

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0779.01 Jason Gelender x4330

HOUSE BILL 20-1151

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

Winter,

House Committees

Transportation & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF AUTHORITY FOR REGIONAL
102 TRANSPORTATION IMPROVEMENTS.

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://leg.colorado.gov>.)

The bill authorizes a transportation planning organization (TPO) 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. Any additional transportation funding obtained by a TPO exercising the power of a RTA

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.

are intended to supplement and not supplant state transportation funding allocated within the boundaries. Therefore, the transportation commission and the department of transportation (CDOT) are prohibited from taking such additional transportation funding into account when determining the amount of state 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 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-4-602, **amend**
3 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

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

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

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

13 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
14 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY OR THE
15 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
16 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
17 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
18 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
19 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
20 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622.

1 (12.5) "Region" means all of the territory within the boundaries
2 of, and subject to the jurisdiction of, the governing body of any member
3 of a combination that creates an authority pursuant to section 43-4-603 OR
4 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
5 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
6 AUTHORIZED BY SECTION 43-4-622.

7 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
8 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
9 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION
10 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
11 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

12 **SECTION 2.** In Colorado Revised Statutes, 43-4-603, **amend** (1),
13 (1.5), and (3); and **add** (2.5) as follows:

14 **43-4-603. Creation of authorities - exercise of powers of an**
15 **authority by transportation planning organization.** (1) Any
16 combination may create, by contract, an authority that is authorized to
17 exercise the functions conferred by ~~the provisions of this part 6~~ upon the
18 issuance by the director of the division of a certificate stating that the
19 authority has been duly organized according to the laws of the state. IN
20 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT
21 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN
22 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY
23 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE
24 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED
25 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF
26 THE STATE. The combination joining in the creation of the authority OR
27 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION

1 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall
2 provide a copy of the contract OR RESOLUTION to the department of
3 transportation for comment and, if the territory of the proposed authority
4 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
5 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
6 AUTHORITY includes or borders any territory of the regional transportation
7 district created in article 9 of title 32 ~~C.R.S.~~, or intersects with or is likely
8 to divert vehicle traffic to or from a toll highway operated by a public
9 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall
10 also provide a copy of the contract OR RESOLUTION to the district or the
11 affected public highway authority, as applicable, for comment. The
12 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also
13 provide a copy of the contract FOR COMMENT to each county and
14 municipality that is not a member of the combination OR A MEMBER OF
15 THE TRANSPORTATION PLANNING ORGANIZATION but that includes
16 territory that borders the territory of the proposed authority ~~for comment~~
17 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
18 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
19 AUTHORITY. The director shall issue the certificate upon the filing with
20 the director of a copy of the contract by the combination joining in the
21 creation of the authority OR A COPY OF THE RESOLUTION ADOPTED BY THE
22 BOARD OF THE TRANSPORTATION PLANNING ORGANIZATION AUTHORIZING
23 THE TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE
24 POWERS OF AN AUTHORITY. The director shall cause the certificate to be
25 recorded in the real estate records in each county having territory included
26 in the boundaries of the authority. Upon issuance of the certificate by the
27 director, ~~the~~ AN authority shall constitute CREATED BY A COMBINATION BY

1 CONTRACT CONSTITUTES a separate political subdivision and body
2 corporate of the state and shall have all of the duties, privileges,
3 immunities, rights, liabilities, and disabilities of a public body politic and
4 corporate.

5 (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract
6 that creates an authority OR A RESOLUTION AUTHORIZING A
7 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
8 AN AUTHORITY provided pursuant to subsection (1) of this section, but in
9 no event more than ninety days after a copy of the contract OR
10 RESOLUTION is provided pursuant to subsection (1) of this section, the
11 department of transportation, the regional transportation district created
12 in article 9 of title 32, ~~C.R.S.~~, a bordering county or municipality, or a
13 public highway authority established under part 5 of this ~~article~~ ARTICLE
14 4 informs the combination that executed the contract OR THE
15 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE
16 RESOLUTION that any portions of the regional transportation systems to be
17 provided by the proposed authority that involve road construction or
18 improvement, as specified in the contract OR RESOLUTION pursuant to
19 ~~paragraph (a) of subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS
20 SECTION, and that are on, alter the physical structure of, or negatively
21 impact safe operation of any highway, road, or street under its jurisdiction
22 or will provide mass transportation services that impact the district, then,
23 at the request of the affected entity, the combination OR THE
24 TRANSPORTATION PLANNING ORGANIZATION shall enter into an
25 intergovernmental agreement concerning the identified portions or mass
26 transportation services with the department, the district, the bordering
27 county or municipality, the public highway authority, or any combination

1 thereof, as applicable, within one hundred eighty days after a copy of the
2 contract OR RESOLUTION was provided, ~~or~~ eliminate those portions or
3 services from the list of projects specified in the contract before it submits
4 the contract to a vote of the registered electors residing within the
5 boundaries of the proposed authority as required by subsection (4) of this
6 section, OR AMEND OR REPLACE THE RESOLUTION TO ELIMINATE THOSE
7 PORTIONS OR SERVICES FROM THE LIST OF PROJECTS SPECIFIED IN THE
8 RESOLUTION. When requesting that an intergovernmental agreement be
9 entered into or that portions of a regional transportation system be
10 eliminated due to a negative impact to safe operation of a highway, road,
11 or street, the requesting entity shall provide, at the time of the request,
12 evidence of the negative impact. The intergovernmental agreement shall
13 specify whatever terms the combination OR TRANSPORTATION PLANNING
14 ORGANIZATION and the affected entity or entities deem necessary to avoid
15 duplication of effort and to ensure coordinated transportation planning,
16 efficient allocation of resources, and equitable sharing of costs. If the
17 department is a party to the intergovernmental agreement, the agreement
18 shall also describe in detail any effect on department funding of any
19 portion of the state highway system within the proposed region that is
20 expected to result from the creation of the proposed authority OR THE
21 EXERCISE OF THE POWER OF AN AUTHORITY BY THE TRANSPORTATION
22 PLANNING ORGANIZATION. Nothing in this subsection (1.5) shall be
23 construed to preclude a combination, ~~or any~~ authority, OR
24 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
25 AN AUTHORITY from entering into an intergovernmental agreement with
26 the department, the district, a public highway authority, a bordering
27 county or municipality, or any other governmental entity regarding any

1 regional transportation system.

2 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING
3 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS
4 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

5 (a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;
6 AND

7 (b) THE BOUNDARIES OF THE TERRITORY IN WHICH THE
8 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
9 THE POWERS OF AN AUTHORITY, WHICH MAY NOT INCLUDE TERRITORY
10 OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF THE TRANSPORTATION
11 PLANNING ORGANIZATION, MAY NOT INCLUDE TERRITORY WITHIN THE
12 BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE
13 TRANSPORTATION PLANNING ORGANIZATION AS THE BOUNDARIES OF THE
14 MUNICIPALITY EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT
15 THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY, AND MAY
16 NOT INCLUDE TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF
17 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING
18 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY
19 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT
20 OF THE GOVERNING BODY OF THE COUNTY.

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

1 give notice of the time, place, and purpose of the public hearing by
2 publication in a newspaper of general circulation in the municipality,
3 county, ~~or~~ special district, OR TERRITORY OF THE TRANSPORTATION
4 PLANNING ORGANIZATION as the case may be, at least ten days prior to the
5 date of the public hearing.

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

8 **43-4-604. Board of directors.** (3) The board, in addition to all
9 other powers conferred by this part 6, has the following powers:

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

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

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

25 (f) To finance, construct, operate, or maintain regional
26 transportation systems within or without the boundaries of the authority;
27 except that the authority shall not construct regional transportation

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

16 (i) To impose an annual motor vehicle registration fee of not more
17 than ten dollars for each motor vehicle registered with the authorized
18 agent, as defined in section 42-1-102, of the county by persons residing
19 in all or any designated portion of the members of the combination OR OF
20 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
21 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
22 43-4-622; except that the authority shall not impose a motor registration
23 fee with respect to motor vehicles registered to persons residing outside
24 the boundaries of the authority and within the boundaries of a
25 municipality as the boundaries of the municipality exist on the date the
26 authority is created OR THE RESOLUTION AUTHORIZING THE
27 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF

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

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

27 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all

1 or any designated portion of the members of the combination OR OF THE
2 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
3 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a
4 sales or use tax, or both, at a rate not to exceed one percent upon every
5 transaction or other incident with respect to which a sales or use tax is
6 levied by the state; except that, on and after January 1, 2006, if the
7 authority includes territory that is within the regional transportation
8 district created and existing pursuant to article 9 of title 32 ~~C.R.S.~~, a
9 designated portion of the members of the combination OR OF THE
10 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
11 a new tax is levied ~~shall~~ MUST be composed of entire territories of
12 members of the combination OR OF THE MEMBERS OF THE
13 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
14 imposed pursuant to this part 6 within the territory of any single member
15 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION
16 PLANNING ORGANIZATION is uniform and except that the authority shall
17 not levy a sales or use tax on any transaction or other incident occurring
18 in any territory located outside the boundaries of the authority and within
19 the boundaries of a municipality as the boundaries of the municipality
20 exist on the date the authority is created without the consent of the
21 governing body of the municipality or outside the boundaries of the
22 authority and within the unincorporated boundaries of a county as the
23 unincorporated boundaries exist on the date the authority is created
24 without the consent of the governing body of the county. Subject to the
25 provisions of section 43-4-612, the authority may elect to levy any such
26 sales or use tax at different rates in different designated portions of the
27 members of the combination OR OF THE MEMBERS OF THE

1 TRANSPORTATION PLANNING ORGANIZATION; except that, on and after
2 January 1, 2006, if the authority includes territory that is within the
3 regional transportation district, a designated portion of the members of
4 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
5 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of
6 entire territories of members of the combination OR OF THE MEMBERS OF
7 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
8 imposed pursuant to this part 6 within the territory of any single member
9 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
10 is uniform. If the authority so elects, it shall submit a single ballot
11 question that lists all of the different rates to the registered electors of all
12 designated portions of the members of the combination OR OF THE
13 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
14 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~
15 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed
16 pursuant to law. If a member of the combination OR OF THE
17 TRANSPORTATION PLANNING ORGANIZATION is located within more than
18 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~
19 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction
20 or other incident with respect to which a sales or use tax is levied by the
21 state. The executive director of the department of revenue shall collect,
22 administer, and enforce the sales or use tax, to the extent feasible, in the
23 manner provided in section 29-2-106. ~~C.R.S.~~ The director shall make
24 monthly distributions of the tax collections to the authority, which shall
25 apply the proceeds solely to the financing, construction, operation, or
26 maintenance of regional transportation systems. The department shall
27 retain an amount not to exceed the net incremental cost of the collection,

1 administration, and enforcement and shall transmit the amount to the state
2 treasurer, who shall credit the same to the regional transportation
3 authority sales tax fund, which fund is hereby created. The amounts so
4 retained are hereby appropriated annually from the fund to the department
5 to the extent necessary for the department's collection, administration, and
6 enforcement of ~~the provisions of~~ this part 6. Any ~~moneys~~ MONEY
7 remaining in the fund attributable to taxes collected in the prior fiscal year
8 shall be transmitted to the authority; except that, prior to the transmission
9 to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated
10 from the general fund to the department for the collection, administration,
11 and enforcement of the tax for the prior fiscal year shall be repaid.

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

1 county.

2 **SECTION 5.** In Colorado Revised Statutes, 43-4-611, **amend** (2)
3 as follows:

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

19 **SECTION 6.** In Colorado Revised Statutes, 43-4-612, **amend** (1)
20 as follows:

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

1 **SECTION 7.** In Colorado Revised Statutes, **amend** 43-4-615 as
2 follows:

3 **43-4-615. Agreement of the state not to limit or alter rights of**
4 **obligees.** The state hereby pledges and agrees with the holders of any
5 bonds issued under this part 6 and with those parties who enter into
6 contracts with an authority or any member of ~~the~~ A combination OR
7 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING
8 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
9 pursuant to this part 6 that the state will not impair the rights vested in the
10 authority or the rights or obligations of any person with which the
11 authority contracts to fulfill the terms of any agreements made pursuant
12 to this part 6. The state further agrees that it will not impair the rights or
13 remedies of the holders of any bonds of the authority until the bonds have
14 been paid or until adequate provision for payment has been made. The
15 authority may include this provision and undertaking for the state in ~~such~~
16 THE bonds.

17 **SECTION 8.** In Colorado Revised Statutes, **add** 43-4-622 as
18 follows:

19 **43-4-622. Exercise of authority powers by transportation**
20 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF
21 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO
22 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN
23 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE
24 TRANSPORTATION PLANNING ORGANIZATION.

25 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
26 SECTION, THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A
27 TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL

1 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY
2 OTHER LAW INCLUDING, BUT NOT LIMITED TO:

3 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTION 43-4-603
4 (1), 43-4-613, AND 43-4-614 (1);

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

7 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION
8 43-4-603 (3);

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

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

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

17 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION
18 43-4-612.

19 (3) WHERE THE CONTEXT CLEARLY INDICATES THAT A
20 REQUIREMENT OR LIMITATION SET FORTH IN THIS PART 6 THAT APPLIES TO
21 A CONTRACT FORMING AN AUTHORITY, A COMBINATION, OR INDIVIDUAL
22 MEMBERS OF A COMBINATION CANNOT REASONABLY BE APPLIED TO A
23 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
24 AN AUTHORITY, THE REQUIREMENT OR LIMITATION DOES NOT APPLY TO
25 THE TRANSPORTATION PLANNING ORGANIZATION.

26 **SECTION 9.** In Colorado Revised Statutes, 43-1-113, **add** (13.5)
27 as follows:

1 **43-1-113. Funds - budgets - fiscal year - reports and**
2 **publications.** (13.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
3 ADDITIONAL TRANSPORTATION FUNDING OBTAINED BY A TRANSPORTATION
4 PLANNING ORGANIZATION, AS DEFINED IN SECTION 43-4-602 (19),
5 THROUGH THE EXERCISE OF THE POWERS OF A REGIONAL TRANSPORTATION
6 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, SUPPLEMENT AND NOT
7 SUPPLANT STATE TRANSPORTATION FUNDING ALLOCATED WITHIN THE
8 BOUNDARIES OF THE TRANSPORTATION PLANNING ORGANIZATION.
9 THEREFORE, NEITHER THE COMMISSION NOR THE DEPARTMENT SHALL
10 TAKE SUCH ADDITIONAL TRANSPORTATION FUNDING INTO ACCOUNT WHEN
11 DETERMINING THE AMOUNT OF STATE TRANSPORTATION FUNDING TO BE
12 ALLOCATED WITHIN THE BOUNDARIES OF A TRANSPORTATION PLANNING
13 REGION. WHEN SUBMITTING ITS ANNUAL PROPOSED BUDGET ALLOCATION
14 PLAN AS REQUIRED BY SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT
15 SHALL PROVIDE EVIDENCE THAT THE PROPOSED ALLOCATION OF STATE
16 TRANSPORTATION FUNDING WITHIN THE BOUNDARIES OF ANY
17 TRANSPORTATION PLANNING ORGANIZATION THAT HAS OBTAINED
18 ADDITIONAL TRANSPORTATION FUNDING BY EXERCISING THE POWERS OF
19 A REGIONAL TRANSPORTATION AUTHORITY HAS NOT BEEN REDUCED IN
20 ANY WAY ON ACCOUNT OF THE ADDITIONAL TRANSPORTATION FUNDING.

21 **SECTION 10. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.