLE 4 OF TITLE 43, C.R.S.

6 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
7 HAS THE AUTHORITY TO CREATE FORMS AND PROMULGATE RULES AS
8 DEEMED NECESSARY OR CONVENIENT TO IMPLEMENT THE DEPARTMENT'S
9 RESPONSIBILITIES WITH RESPECT TO THE DETERMINATION OF BASE YEAR
10 REVENUE, COLLECTION AND DISBURSEMENT OF STATE SALES TAX
11 INCREMENT REVENUE, AND OTHER FUNCTIONS OF THE DEPARTMENT
12 PURSUANT TO PART 11 OF ARTICLE 4 OF TITLE 43, C.R.S. THE DIRECTOR IS
13 AUTHORIZED TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS
14 PURSUANT TO PART 11 OF ARTICLE 4 OF TITLE 43, C.R.S., REGARDING THE
15 PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS IN IMPLEMENTING PART
16 11 OF ARTICLE 4 OF TITLE 43, C.R.S., AND TO ESTABLISH AN
17 ADMINISTRATIVE FEE FOR SUCH SERVICES IN THE MANNER PROVIDED FOR
18 IN SECTION 24-35-111, WITH THE AMOUNT THEREOF TO BE REASONABLY
19 CALCULATED TO OFFSET THE DEPARTMENT'S ACTUAL DIRECT COSTS AND
20 EXPENSES IN PERFORMING SUCH COLLECTION AND DISBURSEMENT
21 FUNCTIONS.

22 (3) ALL STATE SALES TAX INCREMENT REVENUE COLLECTED BY
23 THE DEPARTMENT OF REVENUE ON BEHALF OF A LOCAL GOVERNMENT
24 SHALL BE ALLOCATED TO THE APPLICABLE LOCAL GOVERNMENT,
25 COMBINATION OF LOCAL GOVERNMENTS, AUTHORITY, OR ENTERPRISE AND
26 SHALL NOT BE CONSTRUED OR TREATED FOR ANY PURPOSE AS REVENUE OR
27 PROPERTY OF THE STATE. IN COLLECTING AND DISBURSING STATE SALES

1 TAX INCREMENT REVENUE AS PROVIDED IN THIS SECTION AND OTHERWISE
2 PERFORMING ITS RESPONSIBILITIES PURSUANT TO PART 11 OF ARTICLE 4 OF
3 TITLE 43, C.R.S., THE DEPARTMENT SHALL ACT SOLELY AS A COLLECTING
4 AGENT FOR THE LOCAL GOVERNMENT, COMBINATION OF LOCAL
5 GOVERNMENTS, AUTHORITY, OR ENTERPRISE AND SHALL SEGREGATE IN A
6 SEPARATE FUND ANY PORTION OF STATE SALES TAX INCREMENT REVENUE
7 THAT IS DEDICATED TO THE LOCAL GOVERNMENT, COMBINATION,
8 AUTHORITY, OR ENTERPRISE BUT WILL NOT BE REMITTED TO THE LOCAL
9 GOVERNMENT, COMBINATION, AUTHORITY, OR ENTERPRISE IN THE
10 IMMEDIATE FUTURE.

11 **SECTION 3. Accountability.** Seven years after this act becomes
12 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
13 the legislative service agencies of the Colorado general assembly shall
14 conduct a post-enactment review of the implementation of this act
15 utilizing the information contained in the legislative declaration set forth
16 in section 1 of this act.

17 **SECTION 4. 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, and safety.