

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0263.01 Jason Gelender x4330

SENATE BILL 21-260

SENATE SPONSORSHIP

Fenberg and Winter, Priola

HOUSE SPONSORSHIP

Garnett and Gray,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

SENATE
Amended 2nd Reading
May 14, 2021

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) A sustainable transportation system:

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

- 1 population growth;
- 2 (II) Is safe, well-maintained, accessible, integrated, and
3 multimodal;
- 4 (III) Is planned, funded, designed, constructed, maintained,
5 supervised, and regulated in a way that:
- 6 (A) Actively encourages diverse public participation in the
7 planning process, including but not limited to participation from urban,
8 rural, and disproportionately impacted communities;
- 9 (B) Equitably distributes transportation infrastructure among both
10 urban and rural users in the state and is adequately and equitably funded
11 with contributions from users that bear a reasonable relationship to their
12 use of and impacts on the system and the environment and the costs
13 incurred in mitigating those impacts; and
- 14 (C) Prioritizes asset management of Colorado's roads, bridges, and
15 tunnels in order to achieve and maintain a state of good repair, consistent
16 with federal requirements and best practices;
- 17 (IV) Addresses inequities in transportation access and the
18 increased exposure to transportation-related air pollution for
19 communities, including disproportionately impacted communities,
20 communities near major roadways, and, as documented in multiple
21 peer-reviewed scientific studies, communities where many of the
22 residents are Black or Hispanic; and
- 23 (V) Reduces and mitigates adverse environmental and human
24 health impacts resulting from motor vehicle and other
25 transportation-related emissions by incentivizing the widespread adoption
26 of clean and efficient transportation technology such as personal electric
27 vehicles, fleet and transit electrification, and electric motor vehicle

1 charging and fueling infrastructure.

2 (c) Although a sustainable transportation system is a public good
3 that benefits all Coloradans and the state has intermittently expended
4 general fund money to fund transportation infrastructure, transportation
5 system user charges such as per gallon charges on motor fuels, motor
6 vehicle registration fees, and, increasingly, tolls have provided and
7 continue to provide the vast majority of dedicated transportation funding;

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

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

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

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

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

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

27 (f) While it is necessary and appropriate to increase general fund

1 expenditures for transportation as provided for in this act, because the
2 state has many other critical needs that require general fund money, it is
3 also necessary, appropriate, and more equitable to modernize user charges
4 based on the costs users impose on the transportation system so that such
5 charges remain the primary source of dedicated transportation funding;

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

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

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

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

21 (III) Impose new retail delivery fees on purchases of tangible
22 personal property delivered to consumers and index those fees to inflation
23 because:

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

1 (B) Imposing reasonably calculated retail delivery fees on each
2 delivery made to a consumer accounts for the use of the transportation
3 system associated with that delivery, generates the revenue needed to
4 mitigate the impact of retail deliveries on transportation system
5 infrastructure, and remediates and mitigates retail-delivery-related
6 environmental and health impacts;

7 (IV) Impose new fees on passenger rides arranged through a
8 transportation network company and index those fees to inflation
9 because:

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

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

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

27 (i) Because greenhouse gas pollution resulting from the

1 production, distribution, and use of motor vehicle fuels produces many
2 social costs, including but not limited to adverse public health impacts,
3 increased heat waves, droughts, water supply shortages, flooding,
4 biodiversity loss, and forest health issues such as forest fires, and also
5 adversely impacts specific industries such as agriculture and outdoor
6 recreation, it is necessary and appropriate that the state, when estimating
7 the social costs of transportation-related greenhouse gas pollution,
8 estimate those costs as accurately as possible and that the methodology
9 to be used by the state when making such estimates be specified by law
10 as provided for in this act; and

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

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

1 the modifications that should be made.

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

3 (a) The planning, funding, development, construction,
4 maintenance, and supervision of a sustainable transportation system
5 requires the implementation of a comprehensive regulatory scheme that
6 appropriately balances and funds the necessary elements of such a system,
7 including but not limited to:

8 (I) The construction, maintenance, and supervision of highways
9 and traditional highway infrastructure; and

10 (II) The infrastructure, programs, and incentives needed to support
11 the widespread adoption of electric motor vehicles for personal,
12 commercial, and government use and, by doing so and through other
13 appropriate means, minimize and mitigate the adverse environmental and
14 health impacts of transportation-related air pollution and greenhouse gas
15 pollutant emissions that affect the general public, including
16 disproportionately impacted communities;

17 (b) The planning, funding, development, construction,
18 maintenance, and supervision of a sustainable transportation system
19 depends, at a minimum, on the institutional and individual knowledge,
20 expertise, and experience of the Colorado energy office, the department
21 of transportation, the department of public health and environment, other
22 organizations and individuals interested in a sustainable transportation
23 system, and the general public;

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

26 (I) Providing additional sustainable funding for the construction,
27 maintenance, and supervision of traditional highway infrastructure by the

1 department of transportation, counties, and municipalities and for
2 multimodal transportation projects; and

3 (II) Creating and funding a community access enterprise, a clean
4 fleet enterprise, a clean transit enterprise, and a nonattainment area air
5 pollution mitigation enterprise, each of which uses its distinctive
6 competencies to contribute in a distinct way to the implementation of the
7 scheme to support a sustainable transportation system and each of which
8 has a governing board that includes members selected in part based on
9 knowledge, expertise, or experience deemed specifically relevant to the
10 development and use of the distinctive competencies of the enterprise and
11 the individual mission of the enterprise;

12 (d) The community access enterprise, the clean fleet enterprise,
13 the clean transit enterprise, and the nonattainment area air pollution
14 mitigation enterprise created in this act have distinctive competencies and
15 are each charged with implementing different components of the scheme
16 required for the planning, funding, development, construction,
17 maintenance, and supervision of a sustainable transportation system.
18 Specifically:

19 (I) The community access enterprise is created to serve the
20 primary business purpose of equitably reducing and mitigating the
21 adverse environmental and health impacts of air pollution and greenhouse
22 gas emissions produced by motor vehicles used to make retail deliveries
23 to consumers within local communities. The enterprise will support the
24 adoption of electric motor vehicles and electric alternatives to motor
25 vehicles at the community level, which will support communities,
26 including rural, urban, and disproportionately impacted communities,
27 throughout the state, and will pursue its primary business purpose by, at

1 a minimum, providing funding or financing to:

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

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

9 (II) The clean fleet enterprise is created to serve the primary
10 business purpose of reducing and mitigating the adverse environmental
11 and health impacts of air pollution and greenhouse gas emissions
12 produced by the increasing number of fleet motor vehicles being used to
13 provide transportation network company rides and make retail deliveries
14 by supporting the electrification of such fleets and other motor vehicle
15 fleets, and the enterprise will support the electrification of motor vehicle
16 fleets and pursue its primary business purpose by, at a minimum,
17 providing funding or financing to:

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

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

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

25 (III) The clean transit enterprise is created to serve the primary
26 business purpose of reducing and mitigating the adverse environmental
27 and health impacts of air pollution and greenhouse gas emissions

1 produced by retail deliveries by supporting the replacement of existing
2 gasoline and diesel public transit vehicles with electric motor vehicles,
3 providing the associated recharging infrastructure for electric transit fleet
4 motor vehicles, supporting facility modifications that allow for the safe
5 operation and maintenance of electric transit motor vehicles, and funding
6 planning studies that enable transit agencies to plan for transit vehicle
7 electrification; and

8 (IV) The nonattainment area air pollution mitigation enterprise is
9 created to serve the primary business purpose of mitigating the
10 environmental and health impacts of increased air pollution from motor
11 vehicle emissions in nonattainment areas that results from the rapid and
12 continuing growth in retail deliveries made by motor vehicles and in
13 prearranged rides provided by transportation network companies by
14 providing funding for eligible projects that reduce traffic, including
15 demand management projects that encourage alternatives to driving alone
16 or that directly reduce air pollution, such as retrofitting of construction
17 equipment, construction of roadside vegetation barriers, and planting trees
18 along medians;

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

25 (f) Because the community access enterprise, the clean fleet
26 enterprise, the nonattainment area air pollution mitigation enterprise, and
27 the clean transit enterprise each serve primarily their own purpose and

1 each enterprise is projected to receive revenue from fees and surcharges
2 of less than one hundred million dollars in its first five fiscal years,
3 including the fiscal year in which its board first meets, section 24-77-108,
4 C.R.S., does not require any of the enterprises to be approved at a
5 statewide general election; and

6 (g) Consistent with the determination of the Colorado supreme
7 court in *Colorado Union of Taxpayers Foundation v. City of Aspen*, 2018
8 CO 36, that a charge is not a tax if the primary purpose of the charge is
9 to not to raise revenue for general governmental purposes but is instead
10 to defray some of the costs of regulating an activity under a
11 comprehensive regulatory scheme, the charges imposed by the state and
12 by each enterprise as authorized by this act are fees, not taxes, because
13 each fee is collected from transportation system users for the primary
14 purpose of defraying the costs of mitigating the impact caused by the
15 transportation system user when engaging in an activity that is subject to
16 the fee in an amount reasonably related to the impacts caused by the
17 activity subject and the amount expended to mitigate that impact.

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

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

25 (II) Support the department of transportation in functions related
26 to freight movement and infrastructure in the state, INCLUDING THE
27 FUNCTIONS OF THE FREIGHT MOBILITY AND SAFETY BRANCH OF THE

1 TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF
2 TRANSPORTATION CREATED IN SECTION 43-1-117 (4), as well as
3 infrastructure projects that enhance the safety of movement of
4 commercial materials;

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

7 **24-1-119. Department of public health and environment -**
8 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION
9 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
10 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
11 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT.

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

15 **24-1-128.7. Department of transportation - creation.** (5) The
16 statewide bridge AND TUNNEL enterprise created in section 43-4-805 (2),
17 ~~C.R.S.~~, shall exercise its powers and perform its duties and functions as
18 if the same were transferred by a **type 1** transfer, as defined in section
19 24-1-105, to the department of transportation.

20 (9) THE CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION
21 43-4-1203, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
22 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
23 SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

24 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
25 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS
26 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
27 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF

1 TRANSPORTATION.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 24-38.5-110 and
3 24-38.5-111 as follows:

4 **24-38.5-110. Electric vehicle plan and greenhouse gas**
5 **pollution reduction roadmap - annual progress reports.** FOR STATE
6 FISCAL YEAR 2022-23, AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,
7 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH
8 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT
9 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE
10 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
11 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
12 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
13 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS
14 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET
15 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE
16 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION
17 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION
18 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.
19 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
20 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103
21 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

22 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**
23 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS
24 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT
25 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND
26 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF
27 GREENHOUSE GAS POLLUTION, BASE THEIR ESTIMATE ON THE MOST

1 RECENT ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER
2 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL
3 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF
4 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS
5 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF
6 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
7 GREENHOUSE GASES ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST
8 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE
9 ORDER 12866".

10 **SECTION 6.** In Colorado Revised Statutes, **add** part 3 to article
11 38.5 of title 24 as follows:

12 PART 3

13 COMMUNITY ACCESS TO ELECTRIC VEHICLE

14 CHARGING AND FUELING INFRASTRUCTURE

15 **24-38.5-301. Legislative declaration.** (1) THE GENERAL
16 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

19 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
20 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
21 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
22 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY
23 VEHICLES IN NEIGHBORHOODS;

24 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
25 INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE
26 RETAIL DELIVERIES CAN BE MITIGATED AND OFFSET BY INVESTING IN THE
27 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT

1 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO
2 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER
3 VEHICLES WITH ZERO EMISSION VEHICLES;

4 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
5 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
6 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
7 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
8 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
9 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
10 MITIGATION ACTIVITIES;

11 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
12 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
13 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE
14 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR
15 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY
16 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE
17 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

18 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
19 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, AT THE
20 COMMUNITY LEVEL THAT CONTRIBUTE TO ADVERSE HUMAN HEALTH
21 EFFECTS SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER, AND
22 ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO
23 CLIMATE CHANGE, AND HELPS THE STATE MEET ITS STATEWIDE
24 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN
25 SECTION 25-7-102 (2)(g) AND ITS TRANSPORTATION SECTOR GREENHOUSE
26 GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN THE COLORADO
27 ENERGY OFFICE'S "COLORADO GREENHOUSE GAS POLLUTION REDUCTION

1 ROADMAP" AND COMPLY WITH AIR QUALITY ATTAINMENT STANDARDS;

2 (II) HELPS BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE
3 MORE EFFICIENTLY AND HELPS INDIVIDUALS AND FAMILIES SAVE MONEY
4 OVER TIME BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
5 WITH THE USE OF MOTOR VEHICLES; AND

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

8 (IV) REDUCES HIGHER EMISSIONS OF AIR POLLUTANTS IN LOCAL
9 COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED
10 COMMUNITIES, WHERE THERE IS INCREASED EXPOSURE TO
11 TRANSPORTATION-RELATED AIR POLLUTION AND WHERE, AS MANY
12 STUDIES CONFIRM, INCREASED EXPOSURE TO TRAFFIC AND AIR POLLUTION
13 RESULTS IN A HIGHER RISK FOR ADVERSE HEALTH OUTCOMES;

14 (f) RETIRING A RELATIVELY SMALL NUMBER OF HIGH-EMITTING
15 PASSENGER VEHICLES AND REPLACING THEM WITH LOW OR ZERO EMISSION
16 VEHICLES WOULD HAVE A RELATIVELY LARGE IMPACT ON EMISSIONS
17 REDUCTIONS, AS SHOWN BY A 2009 STUDY THAT FOUND THAT TEN
18 PERCENT OF PASSENGER VEHICLES ARE RESPONSIBLE FOR MORE THAN
19 THIRTY PERCENT OF NITROGEN OXIDE EMISSIONS AND NEARLY FIFTY
20 PERCENT OF HYDROCARBON EMISSIONS.

21 (g) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND
22 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH
23 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND
24 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING
25 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC
26 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN
27 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE

1 STATE;

2 (h) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE
3 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE
4 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE
5 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN
6 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT
7 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR
8 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC
9 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING
10 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO
11 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO
12 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES
13 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE
14 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT
15 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

16 (i) BY REDUCING MOTOR VEHICLE EMISSIONS, INCENTIVIZING,
17 SUPPORTING, AND ACCELERATING THE ADOPTION OF ELECTRIC MOTOR
18 VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF
19 THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE
20 INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL
21 DELIVERIES.

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

23 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
24 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING
25 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;
26 INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF ELECTRIC
27 MOTOR VEHICLES BY BUSINESSES, INCLUDING TRANSPORTATION NETWORK

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

22 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
23 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
24 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS AT
25 THE COMMUNITY LEVEL THROUGH SUPPORT OF THE ADOPTION OF ELECTRIC
26 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES AT
27 THE COMMUNITY LEVEL, INCLUDING BUT NOT LIMITED TO WITHIN

1 DISPROPORTIONATELY IMPACTED COMMUNITIES THROUGHOUT THE STATE;

2 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
3 WHEN, IN EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL
4 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
5 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
6 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
7 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

8 (I) FUNDING THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE
9 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF CLEAN AND
10 QUIET ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES USED TO
11 MAKE RETAIL DELIVERIES;

12 (II) SPECIFICALLY SUPPORTING AND INCENTIVIZING THE
13 RETIREMENT OF OLD AND INEFFICIENT MOTOR VEHICLES POWERED BY
14 INTERNAL COMBUSTION ENGINES AND THE ADOPTION OF ELECTRIC MOTOR
15 VEHICLES, ELECTRIC ALTERNATIVES TO MOTOR VEHICLES, AND TRANSIT
16 USE IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
17 DISPROPORTIONATELY IMPACTED COMMUNITIES, THAT GENERALLY BEAR
18 THE GREATEST BURDEN OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF
19 TRANSPORTATION EMISSIONS DUE TO DISPARITIES IN TRANSPORTATION
20 POLLUTION EXPOSURE;

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

24 (IV) CONTRIBUTING TO THE COMPREHENSIVE REGULATORY
25 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,
26 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE
27 TRANSPORTATION SYSTEM; AND

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

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

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

18 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
19 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
20 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
21 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
22 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
23 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
24 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
25 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
26 SYSTEM; AND

27 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED

1 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
2 REMEDIATING THOSE IMPACTS; AND

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

12 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
15 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
16 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
17 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
18 PROPULSION.

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

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

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

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

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

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

11 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
12 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
13 HYBRID ELECTRIC MOTOR VEHICLE.

14 (6) "ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE"
15 MEANS ELECTRIC VEHICLE CHARGING SYSTEMS AND OTHER ELECTRICAL
16 EQUIPMENT INSTALLED ON SITE TO SUPPORT ELECTRIC MOTOR VEHICLE
17 CHARGING INCLUDING BUT NOT LIMITED TO BATTERY ENERGY STORAGE
18 SYSTEMS.

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

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

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

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

1 THOUSAND POUNDS.

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

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

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

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

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

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

27 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF

1 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
2 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
3 TYPICALLY USED BY PEDESTRIANS;

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

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

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

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

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

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

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

27 (22) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME

1 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

2 (23) "TRANSPORTATION NETWORK COMPANY DRIVER" HAS THE
3 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

4 (24) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE
5 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

6 **24-38.5-303. Community access enterprise - creation - board**
7 **- powers and duties - fund - fee - transparency and reporting.**

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

14 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
15 SEVEN MEMBERS AS FOLLOWS:

16 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WHO SHALL
17 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
18 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST
19 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED
20 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE
21 INTERESTS OF MOTOR VEHICLE MANUFACTURERS, THE ELECTRIC VEHICLE
22 CHARGING AND FUELING BUSINESSES, OR OWNERS OR OPERATORS OF
23 MOTOR VEHICLE FLEETS; AND AT LEAST ONE OF THE MEMBERS MUST
24 REPRESENT A BUSINESS OR ORGANIZATION THAT SUPPORTS ELECTRIC
25 ALTERNATIVES TO MOTOR VEHICLES. THE GOVERNOR SHALL MAKE
26 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN
27 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS

1 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING
2 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD
3 NO LATER THAN OCTOBER 1, 2021.

4 (II) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
5 DIRECTOR'S DESIGNEE;

6 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
7 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

8 AND

9 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

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

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

22 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE
23 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
24 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
25 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR
26 VEHICLES, IN AN EQUITABLE MANNER BY DIRECTLY INVESTING IN
27 TRANSPORTATION INFRASTRUCTURE, MAKING GRANTS OR PROVIDING

1 REBATES OR OTHER FINANCING OPTIONS TO FUND THE CONSTRUCTION OF
2 ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE THROUGHOUT THE
3 STATE, AND INCENTIVIZING THE ACQUISITION AND USE OF ELECTRIC
4 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES IN
5 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
6 IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL
7 EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE
8 TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS
9 AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

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

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

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

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

24 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY
25 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY
26 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT
27 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,

1 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY
2 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
3 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
4 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
5 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
6 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED
7 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND
8 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,
9 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO
10 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS
11 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

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

1 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
2 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
3 FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER SHALL
4 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
5 INVESTMENT OF MONEY IN THE COMMUNITY ACCESS ENTERPRISE INITIAL
6 EXPENSES FUND TO THE FUND. THE COMMUNITY ACCESS ENTERPRISE
7 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
8 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
9 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
10 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
11 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR
12 THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY
13 THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE
14 COLORADO ENERGY OFFICE. UPON RECEIPT OF SUCH REIMBURSEMENT, THE
15 COLORADO ENERGY OFFICE SHALL INSTRUCT THE STATE TREASURER TO
16 TRANSFER FROM THE ENERGY FUND TO THE GENERAL FUND THE AMOUNT
17 NEEDED TO FULLY REPAY THE AMOUNT OF ANY GENERAL FUND MONEY
18 APPROPRIATED TO THE ENERGY FUND FOR THE PURPOSE OF FUNDING THE
19 LOAN MADE PURSUANT TO THIS SUBSECTION (5)(b) PLUS THE INTEREST
20 INCLUDED IN THE REIMBURSEMENT.

21 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
22 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
23 DUTIES:

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

26 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
27 PERSONAL PROPERTY;

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

5 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY
6 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
7 GENERAL'S OFFICE FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
8 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
9 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE _____
10 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
11 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
12 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
13 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
14 SOLE-SOURCE CONTRACTS.

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

24 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY
25 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR
26 EVALUATING APPLICATIONS, AND A LIST OF GRANTEEES PURSUANT TO
27 SUBSECTION (8) OF THIS SECTION; _____

1 (g) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
2 THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY FEE AT OR
3 BELOW THE MAXIMUM AMOUNT AUTHORIZED IN THIS SECTION; AND

4 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
5 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
6 GRANTED BY THIS SECTION.

7 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
8 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
9 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
10 ENTERPRISE, A COMMUNITY ACCESS RETAIL DELIVERY FEE ON EACH RETAIL
11 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
12 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
13 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
14 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
15 43-4-218 (6) THE COMMUNITY ACCESS RETAIL DELIVERY FEE. FOR THE
16 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
17 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
18 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL
19 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN
20 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED
21 BY SECTION 43-4-218 (3).

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

26 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
27 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL

1 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
2 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
3 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT
4 IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED
5 FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
6 REVENUE OF THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY
7 FEE TO BE COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
8 PROPERTY PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN
9 MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
10 BEGINS, AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT
11 NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE
12 FISCAL YEAR BEGINS.

13 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
14 THE COMMUNITY ACCESS RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
15 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
16 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
17 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
18 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
19 STATE FISCAL YEAR.

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

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

26 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,
27 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

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

3 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC
4 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,
5 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

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

8 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING
9 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR
10 VEHICLES;

11 (b) TO PROVIDE INEXPENSIVE AND ACCESSIBLE ELECTRIC
12 ALTERNATIVES TO MOTOR VEHICLES SUCH AS ELECTRICAL ASSISTED
13 BICYCLES AND ELECTRIC SCOOTERS;

14 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN
15 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
16 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF
17 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES; AND

18 (d) TO PROVIDE INCENTIVES FOR TRANSPORTATION NETWORK
19 COMPANIES AND COMPANIES THAT RENT MOTOR VEHICLES TO
20 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING
21 TRANSPORTATION NETWORK COMPANY SERVICES TO INCREASE ACCESS TO
22 OVERNIGHT CHARGING CAPABILITY FOR DRIVERS.

23 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
24 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
25 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
26 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
27 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN

1 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
2 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
3 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
4 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

5 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
6 ENTERPRISE SHALL:

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

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

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

27 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND

1 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
2 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
3 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
4 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
5 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
6 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
7 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
8 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
9 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
10 COMMITTEES CONTINUES INDEFINITELY.

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

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

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

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

27 **24-75-219. Transfers - transportation - capital construction -**

1 **definitions - repeal.** (1) As used in this section, unless the context
2 otherwise requires:

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

6 (g.5) "REVITALIZING MAIN STREETS PROGRAM" MEANS THE
7 DEPARTMENT OF TRANSPORTATION'S GRANT PROGRAM TO SUPPORT
8 COMMUNITIES ACROSS THE STATE AS THEY BUILD AND IMPROVE
9 MULTIMODAL INFRASTRUCTURE IN A WAY THAT SAFELY CONNECTS
10 COLORADANS TO THE COMMUNITY-FOCUSED DOWNTOWNS WHERE THEY
11 LIVE, WORK, DINE, AND SHOP.

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

13 ~~(I) One hundred ninety-nine million two hundred thousand dollars~~
14 ~~from the general fund to the highway users tax fund; and~~

15 ~~(II) Forty-nine million eight hundred thousand dollars from the~~
16 ~~general fund to the capital construction fund.~~

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

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

20 ~~(II) Fifty-two million seven hundred thousand dollars from the~~
21 ~~general fund to the capital construction fund.~~

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

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

26 ~~(I) Repealed.~~

27 ~~(II) Sixty million dollars from the general fund to the capital~~

1 construction fund.

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

3 ~~(I) Repealed.~~

4 ~~(II) Sixty million dollars from the general fund to the capital~~
5 ~~construction fund.~~

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

10 ~~(e) Repealed.~~

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

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

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

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

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

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

26 ~~(II) Twenty-two million five hundred thousand dollars to the~~
27 ~~highway users tax fund for allocation to counties and municipalities as~~

1 specified in section 43-4-205 (6.4); and

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

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

7 ~~(c) The state treasurer shall transfer fifty million dollars from the~~
8 ~~general fund to the state highway fund on June 30, 2020. Except as~~
9 ~~otherwise provided in subsection (5)(d) of this section and section~~
10 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~
11 ~~through June 30, 2040, the state treasurer shall transfer money from the~~
12 ~~general fund to the state highway fund. as follows:~~

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

14 ~~(III) (A) If a ballot issue that authorizes the state to issue~~
15 ~~transportation revenue anticipation notes is submitted to the registered~~
16 ~~electors of the state for their approval or rejection at the November 2021~~
17 ~~statewide election pursuant to section 43-4-705 (13)(b) and a majority of~~
18 ~~the electors voting on the ballot issue vote "No/Against", fifty million~~
19 ~~dollars;~~

20 ~~(B) (Deleted by amendment, L. 2019.)~~

21 ~~(C) This subsection (5)(c)(III) is repealed, effective January 1,~~
22 ~~2022, if a ballot issue that authorizes the state to issue transportation~~
23 ~~revenue anticipation notes is submitted to the registered electors of the~~
24 ~~state for their approval or rejection at the November 2021 statewide~~
25 ~~election pursuant to section 43-4-705 (13)(b) and a majority of the~~
26 ~~electors voting on the ballot issue vote "Yes/For";~~

27 ~~(D) This subsection (5)(c)(III)(D) and subsection (5)(c)(III)(C) of~~

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

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

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

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

20 (D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of
21 this section are repealed, effective January 1, 2022, if a ballot issue that
22 authorizes the state to issue transportation revenue anticipation notes is
23 submitted to the registered electors of the state for their approval or
24 rejection at the November 2021 statewide election pursuant to section
25 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
26 vote "Yes/For"; or

27 (d) (I) If the transportation commission allocates money from the

1 ~~transportation revenue anticipation notes reserve account of the state~~
2 ~~highway fund pursuant to section 43-4-714 (2) during any state fiscal~~
3 ~~year, the amount of any transfer required by subsection (5)(c)(IV)(A) of~~
4 ~~this section is reduced by an amount equal to the amount of the allocation~~
5 ~~from the account.~~

6 ~~(H) This subsection (5)(d) is repealed:~~

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

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

14 ~~(H) This subsection (5)(d)(H) and subsection (5)(d)(I) of this~~
15 ~~section are repealed, effective January 1, 2022, if a ballot issue that~~
16 ~~authorizes the state to issue transportation revenue anticipation notes is~~
17 ~~submitted to the registered electors of the state for their approval or~~
18 ~~rejection at the November 2021 statewide election pursuant to section~~
19 ~~43-4-705 (13)(b) and a majority of the electors voting on the ballot issue~~
20 ~~vote "Yes/For".~~

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

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

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

27 (II) TWENTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND TO

1 THE HIGHWAY USERS TAX FUND;

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

5 (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY
6 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY
7 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
8 REVITALIZING MAIN STREETS PROGRAM.

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

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

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

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

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

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

27 (d.5) THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND FIVE

1 MILLION DOLLARS OF EACH TRANSFER FROM THE GENERAL FUND TO THE
2 STATE HIGHWAY FUND MADE PURSUANT TO SUBSECTION (7)(d) OF THIS
3 SECTION FROM JULY 1 2024 THROUGH JULY 1, 2028, SOLELY TO MITIGATE
4 THE ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
5 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS BY FUNDING
6 PROJECTS THAT REDUCE VEHICLE MILES TRAVELED OR THAT DIRECTLY
7 REDUCE AIR POLLUTION.

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

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

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

22 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING
23 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER
24 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE
25 LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE
26 PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE
27 REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT

1 EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO
2 EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
3 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
4 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
5 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF
6 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(e)
7 AS FOLLOWS:

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

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

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

16 **24-77-103.6. Retention of excess state revenues - general fund**
17 **exempt account - required uses - excess state revenues legislative**
18 **report - definitions.** (6) As used in this section:

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

20 (C) For the 2017-18 fiscal year, an amount that is equal to the
21 excess state revenues cap for the 2016-17 fiscal year calculated pursuant
22 to subsection (6)(b)(I)(B) of this section, adjusted for inflation, the
23 percentage change in state population, the qualification or disqualification
24 of enterprises, and debt service changes, less two hundred million dollars;
25 **and**

26 (D) For the 2018-19 fiscal year, ~~and each succeeding fiscal year,~~
27 the amount of the excess state revenues cap for the 2017-18 fiscal year

1 calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted
2 ~~each subsequent fiscal year~~ for inflation, the percentage change in state
3 population, the qualification or disqualification of enterprises, and debt
4 service changes;

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

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

18 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL
19 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE
20 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)
21 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR
22 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
23 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
24 CHANGES.

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

1 **24-82-1303. Lease-purchase agreements for capital**
2 **construction and transportation projects.** (2) (b) ~~The anticipated~~
3 ~~annual state-funded payments for the principal and interest components~~
4 ~~of the amount payable under all lease-purchase agreements entered into~~
5 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~
6 ~~twelve million five hundred thousand dollars.~~

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

16 (II) ~~Next, for state fiscal year 2021-22 and for each succeeding~~
17 ~~state fiscal year for which a payment under any lease-purchase agreement~~
18 ~~must be made, thirty-six million seven hundred thousand dollars annually,~~
19 ~~or any lesser amount that is sufficient to make each full payment due,~~
20 ~~shall be paid from any legally available money under the control of the~~
21 ~~transportation commission solely for the purpose of allowing the~~
22 ~~construction, supervision, and maintenance of state highways to be~~
23 ~~funded with the proceeds of lease-purchase agreements as specified in~~
24 ~~subsection (4)(b) of this section and section 43-4-206 (1)(b)(V); except~~
25 ~~that, for the payment due during state fiscal year 2021-22 only, forty-eight~~
26 ~~million seven hundred thousand dollars, or any lesser amount that is~~
27 ~~sufficient to make the full payment due shall be paid from such legally~~

1 ~~available money for said purpose; and~~

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

4 **24-93-110. Department of transportation - additional**
5 **requirements for integrated project delivery contracts - short-listing**

6 **- transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT
7 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND
8 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105
9 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN
10 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR
11 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY
12 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A
13 PUBLIC PROJECT IN THE STATE BY THE IPD METHOD TO BE USED FOR THE
14 PUBLIC PROJECT.

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

19 (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY
20 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING
21 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN
22 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE
23 PROJECT OR AS STAND-ALONE MEETINGS.

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

26 (b) FOR ANY PUBLIC PROJECT, REGARDLESS OF THE EXPECTED COST
27 OF COMPLETION, TO BE COMPLETED USING THE IPD METHOD, THE

1 DEPARTMENT OF TRANSPORTATION SHALL:

2 (I) BEFORE BEGINNING THE PROCUREMENT PROCESS, PUBLISH ON
3 THE DEPARTMENT'S WEBSITE, THE JUSTIFICATION FOR SELECTING THE IPD
4 METHOD;

5 (II) DURING THE PROCUREMENT PROCESS, INCLUDE THE
6 JUSTIFICATION FOR SELECTING THE IPD METHOD IN ANY REQUEST FOR
7 QUALIFICATIONS, AND IN THE REQUEST FOR PROPOSALS;

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

12 (IV) FROM THE TIME THE IPD CONTRACT IS EXECUTED UNTIL THE
13 DEPARTMENT'S FINAL ACCEPTANCE OF THE COMPLETED PUBLIC PROJECT,
14 PROVIDE, MAINTAIN, AND UPDATE ON THE DEPARTMENT'S WEBSITE A
15 TRANSPARENCY PLATFORM SUCH AS A DASHBOARD THAT INDICATES THE
16 ONGOING STATUS OF THE PUBLIC PROJECT.

17 (3) THE REQUIREMENTS OF THIS SECTION APPLY ONLY TO A PUBLIC
18 PROJECT INVOLVING INFRASTRUCTURE THAT IS PART OF THE STATE
19 HIGHWAY SYSTEM, AS DESCRIBED IN SECTION 43-2-201 (1).

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

22 **ARTICLE 7.5**

23 **Clean Motor Vehicle Fleet Support**

24 **25-7.5-101. Legislative declaration.** (1) THE GENERAL
25 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

26 (a) AN INCREASING NUMBER OF FLEET MOTOR VEHICLES ARE ON
27 THE ROAD TO MEET INCREASING DEMANDS FOR RETAIL DELIVERIES AND

1 RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES;

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

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

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

23 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
24 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE
25 OF ELECTRIC MOTOR VEHICLES AND, TO THE EXTENT TEMPORARILY
26 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR
27 VEHICLE TECHNOLOGY AND AVAILABILITY FOR CERTAIN FLEET USES,

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

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

24 (b) SPECIFICALLY REDUCES HIGHER LOCALIZED EMISSIONS OF SUCH
25 AIR POLLUTANTS IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
26 DISPROPORTIONATELY IMPACTED COMMUNITIES, WHERE:

27 (I) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,

1 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE
2 HIGHWAYS ARE LOCATED;

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

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

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

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

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

27 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING

1 REMEDIATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,
2 IT:

3 (I) PROVIDES FINANCING THROUGH GRANT PROGRAMS, REBATE
4 PROGRAMS, REVOLVING LOAN FUNDS, OR ANY OTHER STRATEGIES THAT
5 THE BOARD FINDS EFFECTIVE;

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

12 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,
13 INSPECTION, AND READJUSTMENT SERVICES;

14 (IV) PROVIDES OUTREACH, EDUCATION, OR TRAINING TO SUPPORT
15 THE SUCCESSFUL APPLICATION AND PERFORMANCE OF ENTITIES RECEIVING
16 FUNDS;

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

20 (VI) ASSESSES AND SUPPORTS THE IMPLEMENTATION OF CLEANER
21 AND MORE EFFICIENT COMMERCIAL VEHICLE TECHNOLOGY TO SUPPORT
22 MOTOR VEHICLE FLEET ELECTRIFICATION;

23 (VII) RESEARCHES AND DEVELOPS STRATEGIES, BUSINESS PLANS,
24 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS
25 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
26 SERVICES;

27 (VII) CONTRIBUTES TO THE IMPLEMENTATION OF THE

1 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
2 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
3 SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

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

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

8 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,
9 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
10 COMMUNITIES; AND

11 (C) PROVIDING SCRAPPAGE SERVICES;

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

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

22 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
23 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
24 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
25 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
26 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
27 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS

1 GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE
2 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

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

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

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

23 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS
24 THE CONTEXT OTHERWISE REQUIRES:

25 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
26 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
27 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL

1 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
2 PROPULSION.

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

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

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

11 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A
12 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED
13 NATURAL GAS.

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

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

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

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

27 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS

1 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
2 POVERTY GUIDELINE.

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

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

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

10 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
11 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
12 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

13 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
14 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
15 THAT USES HYDROGEN GAS AS FUEL.

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

26 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
27 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION

1 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE
2 THAN TWENTY-SIX THOUSAND POUNDS.

3 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
4 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
5 DEVICE.

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

8 (a) BY A GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE
9 INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOL TRANSPORTATION OR
10 LAW ENFORCEMENT; OR

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

12 (I) THE GROUP OF MOTOR VEHICLES IS COMPOSED PRIMARILY OF
13 HEAVY-DUTY MOTOR VEHICLES, MEDIUM-DUTY MOTOR VEHICLES, OR
14 REFRIGERATED TRAILER UNITS; OR

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

23 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
24 OPERATED ROBOT THAT IS:

25 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
26 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
27 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE

1 TYPICALLY USED BY PEDESTRIANS;

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

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

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

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

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

18 (a) BIOMETHANE;
19 (b) METHANE DERIVED FROM:
20 (I) MUNICIPAL SOLID WASTE;
21 (II) BIOMASS PYROLYSIS OR ENZYMATIC BIOMASS; OR
22 (III) WASTEWATER TREATMENT; AND
23 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124
24 (1)(a)(II).

25 (21) "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

1 PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT
2 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO
3 TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

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

8 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
9 40-10.1-602 (5).

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

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

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

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

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

20 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
21 **and duties - fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY
22 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
23 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
24 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS
25 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
26 FORTH IN THIS SECTION.

27 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS

1 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
2 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
3 IN SECTION 24-1-105.

4 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
5 NINE MEMBERS AS FOLLOWS:

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

20 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
21 EXECUTIVE DIRECTOR'S DESIGNEE;

22 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
23 DIRECTOR'S DESIGNEE; AND

24 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
25 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

26 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
27 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS

1 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.
2 A MEMBER WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD SHALL
3 SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.
4 THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS THEY HOLD THEIR
5 POSITIONS OR ARE DESIGNATED TO SERVE.

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

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

25 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET
26 RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF
27 THIS SECTION;

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

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

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

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

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

1 RATE SET BY THE DEPARTMENT. UPON RECEIPT OF SUCH REIMBURSEMENT,
2 THE DEPARTMENT SHALL REMIT TO THE STATE TREASURER FOR CREDITING
3 TO THE GENERAL FUND THE AMOUNT NEEDED TO FULLY REPAY THE
4 AMOUNT OF ANY GENERAL FUND MONEY APPROPRIATED TO THE
5 DEPARTMENT FOR THE PURPOSE OF FUNDING THE LOAN MADE PURSUANT
6 TO THIS SUBSECTION (5)(b) PLUS THE INTEREST INCLUDED IN THE
7 REIMBURSEMENT.

8 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
9 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
10 DUTIES:

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

13 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
14 PERSONAL PROPERTY;

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

20 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
21 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
22 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
23 OFFICE SPACE, AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
24 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
25 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
26 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
27 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF

1 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
2 SOLE-SOURCE CONTRACTS.

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

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

14 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
15 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
16 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO
17 SUBSECTION (9) OF THIS SECTION;

18 (h) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
19 THE AMOUNTS OF THE CLEAN FLEET PER RIDE FEE AND THE CLEAN FLEET
20 RETAIL DELIVERY FEE AT OR BELOW THE MAXIMUM AMOUNTS AUTHORIZED
21 IN THIS SECTION; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 RECOVERED METHANE;

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

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

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

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

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

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

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

27 (IX) TO REDUCE HEALTH DISPARITIES IN DISPROPORTIONATELY

1 IMPACTED COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO
2 MOTOR VEHICLE FLEET EMISSIONS;

3 (X) TO HELP COMPANIES THAT MAINTAIN MOTOR VEHICLE FLEETS
4 AND RENT MOTOR VEHICLES IN THE FLEETS TO TRANSPORTATION NETWORK
5 COMPANY DRIVERS FOR USE IN PROVIDING TRANSPORTATION NETWORK
6 COMPANY SERVICES PURCHASE OR LEASE ELECTRIC MOTOR VEHICLES FOR
7 THAT USE;

8 (XI) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE
9 INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO
10 PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND

11 (XII) TO PROVIDE ADDITIONAL REMEDIATION SERVICES TO FEE
12 PAYERS AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO
13 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING
14 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO
15 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE
16 SERVICES.

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

25 (11) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
26 ENTERPRISE SHALL:

27 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS

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

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

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

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

1 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
2 REQUIRED IN THIS SUBSECTION (11)(a)(IV) TO THE SPECIFIED LEGISLATIVE
3 COMMITTEES CONTINUES INDEFINITELY.

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

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

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

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

20 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE 21 APPLY
21 TO THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,
22 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION
23 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS
24 ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF
25 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION
26 40-10.1-607.5.

27 **SECTION 13.** In Colorado Revised Statutes, 39-21-119.5,

1 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and
2 (4)(k) as follows:

3 **39-21-119.5. Mandatory electronic filing of returns -**
4 **mandatory electronic payment - penalty - waiver - definitions.**

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

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

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

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

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

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

21 (d) (I) Any gasoline or special fuel report required to be filed
22 pursuant to section 39-27-105 and the payment required to be made
23 pursuant to section 39-27-105.3;

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

27 (i) Any tobacco products excise tax return required to be filed and

1 payment required to be made pursuant to article 28.5 of THIS title 39; and

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

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

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

9 **39-26-102. Definitions.** As used in this article 26, unless the
10 context otherwise requires:

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

18 **SECTION 15.** In Colorado Revised Statutes, 39-26-123, **repeal**
19 (3.5) as follows:

20 **39-26-123. Receipts - disposition - transfers of general fund**
21 **surplus - sales tax holding fund - creation - definitions.** (3.5) For each
22 ~~state fiscal year commencing on or after the first state fiscal year in which~~
23 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~
24 ~~(2)(d), C.R.S., the general assembly may appropriate or transfer, in its~~
25 ~~sole discretion, moneys from the general fund to the sales and use tax~~
26 ~~holding fund.~~

27 **SECTION 16.** In Colorado Revised Statutes, 39-27-301, **amend**

1 (1), (4), and (6); and **add** (3.3) as follows:

2 **39-27-301. Definitions.** As used in this part 3, unless the context
3 otherwise requires:

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

6 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION
7 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED
8 BY SECTION 43-4-805 (5)(g.5).

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

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

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

15 **39-27-302. Agreements between jurisdictions.** The department
16 may enter into a motor fuel tax AND FEE cooperative agreement with
17 another jurisdiction or jurisdictions that provide for the administration,
18 collection, and enforcement of each jurisdiction's motor fuel taxes AND
19 FEES on motor fuel used by motor carriers. The agreement shall not
20 contain any provision that exempts any motor vehicle, owner, or operator
21 from complying with the laws, rules, and regulations pertaining to motor
22 vehicle licensing, size, weight, load, or operation upon the public
23 highways of this state.

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

26 **39-27-304. Provisions of agreements.** (1) An agreement entered
27 into under this part 3 may provide for:

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

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

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

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

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

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

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

18 **39-27-305. Credit for purchases.** Any licensee purchasing more
19 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in
20 this state during the course of a reporting period shall be permitted a
21 credit against future tax AND FEE liability for the excess tax-paid AND
22 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the
23 licensee by the department in accordance with the agreement.

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

26 **39-27-306. Tax and fee collection.** (1) The agreement may
27 require the department to perform audits of licensees or persons required

1 to be licensed and who are based in this state to determine whether motor
2 fuel taxes AND FEES to be collected under the agreement have been
3 reported properly and paid to each jurisdiction that is a party to the
4 agreement. The agreement may authorize other jurisdictions to perform
5 audits on licensees or persons required to be licensed and who are based
6 in such other jurisdictions on behalf of the state of Colorado and forward
7 the audit findings to the department. Such findings may be served upon
8 the licensee or such other person in the same manner as audits performed
9 by the department.

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

12 **39-27-310. Construction of this part 3 - rules and regulations.**

13 (1) This part 3 shall be applied and construed to effectuate its general
14 purpose to make uniform the law with respect to the subject of this part
15 3 among jurisdictions enacting it for the purpose of participating in a
16 multijurisdictional motor fuel tax AND FEE agreement.

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

19 **40-10.1-118. Certificated taxi carrier parity report -**
20 **recommendations - legislative declaration - repeal.** (1) THE GENERAL

21 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

22 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL
23 21-260, ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE
24 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND
25 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE
26 RELATIONSHIP TO THEIR USE OF AND IMPACTS ON THE SYSTEM AND THE
27 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

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

7 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION
8 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS
9 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER
10 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND
11 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR
12 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

13 (2) THE STAFF OF THE COMMISSION SHALL REPORT WHETHER,
14 TAKING INTO ACCOUNT ANY RELEVANT DIFFERENCES IN THEIR BUSINESS
15 MODELS, REGULATORY BURDENS, AND IMPACTS ON THE SUSTAINABILITY
16 OF THE TRANSPORTATION SYSTEM, THERE IS PARITY BETWEEN
17 AUTHORIZED TAXI CARRIERS AND TRANSPORTATION NETWORK COMPANIES
18 WITH RESPECT TO THEIR CONTRIBUTIONS TO THE FUNDING OF THE
19 TRANSPORTATION SYSTEM. THE STAFF OF THE COMMISSION SHALL REPORT
20 ITS FINDINGS TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
21 OF THE GENERAL ASSEMBLY CREATED IN SECTION 43-2-145 (1)(a) DURING
22 THE 2023 LEGISLATIVE INTERIM.

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

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

26 **40-10.1-605. Operational requirements.** (1) The following
27 requirements apply to the provision of services:

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

- 7 (I) A valid driver's license;
- 8 (II) Proof of automobile insurance; AND
- 9 (III) Proof of a Colorado vehicle registration; and
- 10 (IV) ~~Within ninety days of June 5, 2014, and pursuant to~~
11 ~~commission rules, proof that the person is medically fit to drive.~~

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

14 **40-10.1-607. Fees - transportation network company fund -**
15 **creation.** The commission shall transmit all fees PAYABLE TO AND
16 collected BY THE COMMISSION pursuant to this part 6 to the state treasurer,
17 who shall credit the fees to the transportation network company fund,
18 which is hereby created in the state treasury. The ~~moneys~~ MONEY in the
19 fund ~~are~~ IS continuously appropriated to the commission for the purposes
20 set forth in this part 6. All interest earned from the DEPOSIT AND
21 investment of ~~moneys~~ MONEY in the fund is credited to the fund. Any
22 ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~
23 REMAINS in the fund and ~~do~~ DOES not revert to the general fund or any
24 other fund.

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

27 **40-10.1-607.5. Fees - enterprise per ride fees - collection -**

1 **distribution of fee proceeds - rules - definitions.** (1) AS USED IN THIS
2 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

3 (a) "AIR POLLUTION MITIGATION PER RIDE FEE" MEANS THE AIR
4 POLLUTION MITIGATION PER RIDE FEE IMPOSED BY THE NONATTAINMENT
5 AREA AIR POLLUTION MITIGATION ENTERPRISE AS REQUIRED BY SECTION
6 43-4-1303 (7).

7 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
8 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
9 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
10 SEPARATELY REQUESTED A PREARRANGED RIDE.

11 (c) "CLEAN FLEET PER RIDE FEE" MEANS THE CLEAN FLEET PER
12 RIDE FEE IMPOSED BY THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
13 25-7.5-103 (1)(a) AS REQUIRED BY SECTION 25-7.5-103 (7).

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

16 (2) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
17 STATE FISCAL YEAR 2022-23, EACH TRANSPORTATION NETWORK COMPANY
18 SHALL PAY TO THE DEPARTMENT OF REVENUE, AT THE TIME AND IN THE
19 MANNER PRESCRIBED BY THE DEPARTMENT, THE ENTERPRISE PER RIDE
20 FEES, WHICH, FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
21 TRANSPORTATION NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR
22 THE STATE, THE DEPARTMENT SHALL COLLECT ON BEHALF OF THE
23 ENTERPRISES.

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

27 (a) ALL NET CLEAN FLEET PER RIDE FEE REVENUE SHALL BE

1 CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
2 25-7.5-103 (5); AND

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

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

16 (5) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
17 THE ENTERPRISE PER RIDE FEES COLLECTED AS REQUIRED BY SUBSECTION
18 (2) OF THIS SECTION SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR
19 OF THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS THE
20 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF STATE TAXES
21 PURSUANT TO ARTICLE 21 OF TITLE 39. THE DEPARTMENT OF REVENUE
22 MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

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

26 **42-3-304. Registration fees - passenger and passenger-mile**
27 **taxes - clean screen fund - rules - definitions.** (25) (a) In addition to

1 any other fee imposed by this section, FOR REGISTRATION PERIODS
2 BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR
3 2022-23, each authorized agent shall annually collect a fee of fifty dollars
4 at the time of registration on every ~~plug-in~~ electric motor vehicle. FOR
5 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23
6 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED
7 AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE
8 FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE
9 FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION
10 PERIODS BEGINNING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR
11 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE
12 RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL
13 RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE
14 SHALL ANNUALLY CALCULATE THE INFLATION-ADJUSTED AMOUNT OF THE
15 FEE FOR REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL
16 YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
17 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS. The
18 authorized agent shall transmit the fee to the state treasurer, who shall
19 credit thirty dollars, ADJUSTED FOR INFLATION, of each fee to the highway
20 users tax fund created in section 43-4-201, and twenty dollars, ADJUSTED
21 FOR INFLATION, of each fee to the electric vehicle grant fund created in
22 section 24-38.5-103.

23 (a.5) (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS
24 SECTION, INCLUDING THE FEE IMPOSED BY SUBSECTION (25)(a) OF THIS
25 SECTION, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
26 YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
27 AUTHORIZED AGENT SHALL ANNUALLY COLLECT AN ELECTRIC MOTOR

1 VEHICLE ROAD USAGE EQUALIZATION FEE AT THE TIME OF REGISTRATION
2 ON EVERY BATTERY ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
3 SUBSECTIONS (25)(a.5)(II) AND (25)(a.5)(III) OF THIS SECTION AND ON
4 EVERY PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
5 SUBSECTIONS (25)(a.5)(IV) AND (25)(a.5)(V) OF THIS SECTION. THE
6 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,
7 WHO SHALL CREDIT IT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION
8 AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8).

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

13	FISCAL YEAR	FEE
14	2022-2023	\$4
15	2023-2024	\$8
16	2024-2025	\$12
17	2025-2026	\$16
18	2026-2027	\$26
19	2027-2028	\$36
20	2028-2029	\$51
21	2029-2030	\$66
22	2030-2031	\$81
23	2031-2032	\$96

24 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
25 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
26 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
27 FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF THE FEE

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

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

15	FISCAL YEAR	FEE
16	2022-2023	\$3
17	2023-2024	\$5
18	2024-2025	\$8
19	2025-2026	\$11
20	2026-2027	\$13
21	2027-2028	\$16
22	2028-2029	\$19
23	2029-2030	\$21
24	2030-2031	\$24
25	2031-2032	\$27

26 (V) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
27 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE

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

14 (a.6) BECAUSE THE ELECTRIC MOTOR VEHICLE FEE IMPOSED
15 PURSUANT TO SUBSECTION (25)(a) OF THIS SECTION AND THE ELECTRIC
16 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IMPOSED PURSUANT TO
17 SUBSECTION (25)(a.5) OF THIS SECTION ARE INTENDED TO EQUALIZE THE
18 AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES AND MOTOR FUEL
19 CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC MOTOR VEHICLES AND
20 OWNERS OF MOTOR VEHICLES POWERED EXCLUSIVELY BY INTERNAL
21 COMBUSTION ENGINES, AND BECAUSE MOTOR FUEL CHARGES ARE PAID
22 THROUGHOUT THE YEAR RATHER THAN AT THE TIME OF ANNUAL MOTOR
23 VEHICLE REGISTRATION, THE DEPARTMENT SHALL IMPLEMENT A PILOT
24 PROGRAM TO ALLOW FEES IMPOSED PURSUANT TO THIS SUBSECTION (25)
25 TO BE PAID ON AN AUTOMATED PRORATED QUARTERLY BASIS. AFTER
26 EVALUATING THE SUCCESS OF THE PILOT PROGRAM AFTER THE SECOND
27 YEAR OF IMPLEMENTATION, THE DEPARTMENT SHALL MAKE THE PILOT

1 PROGRAM PERMANENT UNLESS THERE IS COMPELLING EVIDENCE THAT THE
2 PILOT PROGRAM HAS NOT BEEN SUCCESSFUL. THE DEPARTMENT MAY
3 PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (25)(a.6).

4 (a.7) (I) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SUBSECTION
5 (25), FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR
6 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
7 AUTHORIZED AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC
8 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT
9 SPECIFIED IN SUBSECTION (25)(a.7)(II) OR (25)(a.7)(III) OF THIS SECTION.
10 THE AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE
11 TREASURER, WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION
12 (25)(a.7)(IV) OF THIS SECTION.

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

16 (A) FIFTY DOLLARS FOR AN COMMERCIAL ELECTRIC MOTOR
17 VEHICLE THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT
18 MORE THAN SIXTEEN THOUSAND POUNDS;

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

22 (C) ONE HUNDRED FIFTY DOLLARS FOR A COMMERCIAL ELECTRIC
23 MOTOR VEHICLE THAT WEIGHS MORE THAN TWENTY-SIX THOUSAND
24 POUNDS.

25 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
26 YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
27 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE

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

12 (IV) THE STATE TREASURER SHALL CREDIT FEE REVENUE
13 COLLECTED PURSUANT SUBSECTIONS (25)(a.7)(II) AND (25)(a.7)(III) AS
14 FOLLOWS:

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

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

22 (a.8) DURING THE 2026 LEGISLATIVE INTERIM, THE COLORADO
23 ENERGY OFFICE, THE DEPARTMENT OF TRANSPORTATION, AND THE
24 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AFTER CONSULTING
25 WITH THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION
26 24-38.5-303 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
27 25-7.5-103 (1)(a), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION

1 43-4-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
2 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), SHALL
3 JOINTLY COMPLETE A WRITTEN REPORT AND PRESENT THE REPORT AT A
4 HEARING OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
5 CREATED IN SECTION 43-2-145 (1)(a). THE REPORT SHALL DETAIL
6 PROGRESS ON ALL PROJECTS COMPLETED OR UNDERTAKEN USING FUNDING
7 PROVIDED PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, IDENTIFY
8 OTHER PROJECTS EXPECTED TO BE COMPLETED IN THE NEXT FIVE YEARS,
9 SPECIFICALLY DOCUMENT THE USE OF GENERAL FUND MONEY PROVIDED
10 PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, AND MAKE
11 RECOMMENDATIONS AS TO WHETHER ADDITIONAL GENERAL FUND MONEY
12 SHOULD BE PROVIDED FOR SIMILAR USES IN LIGHT OF CURRENT ECONOMIC
13 CONDITIONS, INFLATION, AND OTHER PROJECT COMPLETION COST FACTORS,
14 AND AVAILABLE STATE REVENUE. THE REPORT SHALL ALSO INCLUDE THE
15 JOINT RECOMMENDATIONS OF THE OFFICE AND THE DEPARTMENTS AS TO
16 WHETHER, BEGINNING IN STATE FISCAL YEAR 2027-28 OR A LATER STATE
17 FISCAL YEAR, THE AMOUNT OF ANY OR ALL OF THE FEES IMPOSED BY THIS
18 SUBSECTION (25) SHOULD BE ADJUSTED TO ENSURE THAT THE GOAL OF
19 EQUALIZING THE AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES
20 AND MOTOR FUEL CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC
21 MOTOR VEHICLES AND OWNERS OF MOTOR VEHICLES POWERED
22 EXCLUSIVELY BY INTERNAL COMBUSTION ENGINES CONTINUES TO BE
23 REALIZED. WHEN DEVELOPING THEIR RECOMMENDATIONS REGARDING THE
24 FEES, THE OFFICE AND THE DEPARTMENTS SHALL TAKE INTO ACCOUNT, AT
25 A MINIMUM, THE MOST RECENT AVAILABLE RELIABLE DATA ON CURRENT
26 AVERAGE FUEL EFFICIENCY AND CURRENT FUEL EFFICIENCY FOR THE MOST
27 FUEL-EFFICIENT MOTOR VEHICLES FOR THE COLORADO LIGHT-DUTY AND

1 COMMERCIAL MOTOR VEHICLE FLEETS OR, IF COLORADO DATA IS NOT
2 AVAILABLE, THE UNITED STATES LIGHT-DUTY AND COMMERCIAL MOTOR
3 VEHICLE FLEETS, AND THE MOST RECENT AVAILABLE RELIABLE
4 PROJECTIONS OF FUTURE AVERAGE FUEL EFFICIENCY AND FUTURE FUEL
5 EFFICIENCY FOR THE MOST FUEL-EFFICIENT MOTOR VEHICLES FOR THE
6 COLORADO LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS OR, IF
7 COLORADO DATA IS NOT AVAILABLE, FOR THE UNITED STATES
8 LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS. TO THE EXTENT
9 FEASIBLE BASED ON THE DATA AVAILABLE, ANALYSIS OF COMMERCIAL
10 MOTOR VEHICLE FLEET DATA SHALL ACCOUNT SEPARATELY FOR
11 DIFFERENT CATEGORIES OR WEIGHT CLASSES OF COMMERCIAL MOTOR
12 VEHICLES.

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

15 (I) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
16 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
17 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
18 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
19 PROPULSION.

20 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN
21 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

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

24 (IV) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
25 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,
26 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION
27 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR

1 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A
2 STATE FISCAL YEAR FOR WHICH AN ANNUAL INFLATION ADJUSTMENT TO
3 THE AMOUNT OF ANY FEE IMPOSED PURSUANT TO THIS SUBSECTION (25) IS
4 TO BE MADE BEGINS.

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

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

17 SECTION 27. In Colorado Revised Statutes, 42-4-307, add (16)
18 as follows:

19 42-4-307. Powers and duties of the department of public
20 health and environment - division of administration - automobile
21 inspection and readjustment program - basic emissions program -
22 enhanced emissions program - clean screen program. (16) PRIOR TO
23 JULY 1, 2022, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
24 SHALL SEEK APPROVAL FROM THE ENVIRONMENTAL PROTECTION AGENCY
25 TO MODIFY THE STATE IMPLEMENTATION PLAN TO EXPAND THE TESTING
26 EXEMPTION FOR NEW VEHICLES TO TEN MODEL YEARS. IF THE
27 ENVIRONMENTAL PROTECTION AGENCY APPROVES THE REQUEST, THE

1 COMMISSION SHALL ADOPT A RULE EXPANDING THE TESTING EXEMPTION
2 FOR NEW VEHICLES TO TEN MODEL YEARS WITHIN TWELVE MONTHS
3 FOLLOWING THE APPROVAL. IN ADDITION, THE DEPARTMENT OF PUBLIC
4 HEALTH AND ENVIRONMENT SHALL SEEK APPROVAL FROM THE
5 ENVIRONMENTAL PROTECTION AGENCY TO EXPAND THE TESTING
6 EXEMPTION FOR PLUG-IN HYBRID ELECTRIC MOTOR VEHICLES TO TWELVE
7 MODEL YEARS.

8 **SECTION 28.** In Colorado Revised Statutes, 43-1-117, **add** (4)
9 as follows:

10 **43-1-117. Transportation development division - created -**
11 **duties - freight mobility and safety branch.** (4) THE FREIGHT MOBILITY
12 AND SAFETY BRANCH IS CREATED IN THE TRANSPORTATION DEVELOPMENT
13 DIVISION. THE FUNCTION OF THE FREIGHT MOBILITY AND SAFETY BRANCH
14 IS TO PLAN, DESIGN, AND IMPLEMENT PROGRAMS AND PROJECTS THAT
15 ENHANCE FREIGHT MOBILITY AND SAFETY WITHIN THE STATE. NO LATER
16 THAN JANUARY 1, 2022, THE FREIGHT MOBILITY AND SAFETY BRANCH
17 SHALL PROVIDE TO THE COMMISSION A LONG-TERM STRATEGIC PLAN THAT
18 SETS FORTH THE VISION AND GOALS FOR THE BRANCH, KEY PRIORITIES FOR
19 ALL FREIGHT-RELATED PROGRAMS, ACTIVITIES, AND PROJECTS, AND
20 GUIDELINES FOR COORDINATION BETWEEN THE BRANCH AND THE FREIGHT
21 ADVISORY COMMITTEE.

22 **SECTION 29.** In Colorado Revised Statutes, **add** 43-1-128,
23 43-1-129, and 43-1-130 as follows:

24 **43-1-128. Environmental impacts of capacity projects -**
25 **additional requirements - legislative declaration - definitions.** (1) THE
26 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

27 (a) TRANSPORTATION CAPACITY PROJECTS THAT ARE INTENDED TO

1 ALLEVIATE TRAFFIC CONGESTION, ADDRESS MOBILITY, AND IMPROVE
2 TRAVEL TIME RELIABILITY BY INCREASING THE CAPACITY OF HIGHWAYS IN
3 MAJOR TRANSPORTATION CORRIDORS CAN CAUSE ADVERSE
4 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL
5 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

6 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES
7 ADJACENT TO PROJECTS, INCLUDING DISPROPORTIONATELY IMPACTED
8 COMMUNITIES;

9 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH
10 IMPACTS OF PLANNED TRANSPORTATION CAPACITY PROJECTS AND
11 ADDRESS INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS,
12 IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE
13 AND ALL COLORADANS TO REQUIRE THE DEPARTMENT AND
14 METROPOLITAN PLANNING ORGANIZATIONS, WHICH ARE THE STATE'S
15 PRIMARY TRANSPORTATION PLANNING ENTITIES WITH RESPONSIBILITY FOR
16 SELECTING AND FUNDING TRANSPORTATION CAPACITY PROJECTS, TO
17 ENGAGE IN AN ENHANCED LEVEL OF PLANNING, MODELING AND OTHER
18 ANALYSIS, COMMUNITY ENGAGEMENT, AND MONITORING WITH RESPECT
19 TO SUCH PROJECTS AS REQUIRED BY THIS SECTION; AND

20 (d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO AND
21 SHALL TO THE EXTENT PRACTICABLE BE EXECUTED CONCURRENTLY WITH,
22 AND DO NOT SUPPLANT, ANY OTHER REQUIREMENTS OR PROCESSES,
23 INCLUDING FEDERAL SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS,
24 FOR TRANSPORTATION PLANNING, PROJECT PRIORITIZATION, PUBLIC
25 OUTREACH, PROJECT IMPLEMENTATION, OR TRANSPARENCY AND
26 ACCOUNTABILITY THAT ARE ESTABLISHED BY LAW, RULE, OR COMMISSION
27 OR DEPARTMENT POLICY.

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

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

5 (b) "CRITERIA POLLUTANT" MEANS CARBON MONOXIDE,
6 GROUND-LEVEL OZONE, LEAD, NITROGEN DIOXIDE, PARTICULATE MATTER,
7 AND SULFUR DIOXIDE.

8 (c) (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
9 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
10 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
11 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
12 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
13 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
14 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
15 GREATER THAN FORTY PERCENT.

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

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

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

22 (d) "GREENHOUSE GAS POLLUTANTS" MEANS ANTHROPOGENIC
23 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
24 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
25 AND SULFUR HEXAFLUORIDE.

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

1 (3) EFFECTIVE AS OF JULY 1, 2022, THE DEPARTMENT SHALL
2 ESTABLISH AND PROPOSE TO THE COMMISSION FOR ITS REVIEW
3 IMPLEMENTING PROCEDURES AND GUIDELINES THAT REQUIRE THE
4 DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS TO TAKE
5 ADDITIONAL STEPS IN THE PLANNING PROCESS FOR REGIONALLY
6 SIGNIFICANT TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE
7 IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION
8 AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO
9 RESULT FROM SUCH PROJECTS. SUCH GUIDELINES AND PROCEDURES SHALL
10 APPLY TO ADOPTION OF THE NEXT TEN-YEAR PLAN AND SUBSEQUENT
11 PLANNING CYCLES AND SHALL FULLY EVALUATE THE POTENTIAL
12 ENVIRONMENTAL AND HEALTH IMPACTS ON DISPROPORTIONATELY
13 IMPACTED COMMUNITIES. THE COMMISSION SHALL, WITH SUCH
14 MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE
15 REQUIREMENTS OF THIS SECTION AND WITH OPPORTUNITIES FOR PUBLIC
16 INVOLVEMENT, ADOPT THE PROCEDURES AND GUIDELINES. AT A MINIMUM,
17 BOTH THE PROPOSED AND ADOPTED PROCEDURES AND GUIDELINES MUST
18 REQUIRE THE DEPARTMENT AND METROPOLITAN PLANNING
19 ORGANIZATIONS TO:

20 (a) IMPLEMENT RELEVANT RULES AND REGULATIONS ISSUED
21 PURSUANT TO SECTION 25-7-105;

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

25 (c) MODIFY THEIR GUIDANCE DOCUMENTS TO ENSURE THAT AT
26 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO
27 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF

1 CONCERN IN THE STATE INCLUDING CONSIDERATION OF THE IMPACT ON
2 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND
3 RESULTING FROM REGIONALLY SIGNIFICANT TRANSPORTATION CAPACITY
4 PROJECTS ALONGSIDE TRAFFIC MODELING; AND

5 (d) CONSIDER THE ROLE OF LAND USE IN THE TRANSPORTATION
6 PLANNING PROCESS AND DEVELOP STRATEGIES TO ENCOURAGE LAND USE
7 DECISIONS THAT REDUCE VEHICLE MILES TRAVELED AND GREENHOUSE GAS
8 EMISSIONS.

9 (4) IF A PLANNED TRANSPORTATION CAPACITY PROJECT IS A
10 REGIONALLY SIGNIFICANT PROJECT, AS DETERMINED BY THE DEPARTMENT
11 WITH CONSIDERATION GIVEN TO FEDERAL LAW OR REGULATIONS THAT
12 DEFINE OR DESCRIBE SUCH PROJECTS, THE DEPARTMENT SHALL, THROUGH
13 ITS ENVIRONMENTAL STUDY PROCESS:

14 (a) USE ENVIRONMENTAL PROTECTION AGENCY APPROVED MODELS
15 TO DETERMINE AIR POLLUTANT EMISSIONS IMPACTS FOR THE PLANNED
16 PROJECT AND PROVIDE MONITORING AND MEASUREMENT OF CRITERIA
17 POLLUTANTS PRIOR TO CONSTRUCTION;

18 (b) DEVELOP AND IMPLEMENT A PARTICULATE MATTER
19 CONSTRUCTION PLAN TO PROVIDE CONTINUOUS MONITORING AND
20 TRANSPARENT PUBLIC REPORTING OF CONCENTRATIONS, PUBLIC ALERTS
21 ISSUED AS SOON AS POSSIBLE WHEN EXCEEDANCE EVENTS OCCUR, AND
22 ACTION PLANS TO ADDRESS EMISSION LEVELS ON CONSTRUCTION PROJECTS
23 PRIOR TO EXCEEDANCES WITH PARTICULAR FOCUS ON
24 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND

25 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY
26 IMPACTS ON COMMUNITIES, INCLUDING BUT NOT LIMITED TO
27 DISPROPORTIONATELY IMPACTED COMMUNITIES ADJACENT TO THE

1 PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON MITIGATION OF
2 FINE PARTICULATE MATTER POLLUTION.

3 (4.5) WITH THE EXCEPTION OF THE INTERSTATE HIGHWAY 270
4 CORRIDOR IMPROVEMENT PROJECT, THE REQUIREMENTS OF SUBSECTIONS
5 (4)(a) AND (4)(c) OF THIS SECTION DO NOT APPLY TO ANY PROJECTS THAT
6 HAVE, ON OR BEFORE JULY 1, 2022, A SIGNED RECORD OF DECISION,
7 FINDING OF NO SIGNIFICANT IMPACT, OR CATEGORICAL EXCLUSIONS AS
8 PROVIDED BY THE NATIONAL ENVIRONMENTAL POLICY ACT.

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

23 **43-1-129. Road usage charge study - repeal.** (1) THE
24 DEPARTMENT SHALL STUDY THE FEASIBILITY OF IMPLEMENTING A ROAD
25 USAGE CHARGE PROGRAM IN THE STATE. THE STUDY MUST, AT A MINIMUM:

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

1 (b) IDENTIFY AND ASSESS AVAILABLE AND DEVELOPING
2 TECHNOLOGY FOR TRACKING MILEAGE AND COLLECTING ROAD USAGE
3 CHARGES;

4 (c) IDENTIFY BARRIERS TO IMPLEMENTING A ROAD USAGE CHARGE
5 PROGRAM AND IDENTIFY AND ASSESS OPTIONS FOR OVERCOMING THOSE
6 BARRIERS; AND

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

14 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
15 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
16 43-2-145 (1) DURING THE 2023 LEGISLATIVE INTERIM.

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

18 **43-1-130. Autonomous motor vehicles study - repeal.** (1) THE
19 DEPARTMENT SHALL STUDY ISSUES RELATING TO THE DEVELOPMENT AND
20 ADOPTION OF AUTONOMOUS MOTOR VEHICLES. THE STUDY MUST, AT A
21 MINIMUM:

22 (a) SUMMARIZE THE CURRENT STATUS OF AUTONOMOUS MOTOR
23 VEHICLE TECHNOLOGY AND THE EXTENT OF THE USE OF SUCH
24 TECHNOLOGY IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS
25 AND PERSONAL MOTOR VEHICLES;

26 (b) PROVIDE AN ESTIMATED TIMELINE FOR FUTURE
27 ADVANCEMENTS IN AUTONOMOUS MOTOR VEHICLE TECHNOLOGY, IN

1 PARTICULAR ADVANCEMENTS THAT ENABLE MOTOR VEHICLE AUTOMATION
2 TO ATTAIN HIGHER LEVELS IN THE MOTOR VEHICLE CLASSIFICATION
3 SYSTEM ADOPTED BY THE UNITED STATES DEPARTMENT OF
4 TRANSPORTATION, AND THE ADOPTION OF SUCH ADVANCEMENTS FOR USE
5 IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS AND
6 PERSONAL MOTOR VEHICLES;

7 (c) SUMMARIZE THE ANTICIPATED SAFETY BENEFITS, INCLUDING
8 BENEFITS TO TRANSPORTATION SYSTEMS ASSOCIATED WITH THE
9 TRANSITION TO AUTOMATED COMMERCIAL AND GOVERNMENT MOTOR
10 VEHICLE FLEETS AND PERSONAL MOTOR VEHICLES, AND SAFETY RISKS,
11 INCLUDING CYBERSECURITY RISKS, OF AUTONOMOUS MOTOR VEHICLES;

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

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

19 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
20 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
21 43-2-145 (1) DURING THE 2025 LEGISLATIVE INTERIM.

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

23 **SECTION 30.** In Colorado Revised Statutes, **amend** 43-1-219 as
24 follows:

25 **43-1-219. Funds created.** There are hereby created two separate
26 funds, one to be known as the state highway fund and the other to be
27 known as the state highway supplementary fund. All ~~moneys~~ MONEY paid

1 into either of ~~said~~ THE funds shall be available immediately, without
2 further appropriation, for the purposes of ~~such~~ THE fund as provided by
3 law. MONEY TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO
4 SECTION 24-75-219 (7)(c) AND (7)(e) AND ANY INTEREST AND INCOME
5 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE
6 EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102
7 (5). Any sums paid into the state treasury, which by law belong to the
8 state highway fund or to the state highway supplementary fund, shall be
9 immediately placed by the state treasurer to the credit of the appropriate
10 fund. Upon request of the commission or of the chief engineer, it is the
11 duty of the state treasurer to report to the commission or to the chief
12 engineer the amount of money on hand in each of ~~said~~ THE two funds and
13 the amounts derived from each source from which each such fund is
14 accumulated. All accounts and expenditures from each of ~~said~~ THE two
15 funds shall be certified by the chief engineer and paid by the state
16 treasurer upon warrants drawn by the controller. The controller is
17 authorized as directed to draw warrants payable out of the specified fund
18 upon such vouchers properly certified and audited. Nothing in this part 2
19 shall operate to alter the manner of the execution and issuance of
20 transportation revenue anticipation notes provided in part 7 of article 4 of
21 this ~~title~~ TITLE 43.

22 **SECTION 31.** In Colorado Revised Statutes, 43-4-203, **amend**
23 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

24 **43-4-203. Sources of revenue.** (1) All net revenue from the
25 following sources shall be paid into and credited to the highway users tax
26 fund as soon as IT IS received:

27 (f) FROM THE IMPOSITION OF ELECTRIC MOTOR VEHICLE ROAD

1 USAGE EQUALIZATION FEES PURSUANT TO SECTION 42-3-304 (25)(a.5);
2 AND

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

5 **SECTION 32.** In Colorado Revised Statutes, 43-4-205, **amend**
6 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)
7 and (6.9) as follows:

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

16 (b) The remaining balance of such revenue may be expended only
17 for improvements to highways within the state, including new
18 construction, safety improvements, maintenance, and capacity
19 improvements, and for other transportation-related projects to the extent
20 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206
21 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for
22 administrative purposes. Such revenue is allocated as follows:

23 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE
24 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE
25 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO
26 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX
27 FUNDS AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)

1 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO
2 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS
3 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED
4 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN
5 SUBSECTION (6)(b) OF THIS SECTION.

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

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

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

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

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

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

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

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

9 **SECTION 33.** In Colorado Revised Statutes, 43-4-206, **amend**
10 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

11 **43-4-206. State allocation.** (2) (b) Notwithstanding section
12 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation
13 shall report annually to the transportation committee of the senate and the
14 transportation and energy committee of the house of representatives
15 concerning the revenue expended by the department pursuant to
16 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~
17 ~~fund money that is credited to the state highway fund pursuant to section~~
18 ~~24-75-219 (5) and any net proceeds of lease-purchase agreements~~
19 ~~executed as required by section 24-82-1303 (2)(a) that are credited to the~~
20 ~~state highway fund pursuant to section 24-82-1303 (4)(b) and expended~~
21 ~~by the department pursuant to subsection (1)(b)(V) of this section. and~~
22 ~~any net proceeds of transportation revenue anticipation notes issued as~~
23 ~~authorized by a ballot issue submitted to and approved by the registered~~
24 ~~electors of the state at the 2020 statewide election pursuant to section~~
25 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~
26 ~~this section.~~ The department shall present the report at the joint meeting
27 required under section 43-1-113 (9)(a), and the report shall describe for

1 each fiscal year, if applicable:

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

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

10 **SECTION 34.** In Colorado Revised Statutes, **add** 43-4-217 and
11 43-4-218 as follows:

12 **43-4-217. Additional funding - road usage fees - legislative**
13 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
14 AND DECLARES THAT:

15 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE
16 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR
17 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,
18 ROADS, AND STREETS OF THE STATE;

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

25 (c) MOTOR FUEL TAX RATES HAVE NOT BEEN INCREASED IN OVER
26 TWENTY-FIVE YEARS, AND MOTOR FUEL TAX REVENUE HAS NOT KEPT PACE
27 AND WILL NOT KEEP PACE WITH INFLATION OR THE INCREASED

1 TRANSPORTATION INFRASTRUCTURE DEMANDS OF THE GROWING
2 POPULATION OF THE STATE BECAUSE:

3 (I) THE AMOUNT OF MOTOR FUEL TAX PAID DOES NOT DEPEND ON
4 THE PRICE OF MOTOR FUEL AND THEREFORE DOES NOT INCREASE WHEN
5 MOTOR FUEL PRICES INCREASE BUT INSTEAD DEPENDS ON THE QUANTITY
6 OF MOTOR FUEL PURCHASED, WHICH FOR MOST DRIVERS DOES NOT
7 INCREASE OVER TIME; AND

8 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER
9 TIME;

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

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

23 (f) IT IS ALSO FAIR TO FEE PAYERS, REASONABLE, AND
24 APPROPRIATE TO STREAMLINE FEE COLLECTION BY COLLECTING THE ROAD
25 USE FEE FROM DISTRIBUTORS OF MOTOR FUELS WHEN MOTOR FUEL TAXES
26 ARE COLLECTED BECAUSE THE AMOUNT OF THE FEE WILL BE
27 INCORPORATED INTO THE RETAIL PRICE OF MOTOR FUEL AND THEREFORE

1 PASSED ON TO USERS OF THE TRANSPORTATION SYSTEM IN PRECISE
2 PROPORTION TO THEIR CONSUMPTION OF MOTOR FUEL AND IN REASONABLE
3 RELATION TO THEIR USE OF AND IMPACT ON THE TRANSPORTATION
4 SYSTEM; AND

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

11 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL
12 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE
13 PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND
14 SUPERVISION OF THE TRANSPORTATION SYSTEM, WITH A PRIORITY PLACED
15 ON PROJECTS THAT ARE DESIGNATED AS TEN-YEAR VISION PROJECTS ON
16 THE DEPARTMENT'S TEN-YEAR VISION PROJECT LIST;

17 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN
18 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
19 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF
20 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE
21 TRANSPORTATION SYSTEM; AND

22 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY
23 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE
24 BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE
25 PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE
26 PAYERS.

27 (2) AS USED IN THIS SECTION:

1 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION
2 39-27-101 (12), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
3 39-27-102 (1)(a)(II)(A).

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

12 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION
13 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
14 39-27-102 (1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL
15 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS
16 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH
17 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION
18 39-27-102.5 (1.5).

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

27 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON

1 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE
2 DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32, IS:

- 3 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 4 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 5 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 6 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 7 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 8 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

9 AND

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

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

17 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
18 2030, ADJUSTED FOR INFLATION; AND

19 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
20 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
21 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
22 2030.

23 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT
24 TO SUBSECTION (3)(b)(II) OF THIS SECTION ONLY IF THE RATE OF
25 INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF
26 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL
27 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE

1 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO
2 LATER THAN APRIL 15, 2032.

3 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
4 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF SPECIAL
5 FUEL THAT PAYS THE EXCISE TAX IMPOSED ON SPECIAL FUEL SHALL ALSO
6 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A
7 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (4)(b)(I) OF
8 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF
9 REVENUE AS REQUIRED BY SUBSECTION (4)(b)(II) OF (4)(b)(III) OF THIS
10 SECTION.

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

- 14 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 15 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 16 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 17 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 18 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 19 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

20 AND

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

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

1 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
2 2030, ADJUSTED FOR INFLATION; AND

3 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
4 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
5 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
6 2030.

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

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

1 (6) (a) A DISTRIBUTOR IS NOT REQUIRED TO PAY THE ROAD USAGE
2 FEE IMPOSED BY SUBSECTION (3) OR (4) OF THIS SECTION OR THE BRIDGE
3 AND TUNNEL IMPACT FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805
4 (5)(g.5), IF THE DISTRIBUTOR WOULD OTHERWISE BE LIABLE FOR THE
5 EXCISE TAX ON THE GASOLINE OR SPECIAL FUEL SUBJECT TO THE FEE BUT
6 IS ALLOWED TO SELL THE GASOLINE OR SPECIAL FUEL WITHOUT PAYMENT
7 OF THE APPLICABLE EXCISE TAX PURSUANT TO SECTION 39-27-102
8 (1)(b)(II) OR SECTION 39-27-102.5 (2)(b).

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

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

21 (7) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
22 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS
23 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
24 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) SHALL BE PERFORMED BY THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN THE SAME
26 MANNER AS THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
27 STATE GASOLINE AND SPECIAL FUEL TAXES PURSUANT TO ARTICLE 27 OF

1 TITLE 39. A DISTRIBUTOR WHO PAYS THE ROAD USAGE FEE AS REQUIRED
2 BY SUBSECTION (3) OR (4) OF THIS SECTION SHALL REMIT THE FEE,
3 TOGETHER WITH ANY BRIDGE AND TUNNEL IMPACT FEE THAT THE
4 DISTRIBUTOR ALSO PAYS AS REQUIRED BY SECTION 43-4-805 (5)(g.5) AND
5 SUBSECTION (5) OF THIS SECTION TO THE DEPARTMENT OF REVENUE AT
6 THE SAME TIME AND IN THE SAME MANNER IN WHICH THE DISTRIBUTOR
7 REMITS GASOLINE OR SPECIAL FUEL TAXES COLLECTED BY THE
8 DISTRIBUTOR AS REQUIRED BY ARTICLE 27 OF TITLE 39. THE DEPARTMENT
9 OF REVENUE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

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

21 **43-4-218. Additional funding - retail delivery fee - fund**
22 **created - simultaneous collection of enterprise fees - rules - legislative**
23 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
24 AND DECLARES THAT:

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

1 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030
2 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON
3 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH
4 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE
5 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, TRAFFIC
6 CONGESTION, AND RETAIL-DELIVERY-RELATED EMISSIONS;

7 (c) THIS ADDITIONAL USAGE HAS ACCELERATED AND IS EXPECTED
8 TO CONTINUE TO ACCELERATE DETERIORATION OF SURFACE
9 TRANSPORTATION SYSTEM INFRASTRUCTURE, AND HAS REQUIRED AND IS
10 EXPECTED TO CONTINUE TO REQUIRE THE STATE, COUNTIES, AND
11 MUNICIPALITIES TO PERFORM MORE MAINTENANCE AND RECONSTRUCTION
12 OF STATE HIGHWAYS, COUNTY ROADS, AND CITY STREETS;

13 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS
14 EXPECTED TO CONTINUE TO INCREASE MOTOR-VEHICLE-RELATED
15 EMISSIONS OF AIR POLLUTANTS, INCLUDING OZONE PRECURSORS,
16 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,
17 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE
18 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE
19 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

20 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

21 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS
22 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY
23 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE
24 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL
25 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION
26 43-4-1103 (1)(a);

27 (II) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE CREATED

1 IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS RETAIL
2 DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7), AUTHORIZE THE
3 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a) TO
4 IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS SPECIFIED IN SECTION
5 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE AND TUNNEL
6 ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO IMPOSE A BRIDGE
7 AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-4-805
8 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
9 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
10 SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE THE
11 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE CREATED
12 IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION MITIGATION
13 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8) TO HELP
14 FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS
15 PURPOSES; AND

16 (III) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR FEE
17 PAYERS AND ADMINISTRATIVE COSTS FOR THE STATE, TO REQUIRE THE
18 DEPARTMENT OF REVENUE TO COLLECT THE RETAIL DELIVERY FEES
19 IMPOSED BY THE ENTERPRISES ON BEHALF OF THE ENTERPRISES WHEN IT
20 COLLECTS THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS
21 SECTION AND TO DISTRIBUTE THE ENTERPRISE FEE REVENUE TO THE
22 ENTERPRISES.

23 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

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

26 (I) THE COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED BY
27 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303

1 (1), AS SPECIFIED IN SECTION 24-38.5-303 (7);

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

5 (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
6 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
7 43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

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

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

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

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

27 (d) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY

1 OPERATED ROBOT THAT IS:

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

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

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

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

18 (f) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION
19 39-26-102 (8).

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

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

24 (3) (a) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
25 PURCHASED DURING STATE FISCAL YEAR 2022-23, EACH RETAILER WHO
26 MAKES A RETAIL DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL
27 DELIVERY, COLLECT FROM THE PURCHASER, AND PAY TO THE DEPARTMENT

1 OF REVENUE AT THE TIME AND IN THE MANNER PRESCRIBED BY THE
2 DEPARTMENT IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A
3 RETAIL DELIVERY FEE IN THE AMOUNT OF EIGHT AND FOUR-TENTHS CENTS.

4 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF
5 THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
6 PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY
7 SUBSEQUENT STATE FISCAL YEAR, EACH RETAILER WHO MAKES A RETAIL
8 DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT
9 FROM THE PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE
10 TIME AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN
11 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A RETAIL DELIVERY
12 FEE EQUAL TO THE AMOUNT OF THE RETAIL DELIVERY FEE FOR RETAIL
13 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
14 PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE DEPARTMENT OF
15 REVENUE SHALL ANNUALLY CALCULATE THE INFLATION ADJUSTED
16 AMOUNT OF THE RETAIL DELIVERY FEE TO BE IMPOSED ON RETAIL
17 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
18 STATE FISCAL YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN
19 APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
20 BEGINS.

21 (II) THE DEPARTMENT OF REVENUE SHALL ADJUST THE AMOUNT OF
22 THE RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
23 PROPERTY PURCHASED DURING A STATE FISCAL YEAR ONLY IF INFLATION
24 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
25 ADJUSTMENT IN THE AMOUNT OF THE RETAIL DELIVERY FEE, WHEN
26 APPLIED TO THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL
27 CURRENT ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE

1 NEAREST WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE
2 WHOLE CENT IN THE TOTAL AMOUNT OF THE RETAIL DELIVERY FEE AND
3 ALL ENTERPRISE RETAIL DELIVERY FEES IMPOSED ON EACH RETAIL
4 DELIVERY. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO
5 THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL CURRENT
6 ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE NEAREST
7 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
8 PERCENT.

9 (c) A RETAIL DELIVERY THAT INCLUDES ONLY TANGIBLE PERSONAL
10 PROPERTY, THE SALE OF WHICH IS EXEMPT FROM STATE SALES TAX UNDER
11 ARTICLE 26 OF TITLE 39, IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
12 FROM THE ENTERPRISE RETAIL DELIVERY FEES. A RETAIL DELIVERY MADE
13 TO A PURCHASER WHO IS EXEMPT FROM PAYING STATE SALES TAX UNDER
14 ARTICLE 26 OF TITLE 39 IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
15 FROM THE ENTERPRISE RETAIL DELIVERY FEES.

16 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
17 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT
18 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE
19 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF
20 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
21 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),
22 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
23 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
24 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
25 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE
26 ENTERPRISE RETAIL DELIVERY FEES.

27 (b) WHEN COLLECTING THE RETAIL DELIVERY FEE AND, IN

1 ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION, THE ENTERPRISE
2 RETAIL DELIVERY FEES, THE DEPARTMENT OF REVENUE SHALL RETAIN AN
3 AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
4 ADMINISTERING, AND ENFORCING THE RETAIL DELIVERY FEE AND THE
5 ENTERPRISE RETAIL DELIVERY FEES AND SHALL TRANSMIT THE AMOUNT
6 RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE RETAIL
7 DELIVERY FEES FUND, WHICH IS HEREBY CREATED IN THE STATE
8 TREASURY. ALL MONEY IN THE RETAIL DELIVERY FEES FUND IS
9 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO
10 DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,
11 ENFORCING, AND ADMINISTERING THE RETAIL DELIVERY FEE AND THE
12 ENTERPRISE RETAIL DELIVERY FEES.

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

17 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED
18 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
19 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
20 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);
21 AND

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

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

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

4 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL
5 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
6 25-7.5-103 (5);

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

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

13 (V) ALL NET AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
14 REVENUE SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR
15 POLLUTION MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303
16 (5).

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

27 (b) EVERY RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD

1 THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS SECTION
2 AND THE ENTERPRISE RETAIL DELIVERY FEES TO THE PRICE OR CHARGE FOR
3 THE RETAIL DELIVERY SHOWING THE TOTAL OF THE FEES AS ONE ITEM
4 CALLED "RETAIL DELIVERY FEES" THAT IS SEPARATE AND DISTINCT FROM
5 THE PRICE AND ANY OTHER TAXES OR FEES IMPOSED ON THE RETAIL
6 DELIVERY. WHEN ADDED, THE FEES CONSTITUTE A PART OF THE RETAIL
7 DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE
8 RETAILER UNTIL PAID, AND ARE RECOVERABLE AT LAW IN THE SAME
9 MANNER AS OTHER DEBTS.

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

23 (d) A RETAILER WHO COLLECTS THE RETAIL DELIVERY FEE
24 IMPOSED BY SUBSECTION (3) OF THIS SECTION AND THE ENTERPRISE RETAIL
25 DELIVERY FEES SHALL REMIT THE FEES TO THE DEPARTMENT OF REVENUE
26 AT THE SAME TIME AND IN THE SAME MANNER AS THE RETAILER REMITS
27 SALES TAX REVENUE COLLECTED TO THE DEPARTMENT AS REQUIRED BY

1 ARTICLE 26 OF TITLE 39 UNLESS THE DEPARTMENT REQUIRES OR
2 AUTHORIZES THE FEES TO BE REMITTED AT ANOTHER TIME OR IN ANOTHER
3 MANNER.

4 (e) ALL MONEY PAID TO A RETAILER AS A RETAIL DELIVERY FEE
5 IMPOSED BY SUBSECTION (3) OF THIS SECTION, OR AS ONE OR MORE OF THE
6 ENTERPRISE RETAIL DELIVERY FEES, SHALL BE AND REMAINS PUBLIC
7 MONEY, THE PROPERTY OF THE STATE OF COLORADO, IN THE HANDS OF
8 THE RETAILER, AND THE RETAILER SHALL HOLD THE MONEY IN TRUST FOR
9 THE SOLE USE AND BENEFIT OF THE STATE OF COLORADO UNTIL PAID TO
10 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AND, FOR
11 FAILURE TO PAY THE MONEY TO THE EXECUTIVE DIRECTOR, A RETAILER
12 SHALL BE PUNISHED AS PROVIDED BY LAW. IF ANY RETAILER COLLECTS
13 FEES IN EXCESS OF THE AMOUNT IMPOSED BY THIS SECTION AND SECTIONS
14 24-38.5-303 (7), 25-7.5-103 (8), 43-4-1203 (7), AND 43-4-1303 (8), THE
15 RETAILER SHALL REMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
16 OF REVENUE THE FULL AMOUNT OF THE FEES AND ALSO THE FULL AMOUNT
17 OF THE EXCESS.

18 (7) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES TO
19 IMPLEMENT THIS SECTION.

20 **SECTION 35.** In Colorado Revised Statutes, 43-4-602, **amend**
21 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

22 **43-4-602. Definitions.** As used in this part 6, unless the context
23 otherwise requires:

24 (1.5) "Authority" means a body corporate and political subdivision
25 of the state created pursuant to this part 6 OR A TRANSPORTATION
26 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
27 AUTHORIZED BY SECTION 43-4-622.

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

4 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
5 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE
6 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE
7 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
8 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
9 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
10 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
11 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
12 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY
13 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

14 (12.5) "Region" means all of the territory within the boundaries
15 of, and subject to the jurisdiction of, the governing body of any member
16 of a combination that creates an authority pursuant to section 43-4-603 OR
17 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
18 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
19 AUTHORIZED BY SECTION 43-4-622.

20 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
21 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
22 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION
23 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
24 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

25 **SECTION 36.** In Colorado Revised Statutes, 43-4-603, **amend**
26 (1), (1.5), and (3); and **add** (2.5) as follows:

27 **43-4-603. Creation of authorities - exercise of powers of an**

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

1 MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that
2 includes territory that borders the territory of the proposed authority for
3 ~~comment~~ OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
4 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
5 AUTHORITY. A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A
6 RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY
7 SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY
8 EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY
9 IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE
10 THE POWERS OF AN AUTHORITY AND TO THE REGIONAL TRANSPORTATION
11 DISTRICT CREATED IN SECTION 32-9-105 IF THE REGIONAL
12 TRANSPORTATION DISTRICT INCLUDES OR BORDERS ANY OF THAT
13 TERRITORY. IF THE TRANSPORTATION PLANNING ORGANIZATION IS
14 REQUIRED TO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO THE
15 REGIONAL TRANSPORTATION DISTRICT, IT SHALL ALSO COLLABORATE WITH
16 THE DISTRICT AND ENSURE THAT THE DISTRICT'S SERVICES ARE TAKEN
17 INTO CONSIDERATION AND PROTECTED WHEN THE ORGANIZATION PLANS
18 TO EXERCISE AND EXERCISES THE POWERS OF AN AUTHORITY. The director
19 shall issue the certificate upon the filing with the director of a copy of the
20 contract by the combination joining in the creation of the authority OR A
21 COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF THE
22 TRANSPORTATION PLANNING ORGANIZATION AUTHORIZING THE
23 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
24 AN AUTHORITY. The director shall cause the certificate to be recorded in
25 the real estate records in each county having territory included in the
26 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, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,
15 informs the combination that executed the contract OR THE
16 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE
17 RESOLUTION that any portions of the regional transportation systems to be
18 provided by the proposed authority that involve road construction or
19 improvement, as specified in the contract OR RESOLUTION pursuant to
20 ~~paragraph (a) of subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS
21 SECTION, and that are on, alter the physical structure of, or negatively
22 impact safe operation of any highway, road, or street under its jurisdiction
23 or will provide mass transportation services that impact the district, then,
24 at the request of the affected entity, the combination OR THE
25 TRANSPORTATION PLANNING ORGANIZATION shall enter into an
26 intergovernmental agreement concerning the identified portions or mass
27 transportation services with the department, the district, the bordering

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

1 public highway authority, a bordering county or municipality, or any other
2 governmental entity regarding any regional transportation system.

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

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

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

11 (I) TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF
12 THE TRANSPORTATION PLANNING ORGANIZATION;

13 (II) TERRITORY WITHIN THE BOUNDARIES OF AN EXISTING
14 AUTHORITY WITHOUT THE APPROVAL OF THE EXISTING AUTHORITY;

15 (III) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY
16 THAT IS A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF
17 THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS A RESOLUTION
18 OBJECTING TO THE INCLUSION OF THE TERRITORY;

19 (IV) TERRITORY WITHIN THE BOUNDARIES OF A COUNTY THAT IS
20 A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF THE
21 GOVERNING BODY OF THE COUNTY ADOPTS A RESOLUTION OBJECTING TO
22 THE INCLUSION OF THE TERRITORY;

23 (V) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT
24 IS NOT A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION AS
25 THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE
26 RESOLUTION IS ADOPTED WITHOUT THE CONSENT OF THE GOVERNING BODY
27 OF THE MUNICIPALITY; OR

1 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF
2 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING
3 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY
4 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT
5 OF THE GOVERNING BODY OF THE COUNTY.

6 (3) No municipality, county, or special district shall enter into a
7 contract establishing an authority AND NO TRANSPORTATION PLANNING
8 ORGANIZATION SHALL ADOPT A RESOLUTION AUTHORIZING IT TO EXERCISE
9 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
10 without holding at least two public hearings thereon in addition to other
11 requirements imposed by law for public notice. The municipality, county,
12 ~~or~~ special district, OR TRANSPORTATION PLANNING ORGANIZATION shall
13 give notice of the time, place, and purpose of the public hearing by
14 publication in a newspaper of general circulation in the municipality,
15 county, ~~or~~ special district, OR TERRITORY OF THE TRANSPORTATION
16 PLANNING ORGANIZATION as the case may be, at least ten days prior to the
17 date of the public hearing.

18 **SECTION 37.** In Colorado Revised Statutes, 43-4-604, **amend**
19 (3)(i) as follows:

20 **43-4-604. Board of directors.** (3) The board, in addition to all
21 other powers conferred by this part 6, has the following powers:

22 (i) AS APPLICABLE, to amend the contract that created the authority
23 to the extent that any amendment procedures specified in the contract
24 pursuant to section 43-4-603 (2)(f) authorize the board, rather than the
25 members of the combination that are parties to the contract, to amend the
26 contract OR TO AMEND OR REPLACE THE RESOLUTION AUTHORIZING THE
27 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF

1 AN AUTHORITY ADOPTED AS AUTHORIZED BY SECTION 43-4-622.

2 **SECTION 38.** In Colorado Revised Statutes, 43-4-605, **amend**
3 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,
4 (1)(j)(I), and (2)(a) as follows:

5 **43-4-605. Powers of the authority - inclusion or exclusion of**
6 **property - determination of regional transportation system alignment**
7 **- fund created - repeal.** (1) In addition to any other powers granted to
8 ~~the~~ AN authority pursuant to this part 6, ~~the~~ AN authority has the following
9 powers:

10 (f) To finance, construct, operate, or maintain regional
11 transportation systems within or without the boundaries of the authority;
12 except that the authority shall not construct regional transportation
13 systems in any territory located outside the boundaries of the authority
14 and within the boundaries of a municipality as the boundaries of the
15 municipality exist on the date the authority is created without the consent
16 of the governing body of the municipality; outside the boundaries of the
17 authority and within the unincorporated boundaries of a county as the
18 unincorporated boundaries of the county exist on the date the authority is
19 created without the consent of the governing body of the county; or inside
20 or outside the boundaries of the authority if the regional transportation
21 systems would alter the state highway system, as defined in section
22 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),
23 except as authorized by an intergovernmental agreement entered into by
24 the members of the combination that created the authority OR THE
25 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
26 AN AUTHORITY and the department of transportation as required by
27 section 43-4-603 (1.5);

1 (i) To impose an annual motor vehicle registration fee of not more
2 than ten dollars for each motor vehicle registered with the authorized
3 agent, as defined in section 42-1-102, of the county by persons residing
4 in all or any designated portion of the members of the combination OR OF
5 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
6 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
7 43-4-622; except that the authority shall not impose a motor registration
8 fee with respect to motor vehicles registered to persons residing outside
9 the boundaries of the authority and within the boundaries of a
10 municipality as the boundaries of the municipality exist on the date the
11 authority is created OR THE RESOLUTION AUTHORIZING THE
12 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
13 AN AUTHORITY IS ADOPTED without the consent of the governing body of
14 the municipality or outside the boundaries of the authority and within the
15 unincorporated boundaries of a county as the unincorporated boundaries
16 of the county exist on the date the authority is created without the consent
17 of the governing body of the county. The registration fee is in addition to
18 any fee or tax imposed by the state or any other governmental unit. If a
19 motor vehicle is registered in a county that is a member of more than one
20 authority, the total of all fees imposed pursuant to this subsection (1)(i)
21 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The
22 authorized agent of the county in which the registration fee is imposed
23 shall collect the fee and remit the fee to the authority. The authority shall
24 apply the registration fees solely to the financing, construction, operation,
25 or maintenance of regional transportation systems that are consistent with
26 the expenditures specified in section 18 of article X of the state
27 constitution.

1 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,
2 in all or any designated portion of the members of the combination OR OF
3 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
4 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
5 43-4-622, a visitor benefit tax on persons who purchase overnight rooms
6 or accommodations in any amount that would not cause the aggregate
7 amount of the visitor benefit tax and any lodging tax imposed on such
8 overnight rooms or accommodations to exceed two percent of the price
9 of such overnight rooms or accommodations; except that the authority
10 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or
11 accommodations that are in any territory:

12 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
13 or any designated portion of the members of the combination OR OF THE
14 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
15 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a
16 sales or use tax, or both, at a rate not to exceed one percent upon every
17 transaction or other incident with respect to which a sales or use tax is
18 levied by the state; except that, ~~on and after January 1, 2006~~, if the
19 authority includes territory that is within the regional transportation
20 district created and existing pursuant to article 9 of title 32, ~~C.R.S.~~, a
21 designated portion of the members of the combination OR OF THE
22 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
23 a new tax is levied ~~shall~~ MUST be composed of entire territories of
24 members of the combination OR OF THE MEMBERS OF THE
25 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
26 imposed pursuant to this part 6 within the territory of any single member
27 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION

1 PLANNING ORGANIZATION is uniform and except that the authority shall
2 not levy a sales or use tax on any transaction or other incident occurring
3 in any territory located outside the boundaries of the authority and within
4 the boundaries of a municipality as the boundaries of the municipality
5 exist on the date the authority is created without the consent of the
6 governing body of the municipality or outside the boundaries of the
7 authority and within the unincorporated boundaries of a county as the
8 unincorporated boundaries exist on the date the authority is created
9 without the consent of the governing body of the county. Subject to the
10 provisions of section 43-4-612, the authority may elect to levy any such
11 sales or use tax at different rates in different designated portions of the
12 members of the combination OR OF THE MEMBERS OF THE
13 TRANSPORTATION PLANNING ORGANIZATION; except that, ~~on and after~~
14 ~~January 1, 2006~~, if the authority includes territory that is within the
15 regional transportation district, a designated portion of the members of
16 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
17 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of
18 entire territories of members of the combination OR OF THE MEMBERS OF
19 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
20 imposed pursuant to this part 6 within the territory of any single member
21 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
22 is uniform. If the authority so elects, it shall submit a single ballot
23 question that lists all of the different rates to the registered electors of all
24 designated portions of the members of the combination OR OF THE
25 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
26 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~
27 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed

1 pursuant to law. If a member of the combination OR OF THE
2 TRANSPORTATION PLANNING ORGANIZATION is located within more than
3 one authority, the sales or use tax, or both, authorized by this paragraph
4 ~~(f)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction
5 or other incident with respect to which a sales or use tax is levied by the
6 state. The executive director of the department of revenue shall collect,
7 administer, and enforce the sales or use tax, to the extent feasible, in the
8 manner provided in section 29-2-106. ~~C.R.S.~~ The director shall make
9 monthly distributions of the tax collections to the authority, which shall
10 apply the proceeds solely to the financing, construction, operation, or
11 maintenance of regional transportation systems. The department shall
12 retain an amount not to exceed the ~~net incremental~~ TOTAL cost of the
13 collection, administration, and enforcement and shall transmit the amount
14 to the state treasurer, who shall credit the same to the regional
15 transportation authority sales tax fund, which fund is hereby created. The
16 amounts so retained are hereby appropriated annually from the fund to the
17 department to the extent necessary for the department's collection,
18 administration, and enforcement of ~~the provisions~~ of this part 6. Any
19 ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the
20 prior fiscal year shall be transmitted to the authority; except that, prior to
21 the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~
22 MONEY appropriated from the general fund to the department for the
23 collection, administration, and enforcement of the tax for the prior fiscal
24 year shall be repaid.

25 (2) (a) The board may include property within or exclude property
26 from the boundaries of the authority in the manner provided in this
27 subsection (2). Property may not be included within the boundaries of the

1 authority unless it is within the boundaries of the members of the
2 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
3 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
4 43-4-622 at the time of the inclusion. Property located within the
5 boundaries of a municipality that is not a member of the combination OR
6 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of
7 the municipality exist on the date the property is included may not be
8 included without the consent of the governing body of ~~such~~ THE
9 municipality, and property within the unincorporated boundaries of a
10 county that is not a member of the combination OR OF THE
11 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated
12 boundaries of the county exist on the date the property is included may
13 not be included without the consent of the governing body of ~~such~~ THE
14 county.

15 **SECTION 39.** In Colorado Revised Statutes, 43-4-611, **amend**
16 (2) as follows:

17 **43-4-611. Powers of governmental units.** (2) To assist in the
18 financing, construction, operation, or maintenance of a regional
19 transportation system, any county, municipality, or special district that is
20 a member of a combination OR OF A TRANSPORTATION PLANNING
21 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
22 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the
23 authority all or a portion of the revenues it receives from the highway
24 users tax fund or from any other legally available funds. The authority
25 shall apply revenues that it receives pursuant to the pledge to the
26 financing, construction, operation, or maintenance of any regional
27 transportation system. The authority may refuse to accept any revenues

1 that would cause a member of the combination OR OF THE
2 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal
3 year spending under section 20 of article X of the state constitution and
4 that could result in a refund of excess revenues under said section 20.

5 **SECTION 40.** In Colorado Revised Statutes, 43-4-612, **amend**
6 (1) as follows:

7 **43-4-612. Referendum.** (1) (a) No action by an authority to
8 establish or increase any tax authorized by this part 6 shall take effect
9 unless first submitted to a vote of the registered electors of that portion of
10 the combination OR THAT PORTION OF THE TERRITORY IN WHICH A
11 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
12 THE POWERS OF AN AUTHORITY in which the tax is proposed to be
13 collected.

14 (b) THE EFFECTIVE DATE OF ANY SALES OR USE TAX ADOPTED
15 UNDER THIS PART 6 MUST BE EITHER JANUARY 1 OR JULY 1 FOLLOWING
16 THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,
17 AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX
19 PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF
20 THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION
21 HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1
22 FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE
23 EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

24 **SECTION 41.** In Colorado Revised Statutes, **amend** 43-4-615 as
25 follows:

26 **43-4-615. Agreement of the state not to limit or alter rights of**
27 **obligees.** The state hereby pledges and agrees with the holders of any

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

13 **SECTION 42.** In Colorado Revised Statutes, **add** 43-4-622 as
14 follows:

15 **43-4-622. Exercise of authority powers by transportation**
16 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF
17 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO
18 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN
19 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE
20 TRANSPORTATION PLANNING ORGANIZATION.

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

25 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTIONS 43-4-603
26 (1), 43-4-613, AND 43-4-614 (1);

27 (b) THE INTERGOVERNMENTAL AGREEMENT AND SERVICES

1 ELIMINATION REQUIREMENTS SET FORTH IN SECTION 43-4-603 (1.5);
2 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION
3 43-4-603 (3);
4 (d) THE LIMITATIONS ON THE BOARD DELEGATING CERTAIN
5 POWERS SET FORTH IN SECTION 43-4-604 (1);
6 (e) ALL REQUIREMENTS SET FORTH IN THIS PART 6 THAT REQUIRE
7 THE CONSENT OF A COUNTY OR MUNICIPALITY THAT IS NOT A MEMBER OF
8 THE TRANSPORTATION PLANNING ORGANIZATION TO OPERATIONS,
9 TAXATION, OR OTHER ACTIVITIES WITHIN ITS TERRITORY;
10 (f) ALL BOARD SUPER-MAJORITY VOTING REQUIREMENTS SET
11 FORTH IN THIS PART 6; AND
12 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION
13 43-4-612.
14 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL
15 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION
16 EXERCISING THE POWERS OF AN AUTHORITY SHALL COMPLY WITH THE
17 PROCEDURES AND GUIDELINES ADOPTED BY THE TRANSPORTATION
18 COMMISSION PURSUANT TO SECTION 43-1-128 (3) AND ANALYZE AND
19 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S
20 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE
21 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON
22 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT
23 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7
24 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING
25 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
26 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE
27 ANALYSIS.

1 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE
2 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT
3 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES
4 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD
5 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE
6 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD.
7 THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH
8 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE
9 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED
10 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING
11 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS
12 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE
13 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING
14 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

15 **SECTION 43.** In Colorado Revised Statutes, 43-4-705, **repeal**
16 (2)(a)(II.5) and (13)(b) as follows:

17 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

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

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

24 (13) (b) (I) ~~Subject to voter approval of the ballot issue submitted~~
25 ~~at the November 2021 statewide election pursuant to subsection~~
26 ~~(13)(b)(III) of this section and the repayment funding commitment~~
27 ~~requirement specified in subsection (13)(b)(II) of this section, the~~

1 ~~executive director shall issue additional transportation revenue~~
2 ~~anticipation notes in a maximum amount of one billion three hundred~~
3 ~~thirty-seven million dollars and with a maximum repayment cost of one~~
4 ~~billion eight hundred sixty-five million dollars. The maximum repayment~~
5 ~~term for any notes issued pursuant to this subsection (13)(b) is twenty~~
6 ~~years, and the certificate, trust indenture, or other instrument authorizing~~
7 ~~their issuance shall provide that the state may pay the notes in full without~~
8 ~~penalty no later than ten years following the date of issuance.~~

9 ~~(H) Notwithstanding section 43-1-113 (19) and subsection (12)(a)~~
10 ~~of this section, before issuing any revenue anticipation notes as~~
11 ~~authorized by subsection (13)(b)(I) of this section, the transportation~~
12 ~~commission shall adopt a resolution in which it agrees, subject to the~~
13 ~~requirements of section 43-4-706 (2), that it intends to annually allocate~~
14 ~~from legally available money under its control any amount needed for~~
15 ~~payment of the notes until the notes are fully repaid. The commission~~
16 ~~shall first allocate for payment of the notes money transferred from the~~
17 ~~general fund to the state highway fund pursuant to section 24-75-219~~
18 ~~(5)(b) and any money allocated by the commission from the transportation~~
19 ~~revenue anticipation notes reserve account created in section 43-4-714 (2)~~
20 ~~and thereafter shall allocate for payment of the notes any other legally~~
21 ~~available money under its control.~~

22 ~~(H) The secretary of state shall submit to the registered electors~~
23 ~~of the state for their approval or rejection at the November 2021 statewide~~
24 ~~election the following ballot issue: "Shall state of Colorado debt be~~
25 ~~increased \$1,337,000,000, with a maximum repayment cost of~~
26 ~~\$1,865,000,000, without raising taxes, through the issuance of~~
27 ~~transportation revenue anticipation notes for the purpose of addressing~~

1 ~~critical priority transportation needs in the state by financing~~
2 ~~transportation projects, shall note proceeds and investment earnings on~~
3 ~~note proceeds be excluded from state fiscal year spending limits, and shall~~
4 ~~the amount of lease-purchase agreements required by current law to be~~
5 ~~issued for the purpose of financing transportation projects be reduced?"~~

6 ~~(IV) No later than May 1, 2021, the department shall provide to~~
7 ~~the director of research of the legislative council the most recent available~~
8 ~~list of qualified federal aid transportation projects, including multimodal~~
9 ~~capital projects, that are designated for tier 1 funding as ten-year~~
10 ~~development program projects on the department's 2021 development~~
11 ~~program project list and that the department will fund with proceeds of~~
12 ~~any transportation revenue anticipation notes issued as authorized by this~~
13 ~~subsection (13)(b). In order to fully inform the voters of the state~~
14 ~~concerning the projects to be funded with proceeds of any such additional~~
15 ~~transportation revenue anticipation notes before the voters vote on the~~
16 ~~ballot question specified in subsection (13)(b)(III) of this section, the~~
17 ~~director of research shall publish the list, including any subsequent~~
18 ~~updates to the list made before final approval by the legislative council of~~
19 ~~the 2021 ballot information booklet prepared pursuant to section~~
20 ~~1-40-124.5, which updates the department shall expeditiously provide to~~
21 ~~the director of research, in the ballot information booklet.~~

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

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

26 ~~(C) This subsection (13)(b)(V) is repealed, effective January 1,~~
27 ~~2022, if a majority of the electors voting on the ballot issue in subsection~~

1 ~~(13)(b)(III) of this section vote "Yes/For".~~

2 **SECTION 44.** In Colorado Revised Statutes, 43-4-802, **amend**
3 (2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:

4 **43-4-802. Legislative declaration.** (2) The general assembly
5 further finds and declares that:

6 (c) Increasing funding for designated bridge projects, TUNNEL
7 PROJECTS, and road safety projects in the short- and medium-term through
8 the imposition of bridge and road safety surcharges, A BRIDGE AND
9 TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated
10 based on the benefits received by the persons paying the fees will not only
11 provide funding to complete the projects but will also accelerate the
12 state's economic recovery by increasing bridge, TUNNEL, and road
13 construction, repair, reconstruction, and maintenance activity, as well as
14 related economic activity, and by employing significant numbers of
15 Coloradans;

16 (d) The creation of a statewide bridge AND TUNNEL enterprise
17 authorized to complete designated bridge projects AND TUNNEL PROJECTS,
18 to impose a bridge safety surcharge AND A BRIDGE AND TUNNEL IMPACT
19 FEE and issue revenue bonds, and, if required approvals are obtained, to
20 contract with the state to receive one or more loans of moneys received
21 by the state under the terms of one or more lease-purchase agreements
22 authorized by this part 8 and to use the revenues generated by the bridge
23 safety surcharge AND THE BRIDGE AND TUNNEL IMPACT FEE to repay any
24 such loan or loans, will improve the safety and efficiency of the state
25 transportation system by allowing the state to accelerate the repair,
26 reconstruction, and replacement of structurally deficient, functionally
27 obsolete, and rated as poor bridges AND REPAIR, MAINTAIN, AND MORE

1 SAFELY OPERATE TUNNELS;

2 (f) Granting the bridge enterprise and the transportation enterprise
3 both responsibility for the completion, respectively, of designated bridge
4 projects AND TUNNEL PROJECTS and other important surface transportation
5 projects and the flexibility to execute their respective missions in a variety
6 of innovative ways will ensure that available resources for such projects
7 are efficiently and effectively leveraged so that both the projects and the
8 state's economic recovery can be completed as quickly as possible.

9 (3) The general assembly further finds and declares that:

10 (a) While it is necessary, appropriate, and in the best interests of
11 the state to fund designated bridge projects, TUNNEL PROJECTS, and
12 highway safety projects and stimulate economic recovery in the short- and
13 medium-term, the state must also develop a long-term strategy to provide
14 sustainable long-term revenue streams dedicated for the construction of
15 important surface transportation infrastructure projects and the continuing
16 maintenance, repair, and reconstruction of the statewide surface
17 transportation system that will:

18 **SECTION 45.** In Colorado Revised Statutes, 43-4-803, **amend**
19 (4) and (7); and **add** (26.5) as follows:

20 **43-4-803. Definitions.** As used in this part 8, unless the context
21 otherwise requires:

22 (4) "Bridge enterprise" means the statewide bridge AND TUNNEL
23 enterprise created in section 43-4-805 (2).

24 (7) "Bridge special fund" means the statewide bridge AND TUNNEL
25 enterprise special revenue fund created in section 43-4-805 (3)(a).

26 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR,
27 MAINTAIN, OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF

1 THE STATE HIGHWAY SYSTEM.

2 **SECTION 46.** In Colorado Revised Statutes, 43-4-804, **amend**
3 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and
4 (1)(b)(IV) as follows:

5 **43-4-804. Highway safety projects - surcharges and fees -**
6 **crediting of money to highway users tax fund - definition.** (1) On and
7 after July 1, 2009, the following surcharges, fees, and fines shall be
8 collected and credited to the highway users tax fund created in section
9 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
10 municipalities as specified in section 43-4-205 (6.3):

11 (a) (I) A road safety surcharge, which, except as otherwise
12 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is
13 imposed for any registration period that commences on or after July 1,
14 2009, upon the registration of any vehicle for which a registration fee
15 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.
16 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~
17 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the
18 surcharge is:

19 (VIII) (A) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR
20 AFTER JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2023, THE AMOUNT OF
21 EACH ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION
22 (1)(a)(I) OF THIS SECTION IS REDUCED BY ELEVEN DOLLARS AND TEN
23 CENTS.

24 (B) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER
25 JANUARY 1, 2023, BUT BEFORE JANUARY 1, 2024, THE AMOUNT OF EACH
26 ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION (1)(a)(I)
27 OF THIS SECTION IS REDUCED BY FIVE DOLLARS AND FIFTY-FIVE CENTS.

1 (b) (I) (A) Except as otherwise provided in ~~subparagraph (III) of~~
2 ~~this paragraph (b)~~ SUBSECTIONS (1)(b)(III) AND (1)(b)(IV) OF THIS
3 SECTION, a daily vehicle rental fee is imposed on all short-term vehicle
4 rentals at the rate of two dollars per day; except that a subsequent renewal
5 of a short-term vehicle rental is exempt from the fee to the extent that the
6 renewal extends the total rental period beyond thirty days. The rental
7 invoice shall list the daily vehicle rental fee separately as a Colorado road
8 safety program fee. ON AND AFTER JULY 1, 2022, A CAR SHARING
9 PROGRAM, AS DEFINED IN SECTION 6-1-1202 (4), SHALL COLLECT THE
10 DAILY VEHICLE RENTAL FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF
11 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING
12 PROGRAM.

13 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle
14 rental" means the rental of any motor vehicle, as defined in section
15 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six
16 thousand pounds or less that is rented within Colorado for a period of not
17 more than thirty days.

18 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
19 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL
20 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
21 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE
22 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF
23 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE
24 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND
25 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE
26 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

27 (B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS

1 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
2 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
3 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
4 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
5 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
6 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM
7 VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

8 **SECTION 47.** In Colorado Revised Statutes, 43-4-805, **amend**
9 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),
10 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and
11 (5)(g.7) as follows:

12 **43-4-805. Statewide bridge enterprise - creation - board -**
13 **funds - powers and duties - legislative declaration - definition.**

14 (1) The general assembly hereby finds and declares that:

15 (a) The completion of designated bridge projects AND TUNNEL
16 PROJECTS is essential to address increasing traffic congestion and delays,
17 hazards, injuries, and fatalities;

18 (b) Due to the limited availability of state and federal funding and
19 the need to accomplish the financing, repair, reconstruction, and
20 replacement of designated bridges AND TUNNEL PROJECTS as promptly and
21 efficiently as possible, it is necessary to create a statewide bridge AND
22 TUNNEL enterprise and to authorize the enterprise to:

23 (I) Enter into agreements with the commission or the department
24 to finance, repair, reconstruct, and replace designated bridges AND
25 COMPLETE TUNNEL PROJECTS in the state; and

26 (II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL
27 IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates

1 reasonably calculated to defray the costs of completing designated bridge
2 projects AND TUNNEL PROJECTS and distribute the burden of defraying the
3 costs in a manner based on the benefits received by persons paying the
4 fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL
5 DELIVERIES, receive and expend ~~revenues~~ REVENUE generated by the
6 surcharge AND FEES and other ~~moneys~~ MONEY, issue revenue bonds and
7 other obligations, contract with the state, if required approvals are
8 obtained, to receive one or more loans of ~~moneys~~ MONEY received by the
9 state under the terms of one or more lease-purchase agreements
10 authorized by this part 8, expend ~~revenues~~ REVENUE generated by the
11 surcharge to repay any such loan or loans received, and exercise other
12 powers necessary and appropriate to carry out its purposes; and

13 (c) The creation of a statewide bridge AND TUNNEL enterprise is
14 in the public interest and will promote the health, safety, and welfare of
15 all Coloradans and visitors to the state by providing bridges AND
16 REPAIRING, MAINTAINING, AND OPERATING TUNNELS IN A MANNER that
17 ~~incorporate~~ INCORPORATES the benefits of advanced engineering design,
18 experience, and safety.

19 (2) (a) (I) The SCOPE OF THE EXISTING statewide bridge
20 enterprise is hereby created IN THIS SUBSECTION (2)(a)(I) IN 2009 IS
21 HEREBY EXPANDED TO INCLUDE BOTH DESIGNATED BRIDGE PROJECTS AND
22 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR TUNNELS,
23 AND THE NAME OF THE EXPANDED ENTERPRISE IS THE STATEWIDE BRIDGE
24 AND TUNNEL ENTERPRISE. The bridge enterprise ~~shall be and shall operate~~
25 IS AND OPERATES as a government-owned business within the department.
26 The commission shall serve as the bridge enterprise board and shall, with
27 the consent of the executive director, appoint a bridge enterprise director

1 who shall possess such qualifications as may be established by the
2 commission and the state personnel board. The bridge enterprise director
3 shall oversee the discharge of all responsibilities of the bridge enterprise
4 and shall serve at the pleasure of the bridge enterprise board.

5 (b) The business purpose of the bridge enterprise is to finance,
6 repair, reconstruct, and replace any designated bridge in the state and
7 COMPLETE TUNNEL PROJECTS AND, as agreed upon by the enterprise and
8 the commission, or the department to the extent authorized by the
9 commission, to maintain the bridges it finances, repairs, reconstructs, and
10 replaces. To allow the bridge enterprise to accomplish this purpose and
11 fully exercise its powers and duties through the bridge enterprise board,
12 the bridge enterprise may:

13 (I) Impose a bridge safety surcharge, a bridge and tunnel impact
14 fee, and a bridge and tunnel retail delivery fee as authorized in paragraph
15 ~~(g) of subsection (5)~~ BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this
16 section;

17 (c) The bridge enterprise shall constitute an enterprise for
18 purposes of section 20 of article X of the state constitution so long as it
19 retains the authority to issue revenue bonds and receives less than ten
20 percent of its total revenues in grants from all Colorado state and local
21 governments combined. So long as it constitutes an enterprise pursuant
22 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be
23 subject to any provisions of section 20 of article X of the state
24 constitution. Consistent with the determination of the Colorado supreme
25 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
26 1995), that the power to impose taxes is inconsistent with "enterprise"
27 status under section 20 of article X of the state constitution, the general

1 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND
2 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE
3 imposed by the bridge enterprise pursuant to paragraph (g) of subsection
4 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this
5 section is not a tax but is instead a fee imposed by the bridge enterprise
6 to defray the cost of completing designated bridge projects AND TUNNEL
7 PROJECTS that the enterprise provides as a specific service to the persons
8 upon whom the fee is imposed and at rates reasonably calculated based
9 on the benefits received by such persons.

10 (3) (a) The statewide bridge AND TUNNEL enterprise special
11 revenue fund, referred to in this part 8 as the "bridge special fund", is
12 hereby created in the state treasury. All ~~revenues~~ REVENUE received by
13 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE
14 from a bridge safety surcharge ~~collected pursuant to paragraph (g) of~~
15 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this
16 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
17 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A
18 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY
19 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to
20 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~
21 SUBSECTION (5)(r) of this section, shall be deposited into the bridge
22 special fund. The bridge enterprise board may establish separate accounts
23 within the bridge special fund as needed in connection with any specific
24 designated bridge project. The bridge enterprise also may deposit or
25 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,
26 but in no event may ~~revenues~~ REVENUE from any tax otherwise available
27 for general purposes be deposited into the bridge special fund. The state

1 treasurer, after consulting with the bridge enterprise board, shall invest
2 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or
3 reserves, but excluding any proceeds from the sale of bonds or earnings
4 on such proceeds invested pursuant to section 43-4-807 (2), that are not
5 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the
6 types of investments authorized in sections 24-36-109, 24-36-112, and
7 24-36-113. ~~C.R.S.~~

8 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the
9 bridge special fund to pay bond or loan obligations, to fund the
10 administration, planning, financing, repair, reconstruction, replacement,
11 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL
12 PROJECTS, and for the acquisition of land to the extent required in
13 connection with any designated bridge project. The bridge enterprise may
14 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating
15 costs and expenses. The bridge enterprise board shall have exclusive
16 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the
17 bridge special fund.

18 (4) The commission may transfer ~~moneys~~ MONEY from the state
19 highway fund created in section 43-1-219 to the bridge enterprise for the
20 purpose of defraying expenses incurred by the enterprise prior to the
21 receipt of bond proceeds or ~~revenues~~ REVENUE by the enterprise. The
22 bridge enterprise may accept and expend any ~~moneys~~ MONEY so
23 transferred, and, notwithstanding any state fiscal rule or generally
24 accepted accounting principle that could otherwise be interpreted to
25 require a contrary conclusion, such a transfer shall constitute a loan from
26 the commission to the bridge enterprise and shall not be considered a
27 grant for purposes of section 20 (2)(d) of article X of the state

1 constitution. As the bridge enterprise receives sufficient revenues in
2 excess of expenses, the enterprise shall reimburse the state highway fund
3 for the principal amount of any loan from the state highway fund made by
4 the commission plus interest at a rate set by the commission. Any ~~moneys~~
5 MONEY loaned from the state highway fund to the bridge enterprise
6 pursuant to this section shall be deposited into a fund to be known as the
7 statewide bridge AND TUNNEL enterprise operating fund, which fund is
8 hereby created, and shall not be deposited into the bridge special fund.
9 ~~Moneys~~ MONEY from the bridge special fund may, however, be used to
10 reimburse the state highway fund for the amount of any loan from the
11 state highway fund or any interest thereon.

12 (5) In addition to any other powers and duties specified in this
13 section, the bridge enterprise board has the following powers and duties:

14 (c) To issue revenue bonds, payable solely from the bridge special
15 fund, for the purpose of paying the cost of financing, repairing,
16 reconstructing, replacing, and maintaining designated bridges AND
17 COMPLETING TUNNEL PROJECTS;

18 (g.5) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, TO IMPOSE A
19 BRIDGE AND TUNNEL IMPACT FEE TO BE PAID IN THE AMOUNT IMPOSED BY
20 THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.5)(II) OR
21 (5)(g.5)(III) OF THIS SECTION BY EACH DISTRIBUTOR OF SPECIAL FUEL, AS
22 DEFINED IN SECTION 43-4-217 (2)(c), THAT PAYS THE EXCISE TAX IMPOSED
23 ON SPECIAL FUEL PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME
24 TIME AND IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE
25 FEE IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4). FOR THE
26 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND
27 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE

1 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL IMPACT FEE ON
2 BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME MANNER IN WHICH IT
3 COLLECTS AND ADMINISTERS THE EXCISE TAX AND THE ROAD USAGE FEE
4 IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4).

5 (II) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED
6 FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS 2022-23
7 THROUGH 2031-32, THE BRIDGE ENTERPRISE SHALL IMPOSE THE BRIDGE
8 AND TUNNEL IMPACT FEE IN AN AMOUNT OF UP TO:

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

15 AND

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

18 (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,
19 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS
20 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE
21 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN
22 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR
23 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE
24 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE
25 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE
26 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN
27 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF

1 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
2 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

11 (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
12 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,
13 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
14 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON
15 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
16 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
17 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
18 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
19 SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.
20 FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
21 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
22 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL RETAIL
23 DELIVERY FEE ON BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME
24 MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY
25 FEE IMPOSED BY SECTION 43-4-218 (3).

26 (II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
27 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE

1 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
2 MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

3 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
4 (5)(g.7)(III)(B) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE
5 PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR
6 DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE ENTERPRISE
7 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
8 MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE
9 FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE SHALL
10 NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE BRIDGE
11 AND TUNNEL RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
12 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
13 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
14 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
15 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
16 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

17 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE
18 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL
19 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
20 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
21 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
22 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
23 DURING THE STATE FISCAL YEAR.

24 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS
25 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
26 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
27 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN

1 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
2 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
3 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
4 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS
5 SUBSECTION (5)(g.7) BEGINS.

6 (k) To prepare, or cause to be prepared, detailed plans,
7 specifications, or estimates for any designated bridge project OR TUNNEL
8 PROJECT within the state;

9 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under
10 the terms of one or more loan contracts entered into by the state and the
11 bridge enterprise pursuant to ~~subparagraph (H) of this paragraph (r)~~
12 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY
13 borrowed from the state for the purpose of completing designated bridge
14 projects AND TUNNEL PROJECTS and for any other authorized purpose that
15 constitutes the construction, supervision, and maintenance of the public
16 highways of this state for purposes of section 18 of article X of the state
17 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety
18 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL
19 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~
20 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION
21 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to
22 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under
23 the terms of the loan contract.

24 (III) (A) If the state treasurer receives a list from the governor
25 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)
26 OF THIS SECTION, the state, acting by and through the state treasurer, may
27 enter into a loan contract with the bridge enterprise and may raise the

1 money needed to make a loan pursuant to the terms of the loan contract
2 by selling or leasing one or more of the state buildings or other state
3 capital facilities on the list. The state treasurer shall have sole discretion
4 to enter into a loan contract on behalf of the state and to determine the
5 amount of a loan; except that the principal amount of a loan shall not
6 exceed the maximum amount specified by the governor pursuant to
7 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS
8 SECTION. The state treasurer shall also have sole discretion to determine
9 the timing of the entry of the state into any loan contract or the sale or
10 lease of one or more state buildings or other state capital facilities. The
11 loan contract shall require the bridge enterprise to pledge to the state all
12 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND
13 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE
14 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION
15 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan
16 and may also require the BRIDGE enterprise to pledge to the state any other
17 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan
18 contract entered into by the state, acting by and through the state
19 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~
20 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the
21 BRIDGE enterprise pursuant to such a loan contract shall be only for the
22 benefit of, and enforceable only by, the state and the BRIDGE enterprise.
23 Specifically, but without limiting the generality of said limitation, no such
24 loan contract or pledge shall be for the benefit of, or enforceable by, a
25 lessor under a lease-purchase agreement entered into pursuant to this
26 ~~subparagraph (H)~~ SUBSECTION (5)(r)(III), an owner of any instrument
27 evidencing rights to receive rentals or other payments made and to be

1 made under such a lease-purchase agreement as authorized by
2 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~
3 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary
4 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~
5 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any
6 interest rate exchange agreement entered into pursuant to
7 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~
8 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

9 **SECTION 48.** In Colorado Revised Statutes, **amend** 43-4-1101
10 as follows:

11 **43-4-1101. Legislative declaration.** (1) The general assembly
12 hereby finds and declares that it is necessary, appropriate, and in the best
13 interest of the state to use a portion of the general fund money that is
14 dedicated for transportation purposes pursuant to section 24-75-219 ~~(5)~~
15 to fund multimodal transportation projects and operations throughout the
16 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
17 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS
18 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
19 SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE
20 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
21 part 11 because, in addition to the general benefits that it provides to all
22 Coloradans, a complete and integrated multimodal transportation system
23 THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:

24 (a) Benefits seniors by making aging in place more feasible for
25 them;

26 (b) Benefits residents of COMMUNITIES, IN rural ~~areas~~ AND
27 DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with

1 MORE ACCESSIBLE AND flexible public transportation services;
2 (c) Provides enhanced mobility for persons with disabilities; ~~and~~
3 (d) Provides safe routes to schools for children; AND
4 (e) Reduces EMISSIONS OF AIR POLLUTANTS, INCLUDING
5 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
6 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
7 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS.

8 **SECTION 49**. In Colorado Revised Statutes, 43-4-1102, **amend**
9 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

10 **43-4-1102. Definitions.** As used in this part 11, unless the context
11 otherwise requires:

12 (1) ~~"Account" means the transportation revenue anticipation notes~~
13 ~~proceeds account of the multimodal transportation options fund created~~
14 ~~in section 43-4-1103 (1)(b).~~

15 (4) "Fund" means the multimodal transportation AND MITIGATION
16 options fund created in section 43-4-1103 (1)(a).

17 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT
18 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR
19 RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS
20 EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING
21 MULTIMODAL TRAVEL.

22 (5) "Multimodal projects" means capital or operating costs for
23 fixed route and on-demand transit, transportation demand management
24 programs, multimodal mobility projects enabled by new technology,
25 multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS
26 MITIGATION PROJECTS, and bicycle or pedestrian projects.

27 **SECTION 50**. In Colorado Revised Statutes, 43-4-1103, **amend**

1 (1)(a), (2)(a), (2)(c), (3)(a) introductory portion, (3)(a)(I), and (3)(a)(II)
2 introductory portion; **repeal** (1)(b) and (2)(b); and **add** (2)(a)(IV) and
3 (3)(a.5) as follows:

4 **43-4-1103. Multimodal transportation options fund - creation**
5 **- revenue sources for fund - use of fund.** (1) (a) The multimodal
6 transportation AND MITIGATION options fund is hereby created in the state
7 treasury. The fund consists of money transferred from the general fund to
8 the fund pursuant to section 24-75-219, ~~(5)(a)(HH) and (5)(b)(HH)~~ RETAIL
9 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION
10 43-4-218 (5)(a)(II), and any other money that the general assembly may
11 appropriate or transfer to the fund. The state treasurer shall credit all
12 interest and income derived from the deposit and investment of money in
13 the fund to the fund.

14 (b) ~~The transportation revenue anticipation notes proceeds account~~
15 ~~is hereby created in the fund. Net proceeds of transportation revenue~~
16 ~~anticipation notes that the state issues shall be credited to the account as~~
17 ~~specified in section 43-4-714 (1)(b). The state treasurer shall credit all~~
18 ~~interest and income derived from the deposit and investment of money in~~
19 ~~the account to the account.~~

20 (2) (a) (I) Except as otherwise provided in ~~subsections (2)(a)(H)~~
21 ~~and (2)(a)(HH)~~ SUBSECTION (2)(a)(IV) of this section, subject to annual
22 appropriation by the general assembly, money must be expended from the
23 fund as follows:

24 (A) Eighty-five percent to the commission for local multimodal
25 projects; and

26 (B) Fifteen percent to the commission for state multimodal
27 projects that are selected by the commission.

1 (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~
2 ~~five hundred thousand dollars from the fund to the fund created in section~~
3 ~~43-4-1002 (1).~~

4 (III) ~~On June 30, 2020, the state treasurer shall transfer ten million~~
5 ~~dollars from the fund to the general fund.~~

6 (IV) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL
7 TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE FUND
8 CREATED IN SECTION 43-4-1002.

9 (b) ~~(I) Subject to the limitations set forth in subsection (2)(b)(II)~~
10 ~~of this section, money must be expended from the account as follows:~~

11 (A) ~~Eighty-five percent to the commission for local multimodal~~
12 ~~projects; and~~

13 (B) ~~Fifteen percent to the commission for state multimodal~~
14 ~~projects that are selected by the commission.~~

15 (H) ~~The commission shall ensure, in cooperation with each~~
16 ~~recipient of such money from the account, that any net proceeds of~~
17 ~~tax-exempt transportation revenue anticipation notes credited to the~~
18 ~~account and any interest and income derived from the deposit and~~
19 ~~investment of any such proceeds are expended only in compliance with~~
20 ~~all applicable federal laws and regulations governing the use of~~
21 ~~tax-exempt note proceeds.~~

22 (c) With respect to the ~~distribution~~ DISTRIBUTIONS of money for
23 local multimodal projects required by subsection (2)(a)(I)(A) of this
24 section, ~~and, for net proceeds of taxable transportation revenue~~
25 ~~anticipation notes and interest and income derived from the deposit and~~
26 ~~investment of such proceeds only, the distribution of money for local~~
27 ~~multimodal projects required by subsection (2)(b)(I)(A) of this section;~~

1 the commission shall establish a formula for disbursement of the amount
2 allocated for local multimodal projects, based on population and transit
3 ridership AND OTHER CRITERIA DEVELOPED in consultation with the
4 transportation advisory committee created in section 43-1-1104, the
5 transit and rail advisory committee of the department, THE STATE
6 TRANSPORTATION ADVISORY COMMITTEE OF THE DEPARTMENT, transit
7 advocacy organizations, and bicycle and pedestrian advocacy
8 organizations. Recipients shall provide a match equal to the amount of the
9 award; except that the commission may create a formula for reducing or
10 exempting the match requirement for local governments or agencies due
11 to their size or any other special circumstances AND MAY ALSO, IF
12 RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY
13 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC
14 PROJECT.

15 (3) (a) The department shall annually report to the transportation
16 legislation review committee of the general assembly created in section
17 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~
18 including, at a minimum:

19 (I) An aggregate accounting of all money expended from the fund
20 ~~and the account~~ during the prior fiscal year; and

21 (II) A listing of all projects receiving funding from the fund ~~and~~
22 ~~the account~~ during the prior fiscal year that includes for each project:

23 (a.5) EACH TRANSPORTATION PLANNING REGION SHALL ANNUALLY
24 REPORT TO THE DEPARTMENT REGARDING THE STATUS OF LOCAL
25 MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED
26 FUNDING FROM THE FUND.

27 **SECTION 51.** In Colorado Revised Statutes, **add** parts 12 and 13

1 to article 4 of title 43 as follows:

2 PART 12

3 CLEAN TRANSIT

4 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT:

6 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO
7 CONTINUE TO INCREASE IN COMMUNITIES ACROSS THE STATE;

8 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
9 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
10 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
11 POLLUTION;

12 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
13 INCREASED EMISSIONS FROM MOTOR VEHICLES USED TO MAKE RETAIL
14 DELIVERIES CAN BE MITIGATED AND OFFSET BY SUPPORTING THE
15 WIDESPREAD ADOPTION OF ELECTRIC BUSES FOR TRANSIT FLEETS AND
16 REDUCING VEHICLE MILES TRAVELED BY ENCOURAGING PEOPLE TO
17 CHOOSE CLEAN, EFFICIENT, PUBLIC TRANSIT OPTIONS INSTEAD OF
18 PERSONAL MOTOR VEHICLE TRAVEL;

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

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

1 ACCELERATE THE ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND
2 URBAN AREAS THROUGHOUT THE STATE BECAUSE ELECTRIFICATION:

3 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
4 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
5 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
6 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS IN
7 AND BETWEEN COMMUNITIES, INCLUDING COMMUNITIES NEAR HIGH-USE
8 TRANSIT CORRIDORS AND DISPROPORTIONATELY IMPACTED COMMUNITIES,
9 AND HELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION
10 REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT
11 STANDARDS; AND

12 (II) BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
13 WITH THE USE OF MOTOR VEHICLES, HELPS PUBLIC TRANSIT PROVIDERS
14 OPERATE MORE EFFICIENTLY, USE COST SAVINGS TO PROVIDE MORE
15 RELIABLE AND CONVENIENT TRANSIT SERVICE TO MORE RIDERS, AND
16 FURTHER REDUCE EMISSIONS BY REDUCING PERSONAL MOTOR VEHICLE
17 USE; AND

18 (f) BY REDUCING MOTOR VEHICLE EMISSIONS, TRANSIT FLEET
19 ELECTRIFICATION EFFECTIVELY REMEDIATES SOME OF THE IMPACTS OF
20 RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE INCREASED MOTOR
21 VEHICLE EMISSIONS RESULTING FROM SUCH DELIVERIES.

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

23 (a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
24 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE
25 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY
26 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN
27 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT

1 ENTERPRISE THAT CAN PROVIDE SPECIALIZED REMEDIATION AND OTHER
2 SERVICES THAT HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE
3 CONSTRUCTION OF THE CHARGING INFRASTRUCTURE NEEDED TO SUPPORT
4 ELECTRIFICATION AND THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

5 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
6 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
7 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
8 THROUGH INCENTIVIZATION, SUPPORT, AND ACCELERATION OF THE
9 ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND URBAN AREAS
10 THROUGHOUT THE STATE;

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

17 (I) MAKING GRANTS OR LOANS OR PROVIDING REBATES TO FUND
18 THE ACQUISITION OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR
19 VEHICLES FOR USE IN TRANSIT FLEETS AND THE CONSTRUCTION OF
20 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF SUCH ELECTRIC
21 MOTOR VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

22 (A) IMPROVING TRANSPORTATION OPTIONS FOR FEE PAYERS AND
23 THE GENERAL PUBLIC, MAKING TRANSIT MORE ATTRACTIVE TO NEW OR
24 INFREQUENT USERS, AND REDUCING PERSONAL MOTOR VEHICLE
25 EMISSIONS; AND

26 (B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCING TRAFFIC
27 CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL

1 DELIVERIES, FURTHER REDUCES EMISSIONS OF AIR POLLUTANTS AND
2 GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCES
3 AND MITIGATES THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
4 SUCH EMISSIONS;

5 (II) CONTRIBUTING IN A UNIQUE AND TARGETED WAY TO THE
6 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
7 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
8 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
9 SYSTEM; AND

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

12 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
13 THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY
14 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
15 THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
16 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*
17 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

18 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
19 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
20 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
21 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
22 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
23 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
24 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL
25 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION
26 43-4-1203 (7) IS:

27 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE

1 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
2 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
3 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
4 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
5 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
6 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
7 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
8 SYSTEM SPECIFIED IN THIS SECTION; AND

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

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

21 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

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

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

2 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
3 CREATED IN SECTION 43-1-106 (1).

4 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
5 CREATED IN SECTION 24-1-128.7.

6 (5) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
7 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
8 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
9 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
10 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
11 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
12 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
13 GREATER THAN FORTY PERCENT.

14 (b) AS USED IN THIS SUBSECTION (5):

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

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

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

23 (7) "ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE"
24 MEANS ELECTRIC VEHICLE CHARGING SYSTEMS AND OTHER ELECTRICAL
25 EQUIPMENT INSTALLED ON SITE TO SUPPORT ELECTRIC MOTOR VEHICLE
26 CHARGING INCLUDING BUT NOT LIMITED TO BATTERY ENERGY STORAGE
27 SYSTEMS.

1 (8) "ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE
2 CREATED IN SECTION 43-4-1203 (1)(a).

3 (9) "FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND
4 CREATED IN SECTION 43-4-1203 (5)

5 (10) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
6 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
7 THAT USES HYDROGEN GAS AS FUEL.

8 (11) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
9 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
10 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
11 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
12 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
13 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
14 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
15 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
16 43-4-1203 (7) BEGINS.

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

20 (13) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
21 OPERATED ROBOT THAT IS:

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

26 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
27 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;

1 AND

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

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

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

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

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

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

22 (19) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION
23 43-1-102 (4).

24 (20) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
25 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

26 **43-4-1203. Clean transit enterprise - creation - board - powers**
27 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS

1 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES
2 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER
3 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF
4 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES
5 SET FORTH IN THIS SECTION.

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

10 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
11 NINE MEMBERS APPOINTED AS FOLLOWS:

12 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL
13 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
14 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL
15 MAKE REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE
16 BEEN SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER
17 MEMBERS THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN
18 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO
19 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE
20 GOVERNOR:

21 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND
22 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

23 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE
24 TRANSIT EXPERTISE;

25 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE
26 TRANSIT EXPERTISE;

27 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS

1 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

2 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED
3 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;
4 AND

5 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP
6 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

7 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
8 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
10 DIRECTOR'S DESIGNEE; AND

11 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
12 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

13 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
14 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
15 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS
16 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION
17 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS
18 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A
19 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE
20 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS
21 SERVE FOR AS LONG AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED
22 TO SERVE.

23 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
24 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
25 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
26 PURSUANT TO THIS PART 12.

27 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO

1 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH
2 IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED
3 BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING
4 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
5 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
6 ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION
7 ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,
8 PROVIDING THE ASSOCIATED RECHARGING INFRASTRUCTURE FOR ELECTRIC
9 TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS
10 THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC
11 TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT
12 ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE
13 ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS
14 BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
15 THROUGH THE BOARD, THE ENTERPRISE MAY:

16 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
17 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

18 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS
19 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

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

22 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
23 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
24 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
25 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
26 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
27 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE

1 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
2 CONSTITUTION.

3 (5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED
4 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL
5 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO
6 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
7 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY
8 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
9 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
10 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
11 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
12 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
13 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE
14 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY
15 OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY
16 THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND
17 OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS
18 AUTHORIZED BY THIS PART 3.

19 (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE
20 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR
21 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
22 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A
23 TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18
24 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE
25 PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND
26 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
27 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE

1 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
2 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE
3 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
4 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
5 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
6 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
7 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
8 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
9 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
10 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
11 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
12 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
13 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
14 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE
15 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY
16 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
17 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
18 REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
19 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
20 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
21 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
22 THE COMMISSION.

23 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
24 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
25 DUTIES:

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

1 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
2 PERSONAL PROPERTY;

3 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL
4 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT
5 TO CARRY OUT ITS BUSINESS PURPOSE;

6 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

7 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND
8 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
9 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED
10 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
11 SHALL CREDIT THE MONEY TO THE FUND;

12 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO
13 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO
14 SUBSECTION (8) OF THIS SECTION;

15 (g) TO PROMULGATE RULES TO SET THE AMOUNT OF THE CLEAN
16 TRANSIT RETAIL DELIVERY FEE AT OR BELOW THE MAXIMUM AMOUNT
17 AUTHORIZED IN THIS SECTION AND TO GOVERN THE PROCESS BY WHICH
18 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES
19 GRANTS, LOANS, AND REBATES PURSUANT TO SUBSECTION (8) OF THIS
20 SECTION; AND

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

24 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
25 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
26 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
27 ENTERPRISE, A CLEAN TRANSIT RETAIL DELIVERY FEE ON EACH RETAIL

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

12 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
13 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
14 IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
15 OF THREE CENTS.

16 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
17 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
18 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
19 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
20 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS
21 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR
22 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
23 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE
24 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
25 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
26 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
27 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER

1 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
2 BEGINS.

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

10 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT
11 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE
12 ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO
13 SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

14 (b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO
15 FUND:

16 (I) CLEAN TRANSIT PLANNING EFFORTS;

17 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION
18 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC
19 TRANSIT PROVIDERS;

20 (III) THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING
21 INFRASTRUCTURE USED BY PUBLIC TRANSIT PROVIDERS; AND

22 (IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR
23 VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC
24 MOTOR VEHICLES.

25 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE
26 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
27 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT

1 APPLICATIONS.

2 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
3 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
4 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
5 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
6 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
7 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
8 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
9 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
10 THE DEPARTMENT WHEN DEVELOPING THE RULES.

11 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
12 ENTERPRISE SHALL:

13 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
14 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
15 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
16 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
17 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
18 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
19 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

20 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
21 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
22 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
23 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
24 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
25 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
26 EXPENDITURES;

27 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND

1 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
2 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
3 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
4 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
5 AND

6 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
7 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
8 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
9 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
10 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
11 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
12 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
13 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
14 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
15 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
16 COMMITTEES CONTINUES INDEFINITELY.

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

21 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
22 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
23 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
24 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
25 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
26 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
27 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND

1 LOCAL GOVERNMENTS COMBINED.

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

4 PART 13
5 NONATTAINMENT AREA AIR POLLUTION
6 MITIGATION ENTERPRISE

7 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 HEREBY FINDS AND DECLARES THAT:

9 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE
10 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH
11 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL
12 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM
13 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL
14 AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN
15 NONATTAINMENT AREAS, INCLUDING BUT NOT LIMITED TO
16 DISPROPORTIONATELY IMPACTED COMMUNITIES AND COMMUNITIES
17 ADJACENT TO HIGHWAYS;

18 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE
19 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION
20 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING
21 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
22 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE
23 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
24 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
25 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
26 CONSTRUCTION EQUIPMENT;

27 (c) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES

1 AND PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION
2 NETWORK COMPANIES, BY LIMITING RETAIL DELIVERY AND PREARRANGED
3 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO
4 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND
5 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL
6 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT
7 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE
8 WITHOUT UNDUE RESTRICTIONS AND TO INSTEAD IMPOSE A SMALL FEE ON
9 EACH RETAIL DELIVERY AND PREARRANGED RIDE AND USE FEE REVENUE
10 TO FUND NECESSARY MITIGATION ACTIVITIES.

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

12 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
13 WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION
14 PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR
15 POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF
16 TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS
17 AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF
18 PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK
19 COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE
20 STATE'S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND
21 EMISSIONS.

22 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
23 BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
24 ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES
25 THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN
26 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME
27 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,

1 2018 CO 36;

2 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
3 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
4 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
5 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
7 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
8 GENERATED BY FEES, NOT TAXES, BECAUSE THE AIR POLLUTION
9 MITIGATION PER RIDE FEE AND THE AIR POLLUTION MITIGATION RETAIL
10 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
11 SUBSECTIONS (7) AND (8) OF THIS SECTION ARE:

12 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
13 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
14 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
15 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
16 ACTIVITIES ON WHICH THE FEES ARE ASSESSED, AND CONTRIBUTE TO THE
17 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
18 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
19 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
20 SYSTEM; AND

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

24 (c) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
25 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
26 REVENUE FROM THE COMMUNITY ACCESS RETAIL DELIVERY FEE
27 COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS

1 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN
2 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE
3 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE
4 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
5 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

6 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN
9 SECTION 25-7-103 (1.5).

10 (2) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
11 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
12 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
13 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
14 PROPULSION.

15 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

16 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
17 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
18 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
19 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
20 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

21 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR
22 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL
23 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR
24 PROGRAM.

25 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF
26 TRANSPORTATION.

27 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A

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

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

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

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

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

17 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING
18 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO
19 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND
20 FOR AN ELIGIBLE PROJECT.

21 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A
22 NONATTAINMENT AREA THAT:

23 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

24 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS
25 POLLUTANTS.

26 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR
27 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303

1 (1)(a).

2 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION
3 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

4 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC
5 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
6 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
7 AND SULFUR HEXAFLUORIDE.

8 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
9 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
10 THAT USES HYDROGEN GAS AS FUEL.

11 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
12 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
13 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
14 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
15 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
16 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
17 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
18 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303
19 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY
20 SECTION 43-4-1303 (8) BEGINS.

21 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR
22 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS
23 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION
24 25-7-107.

25 (17) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
26 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
27 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL

1 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
2 AS AN INTERNAL COMBUSTION ENGINE.

3 (18) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 40-10.1-602 (2).

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

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

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

15 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
16 40-10.1-602 (5).

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

19 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
20 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

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

23 **43-4-1303. Nonattainment area air pollution mitigation**
24 **enterprise - creation - board - powers and duties - fees - fund.**

25 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
26 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS
27 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE

1 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
2 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
3 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

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

8 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
9 UP TO SEVEN MEMBERS AS FOLLOWS:

10 (I) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

11 (A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,
12 ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

13 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
14 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
15 DENVER REGIONAL COUNCIL OF GOVERNMENTS;

16 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
17 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
18 METROPOLITAN PLANNING ORGANIZATION; AND

19 (D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF
20 DISPROPORTIONATELY IMPACTED COMMUNITIES;

21 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
22 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

23 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
24 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

25 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
26 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
27 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED

1 TO SERVE BY AN EXECUTIVE DIRECTOR.

2 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE
3 ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
4 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT
5 RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL
6 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES
7 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING
8 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING
9 DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO
10 DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS
11 RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF
12 ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.
13 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY
14 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE
15 MAY:

16 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN
17 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY
18 SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

23 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
24 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
25 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
26 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
27 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT

1 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
2 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION.

4 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
5 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
6 CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR
7 POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE
8 FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
9 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
10 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
11 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
12 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
13 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
14 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
15 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
16 SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE
17 AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF
18 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

19 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
20 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
21 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
22 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
23 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
24 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
25 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
26 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
27 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR

1 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
2 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
3 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
4 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL
5 EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND
6 LOAN LIABILITIES THAT ARE RECORDED IN THE NONATTAINMENT AREA AIR
7 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND BUT THAT
8 ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT
9 BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
10 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
11 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
12 AND INVESTMENT OF MONEY IN THE NONATTAINMENT AREA AIR
13 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.
14 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
15 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
16 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
17 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
18 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
19 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
20 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
21 INTEREST AT A RATE SET BY THE DEPARTMENT.

22 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
23 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
24 DUTIES:

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

27 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND

1 PERSONAL PROPERTY;

2 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
4 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
5 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
6 BUSINESS PURPOSE;

7 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
8 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
9 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
10 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
11 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
12 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
13 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
14 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
15 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
16 SOLE-SOURCE CONTRACTS.

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

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

1 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
2 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
3 AND A LIST OF GRANTEES OR PROGRAM PARTICIPANTS PURSUANT TO
4 SUBSECTION (9) OF THIS SECTION; ==

5 (h) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
6 THE AMOUNTS OF THE AIR POLLUTION MITIGATION PER RIDE FEE AND THE
7 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AT OR BELOW THE
8 MAXIMUM AMOUNTS AUTHORIZED IN THIS SECTION; AND

9 (i) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
10 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
11 GRANTED BY THIS SECTION.

12 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
13 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR
14 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION
15 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND
16 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE
17 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION
18 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
19 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION
20 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A
21 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE
22 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

23 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
24 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR
25 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

26 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED
27 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS

1 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

2 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER
3 PREARRANGED RIDE.

4 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
5 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
6 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
7 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION
8 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE
9 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
10 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
11 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
12 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND
13 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
14 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
15 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
16 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
17 BEGINS.

18 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
19 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES
20 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE
21 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE
22 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN
23 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER
24 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS
25 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST
26 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT
27 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE

1 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS
2 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE
3 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION
4 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
5 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL
6 CUMULATIVE INFLATION OR FIVE PERCENT.

7 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE
8 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET AIR POLLUTION
9 MITIGATION PER RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER,
10 WHO SHALL CREDIT THE REVENUE TO THE FUND.

11 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
12 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
13 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
14 ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON
15 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
16 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
17 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
18 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
19 SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY
20 FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS
21 AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF
22 REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION
23 MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE
24 SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL
25 DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

26 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
27 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL

1 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
2 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

3 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
4 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
5 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
6 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
7 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
8 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
9 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
10 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
11 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
12 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
13 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
14 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
15 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
16 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

17 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
18 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
19 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
20 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
21 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
22 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
23 DURING THE STATE FISCAL YEAR.

24 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
25 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
26 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
27 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM

1 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
2 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
3 ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE
4 TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR
5 COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE
6 MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL
7 AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH
8 AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE
9 MATTER.

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

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

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

26 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
27 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING

1 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND
2 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS
3 AND ACTIVITIES; AND

4 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
5 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
6 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
7 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
8 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
9 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
10 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
11 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
12 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
13 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
14 COMMITTEES CONTINUES INDEFINITELY.

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

19 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
20 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
21 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
22 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
23 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
24 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
25 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
26 LOCAL GOVERNMENTS COMBINED.

27 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2

1 OF ARTICLE 57 OF TITLE 11.

2 SECTION 52. In Colorado Revised Statutes, **repeal** 43-4-714.

1 **SECTION 53. Appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting for the fiscal year beginning July 1, 2021. Section**

2 **2 of SB 21-205, amend Part IV (1)(C), as follows:**

3 **Section 2. Appropriation.**

4 **PART IV**

5 **GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING**

7 **(1) OFFICE OF THE GOVERNOR**

8 **(C) Colorado Energy Office**

9	<u>Program Administration</u>	<u>6,257,311</u>	<u>2,625,625</u>	<u>3,631,686(I)</u>
10		<u>(24.8 FTE)</u>		
11	<u>Electric Vehicle Charging</u>			
12	<u>Station Grants</u>	<u>1,036,204</u>	<u>1,036,204^a</u>	
13			<u>1,036,204(I)^a</u>	
14	<u>Legal Services</u>	<u>486,329</u>	<u>433,951</u>	<u>52,378(I)</u>
15	<u>Vehicle Lease Payments</u>	<u>13,182</u>	<u>13,182</u>	
16	<u>Leased Space</u>	<u>218,835</u>	<u>218,835</u>	
17	<u>Indirect Cost Assessment</u>	<u>153,808</u>	<u>37,763</u>	<u>116,045(I)</u>
18		<u>8,165,669</u>		

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^a This amount shall be from the Electric Vehicle Grant Fund created in Section 24-38.5-103 (1)(a), C.R.S. THIS AMOUNT IS SHOWN FOR INFORMATIONAL PURPOSES ONLY BECAUSE THE ELECTRIC VEHICLE GRANT FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE PURSUANT SECTION 24-38.5-103 (2)(a), C.R.S.

TOTALS PART IV

(GOVERNOR-

LIEUTENANT

GOVERNOR- STATE

PLANNING AND

BUDGETING)

\$365,384,731

\$57,569,143

\$16,648,484^a

\$284,399,642

\$6,767,462^b

^a Of this amount, ~~\$7,300,000~~ \$8,336,204 contains an (I) notation.

^b This amount contains an (I) notation.

1 **SECTION 54. Appropriation.** (1) For the 2021-22 state fiscal
2 year, \$125,599,957 is appropriated to the department of transportation.
3 This appropriation consists of \$259,957 from the state highway fund
4 created in section 43-1-219, C.R.S., and \$125,340,000 from the
5 multimodal transportation options and mitigation fund created in section
6 43-4-1103 (1)(a), C.R.S. To implement this act, the department may use
7 this appropriation as follows:

8 (a) \$259,957 from the state highway fund for administration,
9 which amount is based on an assumption that the division will require an
10 additional 3.0 FTE; and

11 (b) \$125,340,000 from the multimodal transportation options and
12 mitigation fund for multimodal transportation projects.

13 (2) For the 2021-22 state fiscal year, \$1,104,661 is appropriated
14 to the department of revenue. This appropriation consists of \$1,082,480
15 from the general fund and \$22,181 from the license plate cash fund
16 created in section 42-3-301 (1)(b), C.R.S. To implement this act, the
17 department may use this appropriation as follows:

18 (a) \$109,135 general fund for use by the executive director's
19 office for personal services related to administration and support, which
20 amount is based on an assumption that the office will require an
21 additional 1.8 FTE;

22 (b) \$259,875 general fund for use by the taxation business group
23 for tax administration IT system (GenTax) support related to
24 administration;

25 (c) \$231,020 general fund for use by the taxation business group
26 for personal services related to taxation services, which amount is based
27 on an assumption that the group will require an additional 3.5 FTE;

1 (d) \$70,250 general fund for use by the taxation business group
2 for operating expenses related to taxation services;

3 (e) \$412,200 general fund for use by the division of motor
4 vehicles for DRIVES maintenance and support; and

5 (f) \$22,181 from the license plate cash fund for use by the division
6 of motor vehicles for license plate ordering.

7 (3) For the 2021-22 state fiscal year, \$100,491 is appropriated to
8 the energy fund created in section 24-38.5-102.4, C.R.S. This
9 appropriation is from the general fund. The office of the governor is
10 responsible for the accounting related to this appropriation.

11 (4) For the 2021-22 state fiscal year, \$1,669,333 is appropriated
12 to the department of public health and environment. This appropriation
13 is from the general fund. To implement this act, the department may use
14 this appropriation for transfer to the clean fleet enterprise initial expenses
15 fund for startup costs.

16 (5) For the 2021-22 state fiscal year, \$504,583 is appropriated to
17 the department of law and is based on the assumption that the department
18 will require an additional 2.6 FTE. Of this appropriation, \$191,412 is
19 from reappropriated funds received from the department of transportation
20 under subsection (1)(a) of this section and is based on an assumption that
21 the department of law will require an additional 1.0 FTE; \$100,491 is
22 from reappropriated funds received from the office of the governor under
23 subsection (3) of this section and is based on an assumption that the
24 department of law will require an additional 0.5 FTE; and \$212,680 is
25 from reappropriated funds received from the department of public health
26 and environment under subsection (4) of this section and is based on an

1 assumption that the department of law will require an additional 1.1 FTE.
2 To implement this act, the department of law may use this appropriation
3 to provide legal services for the department of transportation, office of the
4 governor, and department of public health and environment.

5 **SECTION 55. Severability.** If any provision of this Senate Bill
6 21-260 or the application thereof to any person or circumstance is held
7 invalid, such invalidity does not affect other provisions or applications of
8 this Senate Bill 21-260 that can be given effect without the invalid
9 provision or application, and to this end the provisions of this Senate Bill
10 21-260 are declared to be severable.

11 **SECTION 56. Effective date.** This act takes effect upon passage;
12 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as
13 enacted in section 50 of this act, takes effect only if Senate Bill 21-238
14 becomes law, in which case section 43-4-1103 (2)(a)(IV) and takes effect
15 either upon the effective date of this act or Senate Bill 21-238, whichever
16 is later.

17 **SECTION 57. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.