

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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; AND EXPANDING AUTHORITY**
110 **FOR REGIONAL TRANSPORTATION IMPROVEMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.*

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
11 population growth;

1 (II) Is safe, well-maintained, accessible, integrated, and
2 multimodal;

3 (III) Is planned, funded, designed, constructed, maintained,
4 supervised, and regulated in a way that:

5 (A) Actively encourages diverse public participation in the
6 planning process, including but not limited to participation from urban,
7 rural, and disproportionately impacted communities;

8 (B) Equitably distributes transportation infrastructure among both
9 urban and rural users in the state and is adequately and equitably funded
10 with contributions from users that bear a reasonable relationship to their
11 use of and impacts on the system and the environment and the costs
12 incurred in mitigating those impacts; and

13 (C) Prioritizes asset management of Colorado's roads, bridges, and
14 tunnels in order to achieve and maintain a state of good repair, consistent
15 with federal requirements and best practices;

16 (IV) Addresses inequities in transportation access and the
17 increased exposure to transportation-related air pollution for
18 communities, including disproportionately impacted communities and
19 communities near major roadways; and

20 (V) Reduces and mitigates adverse environmental and human
21 health impacts resulting from motor vehicle and other
22 transportation-related emissions by incentivizing the widespread adoption
23 of clean and efficient transportation technology such as personal electric
24 vehicles, fleet and transit electrification, and electric motor vehicle
25 charging and fueling infrastructure.

26 (c) Although a sustainable transportation system is a public good
27 that benefits all Coloradans and the state has intermittently expended
28 general fund money to fund transportation infrastructure, transportation

1 system user charges such as per gallon charges on motor fuels, motor
2 vehicle registration fees, and, increasingly, tolls have provided and
3 continue to provide the vast majority of dedicated transportation funding;

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

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

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

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

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

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

23 (f) While it is necessary and appropriate to increase general fund
24 expenditures for transportation as provided for in this act, because the
25 state has many other critical needs that require general fund money, it is
26 also necessary, appropriate, and more equitable to modernize user charges
27 based on the costs users impose on the transportation system so that such
28 charges remain the primary source of dedicated transportation funding;

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

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

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

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

16 (III) Impose new retail delivery fees on purchases of tangible
17 personal property delivered to consumers and index those fees to inflation
18 because:

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

23 (B) Imposing reasonably calculated retail delivery fees on each
24 delivery made to a consumer accounts for the use of the transportation
25 system associated with that delivery, generates the revenue needed to
26 mitigate the impact of retail deliveries on transportation system
27 infrastructure, and remediates and mitigates retail-delivery-related
28 environmental and health impacts;

1 (IV) Impose new fees on passenger rides arranged through a
2 transportation network company and index those fees to inflation
3 because:

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

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

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

21 (i) Because greenhouse gas pollution resulting from the
22 production, distribution, and use of motor vehicle fuels produces many
23 social costs, including but not limited to adverse public health impacts,
24 increased heat waves, droughts, water supply shortages, flooding,
25 biodiversity loss, and forest health issues such as forest fires, and also
26 adversely impacts specific industries such as agriculture and outdoor
27 recreation, it is necessary and appropriate that the state, when estimating
28 the social costs of transportation-related greenhouse gas pollution,

1 estimate those costs as accurately as possible and that the methodology
2 to be used by the state when making such estimates be specified by law
3 as provided for in this act; and

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

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

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

23 (a) The planning, funding, development, construction,
24 maintenance, and supervision of a sustainable transportation system
25 requires the implementation of a comprehensive regulatory scheme that
26 appropriately balances and funds the necessary elements of such a system,
27 including but not limited to:

28 (I) The construction, maintenance, and supervision of highways

1 and traditional highway infrastructure; and

2 (II) The infrastructure, programs, and incentives needed to support
3 the widespread adoption of electric motor vehicles for personal,
4 commercial, and government use and, by doing so and through other
5 appropriate means, minimize and mitigate the adverse environmental and
6 health impacts of transportation-related air pollution and greenhouse gas
7 pollutant emissions that affect the general public, including
8 disproportionately impacted communities;

9 (b) The planning, funding, development, construction,
10 maintenance, and supervision of a sustainable transportation system
11 depends, at a minimum, on the institutional and individual knowledge,
12 expertise, and experience of the Colorado energy office, the department
13 of transportation, the department of public health and environment, other
14 organizations and individuals interested in a sustainable transportation
15 system, and the general public;

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

18 (I) Providing additional sustainable funding for the construction,
19 maintenance, and supervision of traditional highway infrastructure by the
20 department of transportation, counties, and municipalities and for
21 multimodal transportation projects; and

22 (II) Creating and funding a community access enterprise, a clean
23 fleet enterprise, a clean transit enterprise, and a nonattainment area air
24 pollution mitigation enterprise, each of which uses its distinctive
25 competencies to contribute in a distinct way to the implementation of the
26 scheme to support a sustainable transportation system and each of which
27 has a governing board that includes members selected in part based on
28 knowledge, expertise, or experience deemed specifically relevant to the

1 development and use of the distinctive competencies of the enterprise and
2 the individual mission of the enterprise;

3 (d) The community access enterprise, the clean fleet enterprise,
4 the clean transit enterprise, and the nonattainment area air pollution
5 mitigation enterprise created in this act have distinctive competencies and
6 are each charged with implementing different components of the scheme
7 required for the planning, funding, development, construction,
8 maintenance, and supervision of a sustainable transportation system.
9 Specifically:

10 (I) The community access enterprise is created to serve the
11 primary business purpose of equitably reducing and mitigating the
12 adverse environmental and health impacts of air pollution and greenhouse
13 gas emissions produced by motor vehicles used to make retail deliveries
14 to consumers within local communities. The enterprise will support the
15 adoption of electric motor vehicles and electric alternatives to motor
16 vehicles at the community level, which will support communities,
17 including rural, urban, and disproportionately impacted communities,
18 throughout the state, and will pursue its primary business purpose by, at
19 a minimum, providing funding or financing to:

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

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

27 (II) The clean fleet enterprise is created to serve the primary
28 business purpose of reducing and mitigating the adverse environmental

1 and health impacts of air pollution and greenhouse gas emissions
2 produced by the increasing number of fleet motor vehicles being used to
3 provide transportation network company rides and make retail deliveries
4 by supporting the electrification of such fleets and other motor vehicle
5 fleets, and the enterprise will support the electrification of motor vehicle
6 fleets and pursue its primary business purpose by, at a minimum,
7 providing funding or financing to:

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

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

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

15 (III) The clean transit enterprise is created to serve the primary
16 business purpose of reducing and mitigating the adverse environmental
17 and health impacts of air pollution and greenhouse gas emissions
18 produced by retail deliveries by supporting the replacement of existing
19 gasoline and diesel public transit vehicles with electric motor vehicles,
20 providing the associated recharging infrastructure for electric transit fleet
21 motor vehicles, supporting facility modifications that allow for the safe
22 operation and maintenance of electric transit motor vehicles, and funding
23 planning studies that enable transit agencies to plan for transit vehicle
24 electrification; and

25 (IV) The nonattainment area air pollution mitigation enterprise is
26 created to serve the primary business purpose of mitigating the
27 environmental and health impacts of increased air pollution from motor
28 vehicle emissions in nonattainment areas that results from the rapid and

1 continuing growth in retail deliveries made by motor vehicles and in
2 prearranged rides provided by transportation network companies by
3 providing funding for eligible projects that reduce traffic, including
4 demand management projects that encourage alternatives to driving alone
5 or that directly reduce air pollution, such as retrofitting of construction
6 equipment, construction of roadside vegetation barriers, and planting trees
7 along medians;

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

14 (f) Because the community access enterprise, the clean fleet
15 enterprise, the nonattainment area air pollution mitigation enterprise, and
16 the clean transit enterprise each serve primarily their own purpose and
17 each enterprise is projected to receive revenue from fees and surcharges
18 of less than one hundred million dollars in its first five fiscal years,
19 including the fiscal year in which its board first meets, section 24-77-108,
20 C.R.S., does not require any of the enterprises to be approved at a
21 statewide general election; and

22 (g) Consistent with the determination of the Colorado supreme
23 court in *Colorado Union of Taxpayers Foundation v. City of Aspen*, 2018
24 CO 36, that a charge is not a tax if the primary purpose of the charge is
25 to not to raise revenue for general governmental purposes but is instead
26 to defray some of the costs of regulating an activity under a
27 comprehensive regulatory scheme, the charges imposed by the state and
28 by each enterprise as authorized by this act are fees, not taxes, because

1 each fee is collected from transportation system users for the primary
2 purpose of defraying the costs of mitigating the impact caused by the
3 transportation system user when engaging in an activity that is subject to
4 the fee in an amount reasonably related to the impacts caused by the
5 activity subject and the amount expended to mitigate that impact.

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

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

13 (II) Support the department of transportation in functions related
14 to freight movement and infrastructure in the state, INCLUDING THE
15 FUNCTIONS OF THE FREIGHT MOBILITY AND SAFETY BRANCH OF THE
16 TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF
17 TRANSPORTATION CREATED IN SECTION 43-1-117 (4), as well as
18 infrastructure projects that enhance the safety of movement of
19 commercial materials;

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

22 **24-1-119. Department of public health and environment -**
23 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION
24 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
25 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
26 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT.

28 **SECTION 4.** In Colorado Revised Statutes, 24-1-128.7, **amend**

1 (5); and **add** (9) and (10) as follows:

2 **24-1-128.7. Department of transportation - creation.** (5) The
3 statewide bridge AND TUNNEL enterprise created in section 43-4-805 (2),
4 ~~C.R.S.~~, shall exercise its powers and perform its duties and functions as
5 if the same were transferred by a **type 1** transfer, as defined in section
6 24-1-105, to the department of transportation.

7 (9) THE CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION
8 43-4-1203, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
9 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
10 SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

11 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
12 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS
13 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
14 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF
15 TRANSPORTATION.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 24-38.5-110 and
17 24-38.5-111 as follows:

18 **24-38.5-110. Electric vehicle plan and greenhouse gas**
19 **pollution reduction roadmap - annual progress reports.** FOR STATE
20 FISCAL YEAR 2022-23, AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,
21 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH
22 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT
23 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE
24 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
25 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
26 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
27 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS
28 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET

1 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE
2 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION
3 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION
4 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.
5 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
6 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103
7 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

8 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**
9 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS
10 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT
11 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF
13 GREENHOUSE GAS POLLUTION, BASE THEIR ESTIMATE ON THE MOST
14 RECENT ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER
15 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL
16 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF
17 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS
18 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF
19 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
20 GREENHOUSE GASES ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST
21 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE
22 ORDER 12866".

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

25 PART 3

26 COMMUNITY ACCESS TO ELECTRIC VEHICLE
27 CHARGING AND FUELING INFRASTRUCTURE

28 **24-38.5-301. Legislative declaration.** (1) THE GENERAL

1 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

4 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
5 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
6 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
7 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY
8 VEHICLES IN NEIGHBORHOODS;

9 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
10 INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE
11 RETAIL DELIVERIES CAN BE MITIGATED AND OFFSET BY INVESTING IN THE
12 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT
13 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO
14 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER
15 VEHICLES WITH ZERO EMISSION VEHICLES;

16 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
17 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
18 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
19 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
20 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
21 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
22 MITIGATION ACTIVITIES;

23 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
24 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
25 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE
26 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR
27 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY
28 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE

1 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

2 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
3 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, AT THE
4 COMMUNITY LEVEL THAT CONTRIBUTE TO ADVERSE HUMAN HEALTH
5 EFFECTS SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER, AND
6 ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO
7 CLIMATE CHANGE, AND HELPS THE STATE MEET ITS STATEWIDE
8 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN
9 SECTION 25-7-102 (2)(g) AND ITS TRANSPORTATION SECTOR GREENHOUSE
10 GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN THE COLORADO
11 ENERGY OFFICE'S "COLORADO GREENHOUSE GAS POLLUTION REDUCTION
12 ROADMAP" AND COMPLY WITH AIR QUALITY ATTAINMENT STANDARDS;

13 (II) HELPS BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE
14 MORE EFFICIENTLY AND HELPS INDIVIDUALS AND FAMILIES SAVE MONEY
15 OVER TIME BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
16 WITH THE USE OF MOTOR VEHICLES; AND

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

19 (IV) REDUCES HIGHER EMISSIONS OF AIR POLLUTANTS IN LOCAL
20 COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED
21 COMMUNITIES, WHERE THERE IS INCREASED EXPOSURE TO
22 TRANSPORTATION-RELATED AIR POLLUTION AND WHERE, AS MANY
23 STUDIES CONFIRM, INCREASED EXPOSURE TO TRAFFIC AND AIR POLLUTION
24 RESULTS IN A HIGHER RISK FOR ADVERSE HEALTH OUTCOMES;

25 (f) RETIRING A RELATIVELY SMALL NUMBER OF HIGH-EMITTING
26 PASSENGER VEHICLES AND REPLACING THEM WITH LOW OR ZERO EMISSION
27 VEHICLES WOULD HAVE A RELATIVELY LARGE IMPACT ON EMISSIONS
28 REDUCTIONS, AS SHOWN BY A 2009 STUDY THAT FOUND THAT TEN

1 PERCENT OF PASSENGER VEHICLES ARE RESPONSIBLE FOR MORE THAN
2 THIRTY PERCENT OF NITROGEN OXIDE EMISSIONS AND NEARLY FIFTY
3 PERCENT OF HYDROCARBON EMISSIONS.

4 (g) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND
5 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH
6 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND
7 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING
8 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC
9 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN
10 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE
11 STATE;

12 (h) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE
13 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE
14 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE
15 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN
16 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT
17 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR
18 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC
19 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING
20 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO
21 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO
22 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES
23 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE
24 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT
25 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

26 (i) BY REDUCING MOTOR VEHICLE EMISSIONS, INCENTIVIZING,
27 SUPPORTING, AND ACCELERATING THE ADOPTION OF ELECTRIC MOTOR
28 VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF

1 THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE
2 INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL
3 DELIVERIES.

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

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

1 DISINCENTIVIZE THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR
2 VEHICLES;

3 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
4 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
5 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS AT
6 THE COMMUNITY LEVEL THROUGH SUPPORT OF THE ADOPTION OF ELECTRIC
7 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES AT
8 THE COMMUNITY LEVEL, INCLUDING BUT NOT LIMITED TO WITHIN
9 DISPROPORTIONATELY IMPACTED COMMUNITIES THROUGHOUT THE STATE;

10 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
11 WHEN, IN EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL
12 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
13 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
14 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
15 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

16 (I) FUNDING THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE
17 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF CLEAN AND
18 QUIET ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES USED TO
19 MAKE RETAIL DELIVERIES;

20 (II) SPECIFICALLY SUPPORTING AND INCENTIVIZING THE
21 RETIREMENT OF OLD AND INEFFICIENT MOTOR VEHICLES POWERED BY
22 INTERNAL COMBUSTION ENGINES AND THE ADOPTION OF ELECTRIC MOTOR
23 VEHICLES, ELECTRIC ALTERNATIVES TO MOTOR VEHICLES, AND TRANSIT
24 USE IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
25 DISPROPORTIONATELY IMPACTED COMMUNITIES, THAT GENERALLY BEAR
26 THE GREATEST BURDEN OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF
27 TRANSPORTATION EMISSIONS DUE TO DISPARITIES IN TRANSPORTATION
28 POLLUTION EXPOSURE;

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

4 (IV) CONTRIBUTING TO THE COMPREHENSIVE REGULATORY
5 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,
6 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE
7 TRANSPORTATION SYSTEM; AND

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

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

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

25 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
26 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
27 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
28 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE

1 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
2 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
3 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
4 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
5 SYSTEM; AND

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

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

18 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
21 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
22 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
23 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
24 PROPULSION.

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

26 (3) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
27 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
28 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL

1 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
2 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
3 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
4 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
5 GREATER THAN FORTY PERCENT.

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

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

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

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

16 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
17 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
18 HYBRID ELECTRIC MOTOR VEHICLE.

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

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

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

25 (9) "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
28 THOUSAND POUNDS.

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

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

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

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

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

24 (15) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
25 OPERATED ROBOT THAT IS:

26 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
27 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
28 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 (16) "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 (17) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
14 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
15 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
16 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
17 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
18 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

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

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

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

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

1 (23) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE
2 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

3 **24-38.5-303. Community access enterprise - creation - board**
4 **- powers and duties - fund - fee - transparency and reporting.**

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

11 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
12 SEVEN MEMBERS AS FOLLOWS:

13 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WHO SHALL
14 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
15 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST
16 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED
17 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE
18 INTERESTS OF MOTOR VEHICLE MANUFACTURERS, THE ELECTRIC VEHICLE
19 CHARGING AND FUELING BUSINESSES, OR OWNERS OR OPERATORS OF
20 MOTOR VEHICLE FLEETS; AND AT LEAST ONE OF THE MEMBERS MUST
21 REPRESENT A BUSINESS OR ORGANIZATION THAT SUPPORTS ELECTRIC
22 ALTERNATIVES TO MOTOR VEHICLES. THE GOVERNOR SHALL MAKE
23 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN
24 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS
25 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING
26 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD
27 NO LATER THAN OCTOBER 1, 2021.

28 (II) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE

1 DIRECTOR'S DESIGNEE;

2 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
3 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
4 AND

5 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
6 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

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

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

18 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE
19 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
20 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
21 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR
22 VEHICLES, IN AN EQUITABLE MANNER BY DIRECTLY INVESTING IN
23 TRANSPORTATION INFRASTRUCTURE, MAKING GRANTS OR PROVIDING
24 REBATES OR OTHER FINANCING OPTIONS TO FUND THE CONSTRUCTION OF
25 ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE THROUGHOUT THE
26 STATE, AND INCENTIVIZING THE ACQUISITION AND USE OF ELECTRIC
27 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES IN
28 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY

1 IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL
2 EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE
3 TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS
4 AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

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

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

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

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

19 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY
20 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY
21 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT
22 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
23 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY
24 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
25 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
26 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
28 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED

1 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND
2 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,
3 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO
4 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS
5 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

6 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM
7 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE ENTERPRISE
8 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
9 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. THE
10 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
11 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
12 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
13 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
14 IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE ENTERPRISE THAT
15 IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
16 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
17 SECTION 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE
18 ENTERPRISE SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE
19 INITIAL EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE
20 TREASURY, AND LOAN LIABILITIES THAT ARE RECORDED IN THE
21 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND BUT THAT ARE
22 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
23 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
24 FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER SHALL
25 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
26 INVESTMENT OF MONEY IN THE COMMUNITY ACCESS ENTERPRISE INITIAL
27 EXPENSES FUND TO THE FUND. THE COMMUNITY ACCESS ENTERPRISE
28 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE

1 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
2 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
3 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
4 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR
5 THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY
6 THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE
7 COLORADO ENERGY OFFICE.

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 DIRECTOR OF THE COLORADO
16 ENERGY OFFICE OR THE DIRECTOR'S DESIGNEE, TO EMPLOY AND SUPERVISE
17 INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND CONTRACTORS AS ARE
18 NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS BUSINESS PURPOSE;

19 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY
20 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
21 GENERAL'S OFFICE FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
22 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
23 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE
24 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
25 OF THIS TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON
26 A 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 SINGLE-SOURCE BIDS.

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 PART 3 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
6 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
7 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
8 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
9 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
10 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
11 MONEY TO THE FUND.

12 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY
13 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR
14 EVALUATING APPLICATIONS, AND A LIST OF GRANTEEES PURSUANT TO
15 SUBSECTION (8) OF THIS SECTION; AND

16 (g) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
17 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
18 GRANTED BY THIS SECTION.

19 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
20 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
21 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
22 ENTERPRISE, A COMMUNITY ACCESS RETAIL DELIVERY FEE ON EACH RETAIL
23 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
24 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
25 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
26 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
27 43-4-218 (6) THE COMMUNITY ACCESS RETAIL DELIVERY FEE. FOR THE

1 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
2 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
3 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL
4 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN
5 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED
6 BY SECTION 43-4-218 (3).

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

11 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
12 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
13 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
14 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
15 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT
16 IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED
17 FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
18 REVENUE OF THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY
19 FEE TO BE COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
20 PROPERTY PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN
21 MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
22 BEGINS, AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT
23 NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE
24 FISCAL YEAR BEGINS.

25 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
26 THE COMMUNITY ACCESS RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
27 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR

1 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
2 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
3 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
4 STATE FISCAL YEAR.

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

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

11 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,
12 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

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

15 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC
16 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,
17 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

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

20 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING
21 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR
22 VEHICLES;

23 (b) TO PROVIDE INEXPENSIVE AND ACCESSIBLE ELECTRIC
24 ALTERNATIVES TO MOTOR VEHICLES SUCH AS ELECTRICAL ASSISTED
25 BICYCLES AND ELECTRIC SCOOTERS;

26 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN
27 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY

1 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF
2 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES; AND

3 (d) TO PROVIDE INCENTIVES FOR TRANSPORTATION NETWORK
4 COMPANIES AND COMPANIES THAT RENT MOTOR VEHICLES TO
5 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING
6 TRANSPORTATION NETWORK COMPANY SERVICES TO INCREASE ACCESS TO
7 OVERNIGHT CHARGING CAPABILITY FOR DRIVERS.

8 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
9 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
10 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
11 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
12 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
13 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
14 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
15 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
16 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

17 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
18 ENTERPRISE SHALL:

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

26 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
27 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,

1 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
2 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
3 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
4 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
5 EXPENDITURES;

6 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
7 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
8 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
9 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
10 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
11 AND

12 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
13 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
14 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
15 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
16 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
17 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
18 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
19 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
20 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
21 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
22 COMMITTEES CONTINUES INDEFINITELY.

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

27 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART

1 2 OF ARTICLE 72 OF THIS TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
2 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
3 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
4 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
5 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
6 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
7 LOCAL GOVERNMENTS COMBINED.

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

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

12 **24-75-219. Transfers - transportation - capital construction -**
13 **definitions - repeal.** (1) As used in this section, unless the context
14 otherwise requires:

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

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

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

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

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

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

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

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

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

5 ~~(I) Repealed.~~

6 ~~(II) Sixty million dollars from the general fund to the capital~~
7 ~~construction fund.~~

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

9 ~~(I) Repealed.~~

10 ~~(II) Sixty million dollars from the general fund to the capital~~
11 ~~construction fund.~~

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

16 ~~(e) Repealed.~~

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

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

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

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

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

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

5 ~~(II) Twenty-two million five hundred thousand dollars to the~~
6 ~~highway users tax fund for allocation to counties and municipalities as~~
7 ~~specified in section 43-4-205 (6.4); and~~

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

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

13 ~~(c) The state treasurer shall transfer fifty million dollars from the~~
14 ~~general fund to the state highway fund on June 30, 2020. Except as~~
15 ~~otherwise provided in subsection (5)(d) of this section and section~~
16 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~
17 ~~through June 30, 2040, the state treasurer shall transfer money from the~~
18 ~~general fund to the state highway fund. as follows:~~

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

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

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

27 ~~(C) This subsection (5)(c)(III) is repealed, effective January 1,~~

1 2022, if a ballot issue that authorizes the state to issue transportation
2 revenue anticipation notes is submitted to the registered electors of the
3 state for their approval or rejection at the November 2021 statewide
4 election pursuant to section 43-4-705 (13)(b) and a majority of the
5 electors voting on the ballot issue vote "Yes/For";

6 (D) This subsection (5)(c)(III)(D) and subsection (5)(c)(III)(C) of
7 this section are repealed, effective January 1, 2022, if a ballot issue that
8 authorizes the state to issue transportation revenue anticipation notes is
9 submitted to the registered electors of the state for their approval or
10 rejection at the November 2021 statewide election pursuant to section
11 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
12 vote "No/Against"; or

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

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

20 (C) This subsection (5)(c)(IV) is repealed, effective January 1,
21 2022, if a ballot issue that authorizes the state to issue transportation
22 revenue anticipation notes is submitted to the registered electors of the
23 state for their approval or rejection at the November 2021 statewide
24 election pursuant to section 43-4-705 (13)(b) and a majority of the
25 electors voting on the ballot issue vote "No/Against";

26 (D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of
27 this section are repealed, effective January 1, 2022, if a ballot issue that

1 authorizes the state to issue transportation revenue anticipation notes is
2 submitted to the registered electors of the state for their approval or
3 rejection at the November 2021 statewide election pursuant to section
4 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
5 vote "Yes/For"; or

6 (d) (I) If the transportation commission allocates money from the
7 transportation revenue anticipation notes reserve account of the state
8 highway fund pursuant to section 43-4-714 (2) during any state fiscal
9 year, the amount of any transfer required by subsection (5)(c)(IV)(A) of
10 this section is reduced by an amount equal to the amount of the allocation
11 from the account.

12 (H) This subsection (5)(d) is repealed:

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

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

20 (H) This subsection (5)(d)(H) and subsection (5)(d)(I) of this
21 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".

27 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS

1 SECTION:

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

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

6 (II) TWENTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND TO
7 THE HIGHWAY USERS TAX FUND;

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

11 (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY
12 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY
13 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
14 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF
15 TRANSPORTATION.

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

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

21 (I) TEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE
22 GENERAL FUND TO THE MULTIMODAL TRANSPORTATION AND MITIGATION
23 OPTIONS FUND; AND

24 (II) SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE
25 STATE HIGHWAY FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL
26 FUNDING FOR THE REVITALIZING MAIN STREETS PROGRAM OF THE
27 DEPARTMENT OF TRANSPORTATION.

1 (d) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,
2 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE
3 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE
4 HIGHWAY FUND.

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

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

16 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND
17 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
18 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF
19 TRANSPORTATION

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

1 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
2 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
3 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF
4 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(e)
5 AS FOLLOWS:

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

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

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

15 **24-77-103.6. Retention of excess state revenues - general fund**
16 **exempt account - required uses - excess state revenues legislative**
17 **report - definitions.** (6) As used in this section:

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

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

25 (D) For the 2018-19 fiscal year, ~~and each succeeding fiscal year,~~
26 the amount of the excess state revenues cap for the 2017-18 fiscal year
27 calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted

1 ~~each subsequent fiscal year~~ for inflation, the percentage change in state
2 population, the qualification or disqualification of enterprises, and debt
3 service changes;

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

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

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

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

27 **24-82-1303. Lease-purchase agreements for capital**

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

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

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

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

3 **24-93-110. Department of transportation - additional**
4 **requirements for integrated project delivery contracts - short-listing**
5 **- transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT
6 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND
7 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105
8 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN
9 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR
10 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY
11 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A
12 PUBLIC PROJECT IN THE STATE BY THE IPD METHOD TO BE USED FOR THE
13 PUBLIC PROJECT.

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

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

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

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

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

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

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

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

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

18 **ARTICLE 7.5**

19 **Clean Motor Vehicle Fleet Support**

20 **25-7.5-101. Legislative declaration.** (1) THE GENERAL
21 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

22 (a) AN INCREASING NUMBER OF FLEET MOTOR VEHICLES ARE ON
23 THE ROAD TO MEET INCREASING DEMANDS FOR RETAIL DELIVERIES AND
24 RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES;

25 (b) THESE FLEET VEHICLES ARE SOME OF THE MOST POLLUTING
26 VEHICLES ON THE ROAD, WHICH HAS RESULTED IN ADDITIONAL AND
27 INCREASING AIR AND GREENHOUSE GAS POLLUTION AND RELATED

1 ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS ACROSS THE STATE;

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

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

19 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
20 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE
21 OF ELECTRIC MOTOR VEHICLES AND, TO THE EXTENT TEMPORARILY
22 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR
23 VEHICLE TECHNOLOGY AND AVAILABILITY FOR CERTAIN FLEET USES,
24 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY
25 RECOVERED METHANE AND THAT PRODUCE FEWER EMISSIONS THAN
26 GASOLINE OR DIESEL POWERED MOTOR VEHICLES BY BUSINESSES AND
27 GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,

1 INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY
2 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR
3 TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,
4 AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC MOTOR
5 VEHICLE ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC
6 MOTOR VEHICLES IN MOTOR VEHICLE FLEETS:

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

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

23 (I) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,
24 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE
25 HIGHWAYS ARE LOCATED;

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

27 (III) RESIDENTS EXPERIENCE INCREASED RISKS OF

1 AIR-POLLUTION-RELATED HEALTH IMPACTS SUCH AS ASTHMA, REDUCED
2 LUNG CAPACITY, INCREASED SUSCEPTIBILITY TO RESPIRATORY ILLNESSES,
3 HEART DISEASE, AND LUNG CANCER; AND

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

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

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

23 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING
24 REMEDIATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,
25 IT:

26 (I) PROVIDES FINANCING THROUGH GRANT PROGRAMS, REBATE
27 PROGRAMS, REVOLVING LOAN FUNDS, OR ANY OTHER STRATEGIES THAT

1 THE BOARD FINDS EFFECTIVE;

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

8 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,
9 INSPECTION, AND READJUSTMENT SERVICES;

10 (IV) PROVIDES OUTREACH, EDUCATION, OR TRAINING TO SUPPORT
11 THE SUCCESSFUL APPLICATION AND PERFORMANCE OF ENTITIES RECEIVING
12 FUNDS;

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

16 (VI) ASSESSES AND SUPPORTS THE IMPLEMENTATION OF CLEANER
17 AND MORE EFFICIENT COMMERCIAL VEHICLE TECHNOLOGY TO SUPPORT
18 MOTOR VEHICLE FLEET ELECTRIFICATION;

19 (VII) RESEARCHES AND DEVELOPS STRATEGIES, BUSINESS PLANS,
20 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS
21 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
22 SERVICES;

23 (VII) CONTRIBUTES TO THE IMPLEMENTATION OF THE
24 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
25 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
26 SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

27 (IX) PROVIDES ADDITIONAL REMEDIATION SERVICES TO OFFSET

1 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW,
2 INCLUDING BUT NOT LIMITED TO:

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

4 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,
5 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
6 COMMUNITIES; AND

7 (C) PROVIDING SCRAPPAGE SERVICES;

8 (c) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY THIS
9 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE
10 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES
11 AS A BUSINESS;

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

18 (d) 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 FEES IMPOSED BY THE
25 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

26 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
27 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION

1 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
2 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
3 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
4 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
5 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
6 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
7 SYSTEM; AND

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

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

19 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS
20 THE CONTEXT OTHERWISE REQUIRES:

21 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
22 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
23 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
24 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
25 PROPULSION.

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

27 (3) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH

1 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
2 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
3 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
4 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

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

7 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A
8 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED
9 NATURAL GAS.

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

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

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

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

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

26 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
27 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN

1 HYBRID ELECTRIC MOTOR VEHICLE.

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

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

6 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
7 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
8 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

9 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
10 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
11 THAT USES HYDROGEN GAS AS FUEL.

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

22 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
23 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
24 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE
25 THAN TWENTY-SIX THOUSAND POUNDS.

26 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
27 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY

1 DEVICE.

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

4 (a) BY A GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE
5 INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOL TRANSPORTATION OR
6 LAW ENFORCEMENT; OR

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

8 (I) THE GROUP OF MOTOR VEHICLES IS COMPOSED PRIMARILY OF
9 HEAVY-DUTY MOTOR VEHICLES, MEDIUM-DUTY MOTOR VEHICLES, OR
10 REFRIGERATED TRAILER UNITS; OR

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

19 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
20 OPERATED ROBOT THAT IS:

21 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
22 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
23 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
24 TYPICALLY USED BY PEDESTRIANS;

25 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
26 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
27 AND

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

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

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

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

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

21 (21) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
22 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
23 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
24 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
25 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
26 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

27 (22) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 39-26-102 (8).

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

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

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

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

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

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

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

16 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
17 **and duties - fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY
18 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
19 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
20 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS
21 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
22 FORTH IN THIS SECTION.

23 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
24 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
25 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
26 IN SECTION 24-1-105.

27 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

1 NINE MEMBERS AS FOLLOWS:

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

16 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
17 EXECUTIVE DIRECTOR'S DESIGNEE;

18 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
19 DIRECTOR'S DESIGNEE; AND

20 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
21 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

22 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
23 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
24 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.
25 A MEMBER WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD SHALL
26 SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.
27 THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS THEY HOLD THEIR

1 POSITIONS OR ARE DESIGNATED TO SERVE.

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

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

21 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET
22 RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF
23 THIS SECTION;

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

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

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

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

24 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
25 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
26 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
27 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT

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

25 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
26 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
27 DUTIES:

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

3 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
4 PERSONAL PROPERTY;

5 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
7 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS AND
8 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
9 BUSINESS PURPOSE;

10 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
11 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
12 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
13 OFFICE SPACE, AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
14 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,
15 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
16 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
17 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
18 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
19 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
20 SINGLE-SOURCE BIDS.

21 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
22 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
23 OF THIS ARTICLE 7.5 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS
24 FROM COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY
25 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
26 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE
27 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,

1 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL
2 CREDIT THE MONEY TO THE FUND.

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

5 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
6 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
7 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO
8 SUBSECTION (9) OF THIS SECTION; AND

9 (h) 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 A CLEAN
14 FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK
15 COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED
16 THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF
17 MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK
18 COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
19 DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE
20 ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK
21 COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
22 REQUIRED BY SECTION 40-10.1-607.5 (2). THE ENTERPRISE SHALL ENSURE
23 THAT DURING THE FIRST TEN STATE FISCAL YEARS OF FEE COLLECTIONS,
24 EXPENDITURES THAT SUPPORT TRANSPORTATION NETWORK COMPANY
25 OPERATIONS EQUAL OR EXCEED CUMULATIVE CLEAN FLEET PER RIDE FEE
26 REVENUE.

27 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING

1 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE CLEAN
2 FLEET PER RIDE FEE IN A MAXIMUM AMOUNT OF:

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

6 (II) SEVEN AND ONE-HALF CENTS FOR EVERY OTHER
7 PREARRANGED RIDE.

8 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
9 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
10 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
11 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE CLEAN FLEET PER RIDE
12 FEE IN A MAXIMUM AMOUNT THAT IS THE APPLICABLE MAXIMUM AMOUNT
13 FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE
14 ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT
15 OF THE CLEAN FLEET PER RIDE FEE TO BE COLLECTED FOR RIDES
16 REQUESTED AND ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER
17 THAN MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL
18 YEAR BEGINS AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE
19 AMOUNT NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE
20 STATE FISCAL YEAR BEGINS.

21 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
22 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND
23 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION
24 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
25 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF
26 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
27 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION

1 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT
2 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF
3 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER
4 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED
5 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM
6 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
7 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST
8 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
9 PERCENT.

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

14 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
15 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
16 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
17 ENTERPRISE, A CLEAN FLEET RETAIL DELIVERY FEE ON EACH RETAIL
18 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
19 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
20 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
21 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
22 43-4-218 (6) THE CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE
23 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
24 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
25 AND ADMINISTER THE CLEAN FLEET RETAIL DELIVERY FEE ON BEHALF OF
26 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
27 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218

1 (3).

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

6 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
7 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
8 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
9 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
10 CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS THE
11 MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR
12 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
13 OF THE AMOUNT OF THE CLEAN FLEET RETAIL DELIVERY FEE TO BE
14 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
15 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
16 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
17 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
18 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
19 BEGINS.

20 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
21 THE CLEAN FLEET RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
22 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
23 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
24 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
25 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
26 STATE FISCAL YEAR.

27 (9) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT

1 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE
2 ENTERPRISE IS AUTHORIZED TO INCENTIVIZE, SUPPORT, AND ACCELERATE
3 THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS.

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

7 (I) TO HELP PUBLIC AND PRIVATE OWNERS AND OPERATORS OF
8 MOTOR VEHICLE FLEETS FINANCE ELECTRIC MOTOR VEHICLE ACQUISITIONS
9 TO REDUCE THE UP-FRONT COSTS OF ACQUIRING ELECTRIC MOTOR
10 VEHICLES AND, IF THE ENTERPRISE DETERMINES THAT ELECTRIC MOTOR
11 VEHICLES ARE NOT YET PRACTICALLY AVAILABLE FOR HEAVY DUTY
12 TRUCKS FOR A PERIOD OF TIME, TO HELP PUBLIC AND PRIVATE OWNERS
13 FINANCE COMPRESSED NATURAL GAS HEAVY DUTY TRUCK ACQUISITIONS
14 IF AT LEAST NINETY PERCENT OF THE FUEL FOR THE TRUCKS WILL BE
15 RECOVERED METHANE;

16 (II) TO ASSESS AND IMPLEMENT CLEANER MOBILE SOURCE
17 TECHNOLOGY TO SUPPORT ELECTRIFICATION OF MOTOR VEHICLES AND
18 ELECTRIC MOTOR VEHICLE FLEETS;

19 (III) TO COORDINATE ENGAGEMENT WITH PUBLIC ENTITIES AND
20 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS TO DEVELOP
21 STRATEGIES FOR ELECTRIFYING MOTOR VEHICLE FLEETS AND OTHER NOT
22 YET ELECTRIFIED FREIGHT TRANSPORTATION AND RETAIL DELIVERY
23 OPERATIONS THAT CAN BE ELECTRIFIED;

24 (IV) TO RESEARCH AND ASSESS INNOVATIVE AND EMERGING
25 MOTOR VEHICLE EMISSION STRATEGIES FOR MOTOR VEHICLES AND
26 ENGINES AND MODERNIZE AND IMPROVE CURRENT TESTING, INSPECTION,
27 AND READJUSTMENT SERVICES OFFERED BY THE DEPARTMENT;

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

4 (VI) TO RESEARCH AND DEVELOP STRATEGIES, BUSINESS PLANS,
5 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS
6 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
7 SERVICES;

8 (VII) TO PROVIDE OUTREACH, EDUCATION, OR TRAINING TO
9 SUPPORT THE SUCCESSFUL APPLICATION AND PERFORMANCE BY ENTITIES
10 RECEIVING FUNDS;

11 (VIII) TO PROVIDE OR SUPPORT THE DELIVERY OF COMPANION
12 SERVICES SUCH AS FLEET MOTOR VEHICLE TESTING, INSPECTION, AND
13 READJUSTMENT SERVICES;

14 (IX) TO ADDRESS NONATTAINMENT OF NATIONAL AMBIENT AIR
15 QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE
16 RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE
17 BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS
18 IN OR NEAR NONATTAINMENT AREAS;

19 (X) TO ADDRESS COMMUNITY EXPOSURE, INCLUDING EXPOSURE IN
20 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND HEALTH DISPARITIES
21 IN SUCH COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO MOTOR
22 VEHICLE FLEET OPERATIONS;

23 (XI) TO HELP COMPANIES THAT MAINTAIN MOTOR VEHICLE FLEETS
24 AND RENT MOTOR VEHICLES IN THE FLEETS TO TRANSPORTATION NETWORK
25 COMPANY DRIVERS FOR USE IN PROVIDING TRANSPORTATION NETWORK
26 COMPANY SERVICES PURCHASE OR LEASE ELECTRIC MOTOR VEHICLES FOR
27 THAT USE;

1 (XII) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE
2 INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO
3 PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND

4 (XIII) TO PROVIDE ADDITIONAL REMEDIATION SERVICES TO FEE
5 PAYERS AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO
6 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING
7 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO
8 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE
9 SERVICES.

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

18 (11) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
19 ENTERPRISE SHALL:

20 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
21 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
22 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
23 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
24 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
25 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
26 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

27 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE

1 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
2 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
3 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
4 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
5 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
6 EXPENDITURES;

7 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
8 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
9 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
10 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
11 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
12 AND

13 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
14 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
15 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
16 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
17 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
18 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
19 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
20 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
21 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
22 REQUIRED IN THIS SUBSECTION (11)(a)(IV) TO THE SPECIFIED LEGISLATIVE
23 COMMITTEES CONTINUES INDEFINITELY.

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

1 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
3 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
4 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
5 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
6 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
7 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
8 LOCAL GOVERNMENTS COMBINED.

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

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

13 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE 21 APPLY
14 TO THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,
15 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION
16 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS
17 ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF
18 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION
19 40-10.1-607.5.

20 **SECTION 13.** In Colorado Revised Statutes, 39-21-119.5,
21 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and
22 (4)(k) as follows:

23 **39-21-119.5. Mandatory electronic filing of returns -**
24 **mandatory electronic payment - penalty - waiver - definitions.**

25 (2) Except as provided in subsection (6) of this section, the executive
26 director may, as specified in subsection (3) of this section, require the
27 electronic filing of returns and require the payment of any tax or fee due

1 by electronic funds transfer for the following:

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

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

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

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

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

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

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

20 (i) Any tobacco products excise tax return required to be filed and
21 payment required to be made pursuant to article 28.5 of THIS title 39; ~~and~~

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

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

27 **SECTION 14.** In Colorado Revised Statutes, 39-26-102, **amend**

1 (7)(a) introductory portion as follows:

2 **39-26-102. Definitions.** As used in this article 26, unless the
3 context otherwise requires:

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

11 **SECTION 15.** In Colorado Revised Statutes, 39-26-123, **repeal**
12 (3.5) as follows:

13 **39-26-123. Receipts - disposition - transfers of general fund**
14 **surplus - sales tax holding fund - creation - definitions.** (3.5) ~~For each~~
15 ~~state fiscal year commencing on or after the first state fiscal year in which~~
16 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~
17 ~~(2)(d), C.R.S., the general assembly may appropriate or transfer, in its~~
18 ~~sole discretion, moneys from the general fund to the sales and use tax~~
19 ~~holding fund.~~

20 **SECTION 16.** In Colorado Revised Statutes, 39-27-301, **amend**
21 (1), (4), and (6); and **add** (3.3) as follows:

22 **39-27-301. Definitions.** As used in this part 3, unless the context
23 otherwise requires:

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

26 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION
27 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED

1 BY SECTION 43-4-805 (5)(g.5).

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

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

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

8 **39-27-302. Agreements between jurisdictions.** The department
9 may enter into a motor fuel tax AND FEE cooperative agreement with
10 another jurisdiction or jurisdictions that provide for the administration,
11 collection, and enforcement of each jurisdiction's motor fuel taxes AND
12 FEES on motor fuel used by motor carriers. The agreement shall not
13 contain any provision that exempts any motor vehicle, owner, or operator
14 from complying with the laws, rules, and regulations pertaining to motor
15 vehicle licensing, size, weight, load, or operation upon the public
16 highways of this state.

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

19 **39-27-304. Provisions of agreements.** (1) An agreement entered
20 into under this part 3 may provide for:

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

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

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

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

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

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

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

11 **39-27-305. Credit for purchases.** Any licensee purchasing more
12 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in
13 this state during the course of a reporting period shall be permitted a
14 credit against future tax AND FEE liability for the excess tax-paid AND
15 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the
16 licensee by the department in accordance with the agreement.

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

19 **39-27-306. Tax and fee collection.** (1) The agreement may
20 require the department to perform audits of licensees or persons required
21 to be licensed and who are based in this state to determine whether motor
22 fuel taxes AND FEES to be collected under the agreement have been
23 reported properly and paid to each jurisdiction that is a party to the
24 agreement. The agreement may authorize other jurisdictions to perform
25 audits on licensees or persons required to be licensed and who are based
26 in such other jurisdictions on behalf of the state of Colorado and forward
27 the audit findings to the department. Such findings may be served upon

1 the licensee or such other person in the same manner as audits performed
2 by the department.

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

5 **39-27-310. Construction of this part 3 - rules and regulations.**

6 (1) This part 3 shall be applied and construed to effectuate its general
7 purpose to make uniform the law with respect to the subject of this part
8 3 among jurisdictions enacting it for the purpose of participating in a
9 multijurisdictional motor fuel tax AND FEE agreement.

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

12 **40-10.1-118. Certificated taxi carrier parity study -**
13 **recommendations - legislative declaration - repeal.** (1) THE GENERAL
14 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

15 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL
16 21-260, ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE
17 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND
18 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE
19 RELATIONSHIP TO THEIR USE OF AND IMPACTS ON THE SYSTEM AND THE
20 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

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

27 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION

1 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS
2 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER
3 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND
4 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR
5 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

6 (2) THE COMMISSION SHALL CONDUCT A STUDY TO ASSESS
7 WHETHER, TAKING INTO ACCOUNT ANY RELEVANT DIFFERENCES IN THEIR
8 BUSINESS MODELS, REGULATORY BURDENS, AND IMPACTS ON THE
9 SUSTAINABILITY OF THE TRANSPORTATION SYSTEM, THERE IS PARITY
10 BETWEEN CERTIFICATED TAXI CARRIERS AND TRANSPORTATION NETWORK
11 COMPANIES WITH RESPECT TO THEIR CONTRIBUTIONS TO THE FUNDING OF
12 THE TRANSPORTATION SYSTEM. THE COMMISSION SHALL REPORT THE
13 RESULTS OF THE STUDY TO THE TRANSPORTATION LEGISLATION REVIEW
14 COMMITTEE OF THE GENERAL ASSEMBLY CREATED IN SECTION 43-2-145
15 (1)(a) DURING THE 2023 LEGISLATIVE INTERIM.

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

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

19 **40-10.1-605. Operational requirements.** (1) The following
20 requirements apply to the provision of services:

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

27 (I) A valid driver's license;

- 1 (II) Proof of automobile insurance; AND
- 2 (III) Proof of a Colorado vehicle registration; and
- 3 (IV) ~~Within ninety days of June 5, 2014, and pursuant to~~
- 4 ~~commission rules, proof that the person is medically fit to drive.~~

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

7 **40-10.1-607. Fees - transportation network company fund -**
8 **creation.** The commission shall transmit all fees PAYABLE TO AND
9 collected BY THE COMMISSION pursuant to this part 6 to the state treasurer,
10 who shall credit the fees to the transportation network company fund,
11 which is hereby created in the state treasury. The ~~moneys~~ MONEY in the
12 fund ~~are~~ IS continuously appropriated to the commission for the purposes
13 set forth in this part 6. All interest earned from the DEPOSIT AND
14 investment of ~~moneys~~ MONEY in the fund is credited to the fund. Any
15 ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~
16 REMAINS in the fund and ~~do~~ DOES not revert to the general fund or any
17 other fund.

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

20 **40-10.1-607.5. Fees - enterprise per ride fees - collection -**
21 **distribution of fee proceeds - rules - definitions.** (1) AS USED IN THIS
22 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

23 (a) "AIR POLLUTION MITIGATION PER RIDE FEE" MEANS THE AIR
24 POLLUTION MITIGATION PER RIDE FEE IMPOSED BY THE NONATTAINMENT
25 AREA AIR POLLUTION MITIGATION ENTERPRISE AS REQUIRED BY SECTION
26 43-4-1303 (7).

27 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH

1 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
2 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
3 SEPARATELY REQUESTED A PREARRANGED RIDE.

4 (c) "CLEAN FLEET PER RIDE FEE" MEANS THE CLEAN FLEET PER
5 RIDE FEE IMPOSED BY THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
6 25-7.5-103 (1)(a) AS REQUIRED BY SECTION 25-7.5-103 (7).

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

9 (2) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
10 STATE FISCAL YEAR 2022-23, EACH TRANSPORTATION NETWORK COMPANY
11 SHALL PAY TO THE DEPARTMENT OF REVENUE, AT THE TIME AND IN THE
12 MANNER PRESCRIBED BY THE DEPARTMENT, THE ENTERPRISE PER RIDE
13 FEES, WHICH, FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
14 TRANSPORTATION NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR
15 THE STATE, THE DEPARTMENT SHALL COLLECT ON BEHALF OF THE
16 ENTERPRISES.

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

20 (a) ALL NET CLEAN FLEET PER RIDE FEE REVENUE SHALL BE
21 CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
22 25-7.5-103 (5); AND

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

26 (4) WHEN COLLECTING THE ENTERPRISE PER RIDE FEES, THE
27 DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT THAT DOES NOT

1 EXCEED THE TOTAL COST OF COLLECTING, ADMINISTERING, AND
2 ENFORCING THE ENTERPRISE PER RIDE FEES AND SHALL TRANSMIT THE
3 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
4 THE ENTERPRISE PER RIDE FEES FUND, WHICH IS HEREBY CREATED IN THE
5 STATE TREASURY. ALL MONEY IN THE ENTERPRISE PER RIDE FEES FUND IS
6 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO
7 DEFRAID THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,
8 ENFORCING, AND ADMINISTERING THE ENTERPRISE PER RIDE FEES.

9 (5) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
10 THE ENTERPRISE PER RIDE FEES COLLECTED AS REQUIRED BY SUBSECTION
11 (2) OF THIS SECTION SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR
12 OF THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS THE
13 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF STATE TAXES
14 PURSUANT TO ARTICLE 21 OF TITLE 39. THE DEPARTMENT OF REVENUE
15 MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

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

19 **42-3-304. Registration fees - passenger and passenger-mile**
20 **taxes - clean screen fund - rules - definitions.** (25) (a) In addition to
21 any other fee imposed by this section, FOR REGISTRATION PERIODS
22 BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR
23 2022-23, each authorized agent shall annually collect a fee of fifty dollars
24 at the time of registration on every ~~plug-in~~ electric motor vehicle. FOR
25 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23
26 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED
27 AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE

1 FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE
2 FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION
3 PERIODS BEGINNING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR
4 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE
5 RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL
6 RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE
7 SHALL ANNUALLY CALCULATE THE INFLATION-ADJUSTED AMOUNT OF THE
8 FEE FOR REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL
9 YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
10 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS. The
11 authorized agent shall transmit the fee to the state treasurer, who shall
12 credit thirty dollars, ADJUSTED FOR INFLATION, of each fee to the highway
13 users tax fund created in section 43-4-201, and twenty dollars, ADJUSTED
14 FOR INFLATION, of each fee to the electric vehicle grant fund created in
15 section 24-38.5-103.

16 (a.5) (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS
17 SECTION, INCLUDING THE FEE IMPOSED BY SUBSECTION (25)(a) OF THIS
18 SECTION, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
19 YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
20 AUTHORIZED AGENT SHALL ANNUALLY COLLECT AN ELECTRIC MOTOR
21 VEHICLE ROAD USAGE EQUALIZATION FEE AT THE TIME OF REGISTRATION
22 ON EVERY BATTERY ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
23 SUBSECTIONS (25)(a.5)(II) AND (25)(a.5)(III) OF THIS SECTION AND ON
24 EVERY PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
25 SUBSECTIONS (25)(a.5)(IV) AND (25)(a.5)(V) OF THIS SECTION. THE
26 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,
27 WHO SHALL CREDIT IT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION

1 AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8).

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

6	FISCAL YEAR	FEE
7	2022-2023	\$4
8	2023-2024	\$8
9	2024-2025	\$12
10	2025-2026	\$16
11	2026-2027	\$26
12	2027-2028	\$36
13	2028-2029	\$51
14	2029-2030	\$66
15	2030-2031	\$81
16	2031-2032	\$96

17 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
18 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
19 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
20 FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF THE FEE
21 FOR REGISTRATION PERIODS BEGINNING DURING THE PRIOR STATE FISCAL
22 YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE
23 MADE ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE
24 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE
25 DEPARTMENT OF REVENUE SHALL ANNUALLY CALCULATE THE INFLATION
26 ADJUSTED AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE
27 EQUALIZATION FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE FOR

1 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND
2 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE
3 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

8	FISCAL YEAR	FEE
9	2022-2023	\$3
10	2023-2024	\$5
11	2024-2025	\$8
12	2025-2026	\$11
13	2026-2027	\$13
14	2027-2028	\$16
15	2028-2029	\$19
16	2029-2030	\$21
17	2030-2031	\$24
18	2031-2032	\$27

19 (V) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
20 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
21 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
22 FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF
23 THE FEE FOR REGISTRATION PERIODS COMMENCING DURING THE PRIOR
24 STATE FISCAL YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN
25 ADJUSTMENT SHALL BE MADE ONLY IF THE RATE OF INFLATION IS POSITIVE
26 AND THE ADJUSTMENT MUST BE THE LESSER OF THE ACTUAL RATE OF
27 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL

1 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ELECTRIC MOTOR
2 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC
3 MOTOR VEHICLE FOR REGISTRATION PERIODS BEGINNING DURING EACH
4 STATE FISCAL YEAR AND SHALL NOTIFY AUTHORIZED AGENTS OF THE
5 AMOUNT NO LATER THAN THE MAY 1 OF THE CALENDAR YEAR IN WHICH
6 THE STATE FISCAL YEAR BEGINS.

7 (a.6) BECAUSE THE ELECTRIC MOTOR VEHICLE FEE IMPOSED
8 PURSUANT TO SUBSECTION (25)(a) OF THIS SECTION AND THE ELECTRIC
9 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IMPOSED PURSUANT TO
10 SUBSECTION (25)(a.5) OF THIS SECTION ARE INTENDED TO EQUALIZE THE
11 AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES AND MOTOR FUEL
12 CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC MOTOR VEHICLES AND
13 OWNERS OF MOTOR VEHICLES POWERED EXCLUSIVELY BY INTERNAL
14 COMBUSTION ENGINES, AND BECAUSE MOTOR FUEL CHARGES ARE PAID
15 THROUGHOUT THE YEAR RATHER THAN AT THE TIME OF ANNUAL MOTOR
16 VEHICLE REGISTRATION, THE DEPARTMENT SHALL IMPLEMENT A PILOT
17 PROGRAM TO ALLOW FEES IMPOSED PURSUANT TO THIS SUBSECTION (25)
18 TO BE PAID ON AN AUTOMATED PRORATED QUARTERLY BASIS. AFTER
19 EVALUATING THE SUCCESS OF THE PILOT PROGRAM AFTER THE SECOND
20 YEAR OF IMPLEMENTATION, THE DEPARTMENT SHALL MAKE THE PILOT
21 PROGRAM PERMANENT UNLESS THERE IS COMPELLING EVIDENCE THAT THE
22 PILOT PROGRAM HAS NOT BEEN SUCCESSFUL. THE DEPARTMENT MAY
23 PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (25)(a.6).

24 (a.7) (I) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SUBSECTION
25 (25), FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR
26 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
27 AUTHORIZED AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC

1 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT
2 SPECIFIED IN SUBSECTION (25)(a.7)(II) OR (25)(a.7)(III) OF THIS SECTION.
3 THE AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE
4 TREASURER, WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION
5 (25)(a.7)(IV) OF THIS SECTION.

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

9 (A) FIFTY DOLLARS FOR AN COMMERCIAL ELECTRIC MOTOR
10 VEHICLE THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT
11 MORE THAN SIXTEEN THOUSAND POUNDS;

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

15 (C) ONE HUNDRED FIFTY DOLLARS FOR A COMMERCIAL ELECTRIC
16 MOTOR VEHICLE THAT WEIGHS MORE THAN TWENTY-SIX THOUSAND
17 POUNDS.

18 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
19 YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
20 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE
21 EQUALIZATION FEE IS THE AMOUNT OF THE FEE FOR REGISTRATION PERIODS
22 COMMENCING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR
23 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE
24 RATE OF INFLATION IS POSITIVE AND THE ADJUSTMENT MUST BE THE
25 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE
26 DEPARTMENT OF REVENUE SHALL CALCULATE THE INFLATION ADJUSTED
27 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE

1 EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE FOR
2 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND
3 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE
4 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

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

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

15 (a.8) DURING THE 2026 LEGISLATIVE INTERIM, THE COLORADO
16 ENERGY OFFICE, THE DEPARTMENT OF TRANSPORTATION, AND THE
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AFTER CONSULTING
18 WITH THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION
19 24-38.5-303 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
20 25-7.5-103 (1)(a), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
21 43-4-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
22 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), SHALL
23 JOINTLY COMPLETE A WRITTEN REPORT AND PRESENT THE REPORT AT A
24 HEARING OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
25 CREATED IN SECTION 43-2-145 (1)(a). THE REPORT SHALL DETAIL
26 PROGRESS ON ALL PROJECTS COMPLETED OR UNDERTAKEN USING FUNDING
27 PROVIDED PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, IDENTIFY

1 OTHER PROJECTS EXPECTED TO BE COMPLETED IN THE NEXT FIVE YEARS,
2 SPECIFICALLY DOCUMENT THE USE OF GENERAL FUND MONEY PROVIDED
3 PURSUANT TO SENATE BILL 21-260, ENACTED IN 2021, AND MAKE
4 RECOMMENDATIONS AS TO WHETHER ADDITIONAL GENERAL FUND MONEY
5 SHOULD BE PROVIDED FOR SIMILAR USES IN LIGHT OF CURRENT ECONOMIC
6 CONDITIONS, INFLATION, AND OTHER PROJECT COMPLETION COST FACTORS,
7 AND AVAILABLE STATE REVENUE. THE REPORT SHALL ALSO INCLUDE THE
8 JOINT RECOMMENDATIONS OF THE OFFICE AND THE DEPARTMENTS AS TO
9 WHETHER, BEGINNING IN STATE FISCAL YEAR 2027-28 OR A LATER STATE
10 FISCAL YEAR, THE AMOUNT OF ANY OR ALL OF THE FEES IMPOSED BY THIS
11 SUBSECTION (25) SHOULD BE ADJUSTED TO ENSURE THAT THE GOAL OF
12 EQUALIZING THE AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES
13 AND MOTOR FUEL CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC
14 MOTOR VEHICLES AND OWNERS OF MOTOR VEHICLES POWERED
15 EXCLUSIVELY BY INTERNAL COMBUSTION ENGINES CONTINUES TO BE
16 REALIZED. WHEN DEVELOPING THEIR RECOMMENDATIONS REGARDING THE
17 FEES, THE OFFICE AND THE DEPARTMENTS SHALL TAKE INTO ACCOUNT, AT
18 A MINIMUM, THE MOST RECENT AVAILABLE RELIABLE DATA ON CURRENT
19 AVERAGE FUEL EFFICIENCY AND CURRENT FUEL EFFICIENCY FOR THE MOST
20 FUEL-EFFICIENT MOTOR VEHICLES FOR THE COLORADO LIGHT-DUTY AND
21 COMMERCIAL MOTOR VEHICLE FLEETS OR, IF COLORADO DATA IS NOT
22 AVAILABLE, THE UNITED STATES LIGHT-DUTY AND COMMERCIAL MOTOR
23 VEHICLE FLEETS, AND THE MOST RECENT AVAILABLE RELIABLE
24 PROJECTIONS OF FUTURE AVERAGE FUEL EFFICIENCY AND FUTURE FUEL
25 EFFICIENCY FOR THE MOST FUEL-EFFICIENT MOTOR VEHICLES FOR THE
26 COLORADO LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS OR, IF
27 COLORADO DATA IS NOT AVAILABLE, FOR THE UNITED STATES

1 LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS. TO THE EXTENT
2 FEASIBLE BASED ON THE DATA AVAILABLE, ANALYSIS OF COMMERCIAL
3 MOTOR VEHICLE FLEET DATA SHALL ACCOUNT SEPARATELY FOR
4 DIFFERENT CATEGORIES OR WEIGHT CLASSES OF COMMERCIAL MOTOR
5 VEHICLES.

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

8 (I) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
9 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
10 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
11 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF
12 PROPULSION.

13 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN
14 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

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

17 (IV) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
18 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,
19 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION
20 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR
21 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A
22 STATE FISCAL YEAR FOR WHICH AN ANNUAL INFLATION ADJUSTMENT TO
23 THE AMOUNT OF ANY FEE IMPOSED PURSUANT TO THIS SUBSECTION (25) IS
24 TO BE MADE BEGINS.

25 (V) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
26 VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY PACK
27 THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE

1 OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN
2 INTERNAL COMBUSTION ENGINE.

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

10 **SECTION 27.** In Colorado Revised Statutes, 43-1-117, **add** (4)
11 as follows:

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

24 **SECTION 28.** In Colorado Revised Statutes, **add** 43-1-128,
25 43-1-129, and 43-1-130 as follows:

26 **43-1-128. Environmental impacts of capacity projects -**
27 **additional requirements - legislative declaration - definitions.** (1) THE

1 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

2 (a) TRANSPORTATION CAPACITY PROJECTS THAT ARE INTENDED TO
3 ALLEVIATE TRAFFIC CONGESTION BY INCREASING THE CAPACITY OF
4 HIGHWAYS IN MAJOR TRANSPORTATION CORRIDORS CAN CAUSE ADVERSE
5 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL
6 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

7 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES IN THE
8 AREAS WHERE THE PROJECTS ARE LOCATED, INCLUDING
9 DISPROPORTIONATELY IMPACTED COMMUNITIES;

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

21 (d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO, AND
22 DO NOT SUPPLANT, ANY OTHER REQUIREMENTS, INCLUDING FEDERAL
23 SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS, FOR
24 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) THE DEPARTMENT SHALL ESTABLISH AND PROPOSE TO THE
2 COMMISSION FOR ITS REVIEW IMPLEMENTING PROCEDURES AND
3 GUIDELINES THAT REQUIRE THE DEPARTMENT AND METROPOLITAN
4 PLANNING ORGANIZATIONS TO TAKE ADDITIONAL STEPS IN THE PLANNING
5 PROCESS FOR TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE
6 IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION
7 AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO
8 RESULT FROM SUCH PROJECTS. THE COMMISSION SHALL, WITH SUCH
9 MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE
10 REQUIREMENTS OF THIS SECTION, ADOPT THE PROCEDURES AND
11 GUIDELINES. AT A MINIMUM, BOTH THE PROPOSED AND ADOPTED
12 PROCEDURES AND GUIDELINES MUST REQUIRE THE DEPARTMENT AND
13 METROPOLITAN PLANNING ORGANIZATIONS TO:

14 (a) IMPLEMENT RELEVANT RULES AND REGULATIONS AS ISSUED BY
15 THE AIR QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-7-105;

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

19 (c) MODIFY THEIR GUIDANCE DOCUMENTS TO ENSURE THAT AT
20 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO
21 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF
22 CONCERN IN THE STATE INCLUDING CONSIDERATION OF THE IMPACT ON
23 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND
24 RESULTING FROM TRANSPORTATION CAPACITY PROJECTS; AND

25 (d) CONSIDER THE ROLE OF LAND USE IN THE TRANSPORTATION
26 PLANNING PROCESS AND DEVELOP STRATEGIES TO ENCOURAGE LAND USE
27 DECISIONS THAT REDUCE VEHICLE MILES TRAVELED AND GREENHOUSE GAS

1 EMISSIONS.

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

7 (a) THOROUGHLY AND APPROPRIATELY MODEL AIR POLLUTANT
8 EMISSIONS IMPACTS FOR THE PLANNED PROJECT, INCLUDING WHERE
9 FEASIBLE AND APPROPRIATE MONITORING AND MEASUREMENT OF
10 CRITERIA POLLUTANTS;

11 (b) DEVELOP AND IMPLEMENT A CONSTRUCTION PLAN TO PROVIDE
12 TRANSPARENT PUBLIC REPORTING OF CRITERIA POLLUTANT DATA AND
13 TIMELY PUBLIC ALERTS WHEN CRITERIA POLLUTANT EXCEEDANCE EVENTS
14 OCCUR; AND

15 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY
16 IMPACTS ON COMMUNITIES, INCLUDING BUT NOT LIMITED TO
17 DISPROPORTIONATELY IMPACTED COMMUNITIES, IN THE AREA OF THE
18 PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON MITIGATION OF
19 FINE PARTICULATE MATTER POLLUTION.

20 (5) TO PROMOTE TRANSPARENCY AND INCREASE BOTH PUBLIC
21 PARTICIPATION AND PUBLIC CONFIDENCE IN TRANSPORTATION CAPACITY
22 PROJECT SELECTION, PLANNING, AND IMPLEMENTATION IN COMMUNITIES,
23 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
24 COMMUNITIES, THE DEPARTMENT SHALL REVIEW, UPDATE, AND IMPROVE
25 AS NECESSARY ITS PUBLIC ENGAGEMENT PROGRAM FOR PLANNED
26 TRANSPORTATION CAPACITY PROJECTS. IN DOING SO, THE DEPARTMENT
27 SHALL CREATE DIVERSE AND IMPACTFUL WAYS TO GATHER INPUT FROM

1 COMMUNITIES ACROSS THE STATE BY COMMUNICATING IN MULTIPLE
2 LANGUAGES AND MULTIPLE FORMATS AND TRANSPARENTLY SHARING
3 READILY UNDERSTANDABLE INFORMATION ABOUT POTENTIAL ADVERSE
4 IMPACTS, INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL AND HEALTH
5 IMPACTS, OF POTENTIAL TRANSPORTATION CAPACITY PROJECTS.

6 **43-1-129. Road usage charge study - repeal.** (1) THE
7 DEPARTMENT SHALL STUDY THE FEASIBILITY OF IMPLEMENTING A ROAD
8 USAGE CHARGE PROGRAM IN THE STATE. THE STUDY MUST, AT A MINIMUM:

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

11 (b) IDENTIFY AND ASSESS AVAILABLE AND DEVELOPING
12 TECHNOLOGY FOR TRACKING MILEAGE AND COLLECTING ROAD USAGE
13 CHARGES;

14 (c) IDENTIFY BARRIERS TO IMPLEMENTING A ROAD USAGE CHARGE
15 PROGRAM AND IDENTIFY AND ASSESS OPTIONS FOR OVERCOMING THOSE
16 BARRIERS; AND

17 (d) IDENTIFY WAYS IN WHICH THE STATE CAN CONSULT OR
18 COORDINATE WITH OTHER STATES THAT HAVE ROAD USAGE CHARGE
19 PROGRAMS AND WITH REGIONAL GROUPS THAT HAVE ROAD USAGE CHARGE
20 PROGRAM INFORMATION AND EXPERTISE TO LEVERAGE THEIR EXPERIENCE
21 AND EXPERTISE AND ENSURE THAT ANY ROAD USAGE CHARGE PROGRAM
22 TO BE IMPLEMENTED IN THE STATE IS IMPLEMENTED IN ACCORDANCE WITH
23 IDENTIFIED AND ESTABLISHED BEST PRACTICES.

24 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
25 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
26 43-2-145 (1) DURING THE 2023 LEGISLATIVE INTERIM.

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

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

5 (a) SUMMARIZE THE CURRENT STATUS OF AUTONOMOUS MOTOR
6 VEHICLE TECHNOLOGY AND THE EXTENT OF THE USE OF SUCH
7 TECHNOLOGY IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS
8 AND PERSONAL MOTOR VEHICLES;

9 (b) PROVIDE AN ESTIMATED TIMELINE FOR FUTURE
10 ADVANCEMENTS IN AUTONOMOUS MOTOR VEHICLE TECHNOLOGY, IN
11 PARTICULAR ADVANCEMENTS THAT ENABLE MOTOR VEHICLE AUTOMATION
12 TO ATTAIN HIGHER LEVELS IN THE MOTOR VEHICLE CLASSIFICATION
13 SYSTEM ADOPTED BY THE UNITED STATES DEPARTMENT OF
14 TRANSPORTATION, AND THE ADOPTION OF SUCH ADVANCEMENTS FOR USE
15 IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS AND
16 PERSONAL MOTOR VEHICLES;

17 (c) SUMMARIZE THE ANTICIPATED SAFETY BENEFITS, INCLUDING
18 BENEFITS TO TRANSPORTATION SYSTEMS ASSOCIATED WITH THE
19 TRANSITION TO AUTOMATED COMMERCIAL AND GOVERNMENT MOTOR
20 VEHICLE FLEETS AND PERSONAL MOTOR VEHICLES, AND SAFETY RISKS,
21 INCLUDING CYBERSECURITY RISKS, OF AUTONOMOUS MOTOR VEHICLES;

22 (d) IDENTIFY ANY MODIFICATIONS OR ADDITIONS THAT EXISTING
23 STATE TRANSPORTATION INFRASTRUCTURE MAY NEED TO ENABLE THE USE
24 OF AUTONOMOUS MOTOR VEHICLES, THE TIMELINE FOR MAKING SUCH
25 MODIFICATIONS OR ADDITIONS, AND THE ANTICIPATED COST OF MAKING
26 SUCH MODIFICATIONS OR ADDITIONS; AND

27 (e) IDENTIFY AND SUMMARIZE LEGAL ISSUES RELATING TO THE USE

1 OF AUTONOMOUS MOTOR VEHICLES.

2 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
3 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
4 43-2-145 (1) DURING THE 2025 LEGISLATIVE INTERIM.

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

6 **SECTION 29.** In Colorado Revised Statutes, **amend** 43-1-219 as
7 follows:

8 **43-1-219. Funds created.** There are hereby created two separate
9 funds, one to be known as the state highway fund and the other to be
10 known as the state highway supplementary fund. All ~~moneys~~ MONEY paid
11 into either of ~~said~~ THE funds shall be available immediately, without
12 further appropriation, for the purposes of ~~such~~ THE fund as provided by
13 law. MONEY TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO
14 SECTION 24-75-219 (7)(c) AND (7)(e) AND ANY INTEREST AND INCOME
15 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE
16 EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102
17 (5). Any sums paid into the state treasury, which by law belong to the
18 state highway fund or to the state highway supplementary fund, shall be
19 immediately placed by the state treasurer to the credit of the appropriate
20 fund. Upon request of the commission or of the chief engineer, it is the
21 duty of the state treasurer to report to the commission or to the chief
22 engineer the amount of money on hand in each of ~~said~~ THE two funds and
23 the amounts derived from each source from which each such fund is
24 accumulated. All accounts and expenditures from each of ~~said~~ THE two
25 funds shall be certified by the chief engineer and paid by the state
26 treasurer upon warrants drawn by the controller. The controller is
27 authorized as directed to draw warrants payable out of the specified fund

1 upon such vouchers properly certified and audited. Nothing in this part 2
2 shall operate to alter the manner of the execution and issuance of
3 transportation revenue anticipation notes provided in part 7 of article 4 of
4 this ~~title~~ TITLE 43.

5 **SECTION 30.** In Colorado Revised Statutes, 43-4-203, **amend**
6 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

7 **43-4-203. Sources of revenue.** (1) All net revenue from the
8 following sources shall be paid into and credited to the highway users tax
9 fund as soon as IT IS received:

10 (f) FROM THE IMPOSITION OF ELECTRIC MOTOR VEHICLE ROAD
11 USAGE EQUALIZATION FEES PURSUANT TO SECTION 42-3-304 (25)(a.5);
12 AND

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

15 **SECTION 31.** In Colorado Revised Statutes, 43-4-205, **amend**
16 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)
17 and (6.9) as follows:

18 **43-4-205. Allocation of fund.** (6) ~~Revenues~~ REVENUE raised by
19 the excise tax imposed on gasoline and special fuel pursuant to sections
20 39-27-102 and 39-27-102.5 ~~C.R.S.~~, in excess of seven cents per gallon of
21 tax shall be placed in the highway users tax fund to be allocated as
22 follows; except that ~~revenues~~ REVENUE raised by the excise tax imposed
23 on gasoline in excess of eighteen cents per gallon of tax shall be allocated
24 according to ~~the provisions of paragraph (b) of this subsection (6)~~
25 SUBSECTION (6)(b) OF THIS SECTION:

26 (b) The remaining balance of such revenue may be expended only
27 for improvements to highways within the state, including new

1 construction, safety improvements, maintenance, and capacity
2 improvements, and for other transportation-related projects to the extent
3 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206
4 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for
5 administrative purposes. Such revenue is allocated as follows:

6 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE
7 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE
8 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO
9 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX
10 FUND AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)
11 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO
12 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS
13 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED
14 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN
15 SUBSECTION (6)(b) OF THIS SECTION.

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

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

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

26 (C) TWENTY-SEVEN PERCENT MUST BE PAID TO THE CITIES AND
27 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE

1 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS
2 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

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

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

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

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

19 **SECTION 32.** In Colorado Revised Statutes, 43-4-206, **amend**
20 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

21 **43-4-206. State allocation.** (2) (b) Notwithstanding section
22 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation
23 shall report annually to the transportation committee of the senate and the
24 transportation and energy committee of the house of representatives
25 concerning the revenue expended by the department pursuant to
26 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~
27 ~~fund money that is credited to the state highway fund pursuant to section~~

1 ~~24-75-219 (5)~~ and any net proceeds of lease-purchase agreements
2 executed as required by section 24-82-1303 (2)(a) that are credited to the
3 state highway fund pursuant to section 24-82-1303 (4)(b) and expended
4 by the department pursuant to subsection (1)(b)(V) of this section. ~~and~~
5 ~~any net proceeds of transportation revenue anticipation notes issued as~~
6 ~~authorized by a ballot issue submitted to and approved by the registered~~
7 ~~electors of the state at the 2020 statewide election pursuant to section~~
8 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~
9 ~~this section.~~ The department shall present the report at the joint meeting
10 required under section 43-1-113 (9)(a), and the report shall describe for
11 each fiscal year, if applicable:

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

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

20 **SECTION 33.** In Colorado Revised Statutes, **add** 43-4-217 and
21 43-4-218 as follows:

22 **43-4-217. Additional funding - road usage fees - legislative**
23 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
24 AND DECLARES THAT:

25 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE
26 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR
27 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,

1 ROADS, AND STREETS OF THE STATE;

2 (b) THE AMOUNT OF MOTOR FUEL TAXES PAID FOR MOTOR FUEL
3 USED TO PROPEL A MOTOR VEHICLE BEARS A REASONABLE RELATIONSHIP
4 TO THE VEHICLE'S USE OF AND IMPACT ON THE HIGHWAYS, ROADS, AND
5 STREETS OF THE STATE BECAUSE THE AMOUNT OF MOTOR FUEL USED BY A
6 VEHICLE IS IN LARGE PART A FUNCTION OF THE AMOUNT OF MILES
7 TRAVELED BY THE VEHICLE AND THE WEIGHT OF THE VEHICLE;

8 (c) MOTOR FUEL TAX RATES HAVE NOT BEEN INCREASED IN OVER
9 TWENTY-FIVE YEARS, AND MOTOR FUEL TAX REVENUE HAS NOT KEPT PACE
10 AND WILL NOT KEEP PACE WITH INFLATION OR THE INCREASED
11 TRANSPORTATION INFRASTRUCTURE DEMANDS OF THE GROWING
12 POPULATION OF THE STATE BECAUSE:

13 (I) THE AMOUNT OF MOTOR FUEL TAX PAID DOES NOT DEPEND ON
14 THE PRICE OF MOTOR FUEL AND THEREFORE DOES NOT INCREASE WHEN
15 MOTOR FUEL PRICES INCREASE BUT INSTEAD DEPENDS ON THE QUANTITY
16 OF MOTOR FUEL PURCHASED, WHICH FOR MOST DRIVERS DOES NOT
17 INCREASE OVER TIME; AND

18 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER
19 TIME;

20 (d) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
21 THE STATE TO MITIGATE THE DECLINING PURCHASING POWER OF MOTOR
22 FUEL EXCISE TAXES BY COLLECTING A ROAD USAGE FEE FROM PERSONS
23 WHO USE THE TRANSPORTATION SYSTEM TO TRAVEL BY MOTOR VEHICLE,
24 BASING THE AMOUNT OF THE FEE ON REASONABLE ESTIMATES OF FEE
25 PAYERS' USAGE OF AND IMPACT ON THE SYSTEM, AND USING FEE REVENUE
26 SOLELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
27 HIGHWAYS OF THE STATE;

1 (e) BECAUSE MOTOR FUEL CONSUMPTION IS REASONABLY RELATED
2 TO USE OF AND IMPACT ON THE TRANSPORTATION SYSTEM, IT IS FAIR TO
3 FEE PAYERS, REASONABLE, AND APPROPRIATE TO CALCULATE THE
4 AMOUNT OF THE ROAD USE FEE BASED ON THEIR MOTOR FUEL
5 CONSUMPTION;

6 (f) IT IS ALSO FAIR TO FEE PAYERS, REASONABLE, AND
7 APPROPRIATE TO STREAMLINE FEE COLLECTION BY COLLECTING THE ROAD
8 USE FEE FROM DISTRIBUTORS OF MOTOR FUELS WHEN MOTOR FUEL TAXES
9 ARE COLLECTED BECAUSE THE AMOUNT OF THE FEE WILL BE
10 INCORPORATED INTO THE RETAIL PRICE OF MOTOR FUEL AND THEREFORE
11 PASSED ON TO USERS OF THE TRANSPORTATION SYSTEM IN PRECISE
12 PROPORTION TO THEIR CONSUMPTION OF MOTOR FUEL AND IN REASONABLE
13 RELATION TO THEIR USE OF AND IMPACT ON THE TRANSPORTATION
14 SYSTEM; AND

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

21 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL
22 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE
23 PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND
24 SUPERVISION OF THE TRANSPORTATION SYSTEM;

25 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN
26 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
27 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF

1 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE
2 TRANSPORTATION SYSTEM; AND

3 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY
4 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE
5 BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE
6 PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE
7 PAYERS.

8 (2) AS USED IN THIS SECTION:

9 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION
10 39-27-101 (12), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
11 39-27-102 (1)(a)(II)(A).

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

20 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION
21 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
22 39-27-102 (1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL
23 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS
24 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH
25 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION
26 39-27-102.5 (1.5).

27 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF

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

8 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
9 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE
10 DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32, IS:

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

17 AND

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

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

- 25 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
26 2030, ADJUSTED FOR INFLATION; AND
- 27 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF

1 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
2 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
3 2030.

4 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT
5 TO SUBSECTION (3)(b)(II) OF THIS SECTION ONLY IF THE RATE OF
6 INFLATION IS POSITIVE AND 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 ROAD USAGE FEE
9 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO
10 LATER THAN APRIL 15, 2032.

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

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

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

1 AND

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

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

9 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
10 2030, ADJUSTED FOR INFLATION; AND

11 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
12 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
13 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
14 2030.

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

22 (5) EACH DISTRIBUTOR OF SPECIAL FUEL THAT PAYS THE EXCISE
23 TAX IMPOSED ON SPECIAL FUEL SHALL ALSO PAY, AT THE SAME TIME AND
24 IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE FEE
25 IMPOSED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, A
26 BRIDGE AND TUNNEL IMPACT FEE IN THE AMOUNT IMPOSED BY THE
27 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE AS AUTHORIZED BY SECTION

1 43-4-805 (5)(g.5). THE COLLECTION AND ADMINISTRATION OF THE BRIDGE
2 AND TUNNEL IMPACT FEE BY THE DEPARTMENT OF REVENUE ON BEHALF OF
3 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE IS DONE ON BEHALF OF
4 THE ENTERPRISE FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
5 DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR THE STATE, AND ALL
6 BRIDGE AND TUNNEL IMPACT FEE REVENUE IS REVENUE OF THE
7 ENTERPRISE ONLY AND IS EXCLUDED FROM STATE FISCAL YEAR SPENDING,
8 AS DEFINED IN SECTION 24-77-102 (17).

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

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

23 (c) THE BURDEN OF PROVING THAT GASOLINE OR SPECIAL FUEL IS
24 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)
25 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
26 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) IS ON THE DISTRIBUTOR UNDER
27 SUCH REASONABLE REQUIREMENTS OF PROOF AS THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE.

2 (7) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
3 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS
4 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
5 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) SHALL BE PERFORMED BY THE
6 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN THE SAME
7 MANNER AS THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
8 STATE GASOLINE AND SPECIAL FUEL TAXES PURSUANT TO ARTICLE 27 OF
9 TITLE 39. A DISTRIBUTOR WHO PAYS THE ROAD USAGE FEE AS REQUIRED
10 BY SUBSECTION (3) OR (4) OF THIS SECTION SHALL REMIT THE FEE,
11 TOGETHER WITH ANY BRIDGE AND TUNNEL IMPACT FEE THAT THE
12 DISTRIBUTOR ALSO PAYS AS REQUIRED BY SECTION 43-4-805 (5)(g.5) AND
13 SUBSECTION (5) OF THIS SECTION TO THE DEPARTMENT OF REVENUE AT
14 THE SAME TIME AND IN THE SAME MANNER IN WHICH THE DISTRIBUTOR
15 REMITS GASOLINE OR SPECIAL FUEL TAXES COLLECTED BY THE
16 DISTRIBUTOR AS REQUIRED BY ARTICLE 27 OF TITLE 39. THE DEPARTMENT
17 OF REVENUE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

18 (8) IN ACCORDANCE WITH SECTION 43-4-203 (1)(f), THE STATE
19 TREASURER SHALL CREDIT ALL ROAD USAGE FEE REVENUE COLLECTED AS
20 REQUIRED BY THIS SECTION TO THE HIGHWAY USERS TAX FUND CREATED
21 IN SECTION 43-4-201. IN ACCORDANCE WITH SECTION 43-4-805 (5)(g.5),
22 THE STATE TREASURER SHALL CREDIT ALL BRIDGE AND TUNNEL IMPACT
23 FEE REVENUE COLLECTED AS REQUIRED BY THIS SECTION TO THE
24 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND
25 CREATED IN SECTION 43-4-805 (3)(a). ALL FEES CREDITED TO THE
26 HIGHWAY USERS TAX FUND PURSUANT TO THIS SECTION SHALL BE
27 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,

1 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8).

2 **43-4-218. Additional funding - retail delivery fee - fund**
3 **created - simultaneous collection of enterprise fees - rules - legislative**
4 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS

5 AND DECLARES THAT:

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

9 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030
10 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON
11 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH
12 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE
13 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, TRAFFIC
14 CONGESTION, AND RETAIL-DELIVERY-RELATED EMISSIONS;

15 (c) THIS ADDITIONAL USAGE HAS ACCELERATED AND IS EXPECTED
16 TO CONTINUE TO ACCELERATE DETERIORATION OF SURFACE
17 TRANSPORTATION SYSTEM INFRASTRUCTURE, AND HAS REQUIRED AND IS
18 EXPECTED TO CONTINUE TO REQUIRE THE STATE, COUNTIES, AND
19 MUNICIPALITIES TO PERFORM MORE MAINTENANCE AND RECONSTRUCTION
20 OF STATE HIGHWAYS, COUNTY ROADS, AND CITY STREETS;

21 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS
22 EXPECTED TO CONTINUE TO INCREASE MOTOR-VEHICLE-RELATED
23 EMISSIONS OF AIR POLLUTANTS, INCLUDING OZONE PRECURSORS,
24 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,
25 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE
26 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE
27 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

1 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

2 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS
3 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY
4 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE
5 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL
6 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION
7 43-4-1103 (1)(a);

8 (II) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE CREATED
9 IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS RETAIL
10 DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7), AUTHORIZE THE
11 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a) TO
12 IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS SPECIFIED IN SECTION
13 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE AND TUNNEL
14 ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO IMPOSE A BRIDGE
15 AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-4-805
16 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
17 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
18 SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE THE
19 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE CREATED
20 IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION MITIGATION
21 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8) TO HELP
22 FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS
23 PURPOSES; AND

24 (III) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR FEE
25 PAYERS AND ADMINISTRATIVE COSTS FOR THE STATE, TO REQUIRE THE
26 DEPARTMENT OF REVENUE TO COLLECT THE RETAIL DELIVERY FEES
27 IMPOSED BY THE ENTERPRISES ON BEHALF OF THE ENTERPRISES WHEN IT

1 COLLECTS THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS
2 SECTION AND TO DISTRIBUTE THE ENTERPRISE FEE REVENUE TO THE
3 ENTERPRISES.

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

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

7 (I) THE COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED BY
8 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
9 (1), AS SPECIFIED IN SECTION 24-38.5-303 (7);

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

13 (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
14 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
15 43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

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

19 (V) THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
20 IMPOSED BY THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
21 ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a) AS SPECIFIED IN
22 SECTION 43-1-1303 (8).

23 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
24 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
25 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
26 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
27 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR

1 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE
2 CALENDAR YEAR IN WHICH A STATE FISCAL YEAR FOR WHICH AN
3 INFLATION ADJUSTMENT TO THE RETAIL DELIVERY FEE IMPOSED BY
4 SUBSECTION (3) OF THIS SECTION IS TO BE MADE BEGINS.

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

8 (d) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
9 OPERATED ROBOT THAT IS:

10 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
11 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
12 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
13 TYPICALLY USED BY PEDESTRIANS;

14 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
15 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
16 AND

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

20 (e) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
21 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
22 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
23 PURCHASER AT A PHYSICAL ADDRESS IN THIS STATE, WHICH SALE
24 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS
25 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

26 (f) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION
27 39-26-102 (8).

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

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

5 (3) (a) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
6 PURCHASED DURING STATE FISCAL YEAR 2022-23, EACH RETAILER WHO
7 MAKES A RETAIL DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL
8 DELIVERY, COLLECT FROM THE PURCHASER, AND PAY TO THE DEPARTMENT
9 OF REVENUE AT THE TIME AND IN THE MANNER PRESCRIBED BY THE
10 DEPARTMENT IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A
11 RETAIL DELIVERY FEE IN THE AMOUNT OF EIGHT AND FOUR-TENTHS CENTS.

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

1 BEGINS.

2 (II) THE DEPARTMENT OF REVENUE SHALL ADJUST THE AMOUNT OF
3 THE RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
4 PROPERTY PURCHASED DURING A STATE FISCAL YEAR ONLY IF INFLATION
5 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
6 ADJUSTMENT IN THE AMOUNT OF THE RETAIL DELIVERY FEE, WHEN
7 APPLIED TO THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL
8 CURRENT ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE
9 NEAREST WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE
10 WHOLE CENT IN THE TOTAL AMOUNT OF THE RETAIL DELIVERY FEE AND
11 ALL ENTERPRISE RETAIL DELIVERY FEES IMPOSED ON EACH RETAIL
12 DELIVERY. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO
13 THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL CURRENT
14 ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE NEAREST
15 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
16 PERCENT.

17 (c) A RETAIL DELIVERY THAT INCLUDES ONLY TANGIBLE PERSONAL
18 PROPERTY, THE SALE OF WHICH IS EXEMPT FROM STATE SALES TAX UNDER
19 ARTICLE 26 OF TITLE 39, IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
20 FROM THE ENTERPRISE RETAIL DELIVERY FEES. A RETAIL DELIVERY MADE
21 TO A PURCHASER WHO IS EXEMPT FROM PAYING STATE SALES TAX UNDER
22 ARTICLE 26 OF TITLE 39 IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
23 FROM THE ENTERPRISE RETAIL DELIVERY FEES.

24 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
25 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT
26 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE
27 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF

1 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
2 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),
3 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
4 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
5 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
6 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE
7 ENTERPRISE RETAIL DELIVERY FEES.

8 (b) WHEN COLLECTING THE RETAIL DELIVERY FEE AND, IN
9 ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION, THE ENTERPRISE
10 RETAIL DELIVERY FEES, THE DEPARTMENT OF REVENUE SHALL RETAIN AN
11 AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
12 ADMINISTERING, AND ENFORCING THE RETAIL DELIVERY FEE AND THE
13 ENTERPRISE RETAIL DELIVERY FEES AND SHALL TRANSMIT THE AMOUNT
14 RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE RETAIL
15 DELIVERY FEES FUND, WHICH IS HEREBY CREATED IN THE STATE
16 TREASURY. ALL MONEY IN THE RETAIL DELIVERY FEES FUND IS
17 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO
18 DEFRAID THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,
19 ENFORCING, AND ADMINISTERING THE RETAIL DELIVERY FEE AND THE
20 ENTERPRISE RETAIL DELIVERY FEES.

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

25 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED
26 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
27 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,

1 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);
2 AND

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

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

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

12 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL
13 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
14 25-7.5-103 (5);

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

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

21 (V) ALL NET AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
22 REVENUE SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR
23 POLLUTION MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303
24 (5).

25 (6) (a) EXCEPT TO THE EXTENT OTHERWISE AUTHORIZED OR
26 REQUIRED BY THE DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION
27 (6)(d) OF THIS SECTION WITH RESPECT TO THE TIMING OF THE REMITTANCE

1 OF FEES TO THE DEPARTMENT, THE COLLECTION, ADMINISTRATION, AND
2 ENFORCEMENT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
3 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES SHALL BE
4 PERFORMED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
5 REVENUE IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION,
6 AND ENFORCEMENT OF STATE SALES TAX PURSUANT TO ARTICLE 26 OF
7 TITLE 39.

8 (b) EVERY RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
9 THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS SECTION
10 AND THE ENTERPRISE RETAIL DELIVERY FEES TO THE PRICE OR CHARGE FOR
11 THE RETAIL DELIVERY SHOWING THE TOTAL OF THE FEES AS ONE ITEM
12 CALLED "RETAIL DELIVERY FEES" THAT IS SEPARATE AND DISTINCT FROM
13 THE PRICE AND ANY OTHER TAXES OR FEES IMPOSED ON THE RETAIL
14 DELIVERY. WHEN ADDED, THE FEES CONSTITUTE A PART OF THE RETAIL
15 DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE
16 RETAILER UNTIL PAID, AND ARE RECOVERABLE AT LAW IN THE SAME
17 MANNER AS OTHER DEBTS.

18 (c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE
19 AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE
20 TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
21 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH
22 RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF
23 SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A
24 RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL
25 DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE
26 DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE
27 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.

1 THE RETAILER IS ENTITLED, AS COLLECTING AGENT FOR THE STATE, TO
2 APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS
3 AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

4 (d) A RETAILER WHO COLLECTS THE RETAIL DELIVERY FEE
5 IMPOSED BY SUBSECTION (3) OF THIS SECTION AND THE ENTERPRISE RETAIL
6 DELIVERY FEES SHALL REMIT THE FEES TO THE DEPARTMENT OF REVENUE
7 AT THE SAME TIME AND IN THE SAME MANNER AS THE RETAILER REMITS
8 SALES TAX REVENUE COLLECTED TO THE DEPARTMENT AS REQUIRED BY
9 ARTICLE 26 OF TITLE 39 UNLESS THE DEPARTMENT REQUIRES OR
10 AUTHORIZES THE FEES TO BE REMITTED AT ANOTHER TIME OR IN ANOTHER
11 MANNER.

12 (e) ALL MONEY PAID TO A RETAILER AS A RETAIL DELIVERY FEE
13 IMPOSED BY SUBSECTION (3) OF THIS SECTION, OR AS ONE OR MORE OF THE
14 ENTERPRISE RETAIL DELIVERY FEES, SHALL BE AND REMAINS PUBLIC
15 MONEY, THE PROPERTY OF THE STATE OF COLORADO, IN THE HANDS OF
16 THE RETAILER, AND THE RETAILER SHALL HOLD THE MONEY IN TRUST FOR
17 THE SOLE USE AND BENEFIT OF THE STATE OF COLORADO UNTIL PAID TO
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AND, FOR
19 FAILURE TO PAY THE MONEY TO THE EXECUTIVE DIRECTOR, A RETAILER
20 SHALL BE PUNISHED AS PROVIDED BY LAW. IF ANY RETAILER COLLECTS
21 FEES IN EXCESS OF THE AMOUNT IMPOSED BY THIS SECTION AND SECTIONS
22 24-38.5-303 (7), 25-7.5-103 (8), 43-4-1203 (7), AND 43-4-1303 (8), THE
23 RETAILER SHALL REMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
24 OF REVENUE THE FULL AMOUNT OF THE FEES AND ALSO THE FULL AMOUNT
25 OF THE EXCESS.

26 (7) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES TO
27 IMPLEMENT THIS SECTION.

1 **SECTION 34.** In Colorado Revised Statutes, 43-4-602, **amend**
2 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

3 **43-4-602. Definitions.** As used in this part 6, unless the context
4 otherwise requires:

5 (1.5) "Authority" means a body corporate and political subdivision
6 of the state created pursuant to this part 6 OR A TRANSPORTATION
7 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
8 AUTHORIZED BY SECTION 43-4-622.

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

12 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
13 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE
14 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE
15 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
16 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
17 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
18 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
19 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
20 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY
21 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

22 (12.5) "Region" means all of the territory within the boundaries
23 of, and subject to the jurisdiction of, the governing body of any member
24 of a combination that creates an authority pursuant to section 43-4-603 OR
25 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
26 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
27 AUTHORIZED BY SECTION 43-4-622.

1 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
2 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
3 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION
4 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
5 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

6 **SECTION 35.** In Colorado Revised Statutes, 43-4-603, **amend**
7 (1), (1.5), and (3); and **add** (2.5) as follows:

8 **43-4-603. Creation of authorities - exercise of powers of an**
9 **authority by transportation planning organization.** (1) Any
10 combination may create, by contract, an authority that is authorized to
11 exercise the functions conferred by ~~the provisions of this part 6~~ upon the
12 issuance by the director of the division of a certificate stating that the
13 authority has been duly organized according to the laws of the state. IN
14 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT
15 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN
16 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY
17 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE
18 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED
19 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF
20 THE STATE. The combination joining in the creation of the authority OR
21 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION
22 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall
23 provide a copy of the contract OR RESOLUTION to the department of
24 transportation for comment and, if the territory of the proposed authority
25 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
26 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
27 AUTHORITY includes or borders any territory of the regional transportation

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

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

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

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

1 governmental entity regarding any regional transportation system.

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

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

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

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

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

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

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

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

27 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF

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

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

17 **SECTION 36.** In Colorado Revised Statutes, 43-4-604, **amend**
18 (3)(i) as follows:

19 **43-4-604. Board of directors.** (3) The board, in addition to all
20 other powers conferred by this part 6, has the following powers:

21 (i) AS APPLICABLE, to amend the contract that created the authority
22 to the extent that any amendment procedures specified in the contract
23 pursuant to section 43-4-603 (2)(f) authorize the board, rather than the
24 members of the combination that are parties to the contract, to amend the
25 contract OR TO AMEND OR REPLACE THE RESOLUTION AUTHORIZING THE
26 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
27 AN AUTHORITY ADOPTED AS AUTHORIZED BY SECTION 43-4-622.

1 **SECTION 37.** In Colorado Revised Statutes, 43-4-605, **amend**
2 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,
3 (1)(j)(I), and (2)(a) as follows:

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

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

27 (i) To impose an annual motor vehicle registration fee of not more

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

27 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,

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

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

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

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

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

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

14 **SECTION 38.** In Colorado Revised Statutes, 43-4-611, **amend**
15 (2) as follows:

16 **43-4-611. Powers of governmental units.** (2) To assist in the
17 financing, construction, operation, or maintenance of a regional
18 transportation system, any county, municipality, or special district that is
19 a member of a combination OR OF A TRANSPORTATION PLANNING
20 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
21 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the
22 authority all or a portion of the revenues it receives from the highway
23 users tax fund or from any other legally available funds. The authority
24 shall apply revenues that it receives pursuant to the pledge to the
25 financing, construction, operation, or maintenance of any regional
26 transportation system. The authority may refuse to accept any revenues
27 that would cause a member of the combination OR OF THE

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

4 **SECTION 39.** In Colorado Revised Statutes, 43-4-612, **amend**
5 (1) as follows:

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

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

23 **SECTION 40.** In Colorado Revised Statutes, **amend** 43-4-615 as
24 follows:

25 **43-4-615. Agreement of the state not to limit or alter rights of**
26 **obligees.** The state hereby pledges and agrees with the holders of any
27 bonds issued under this part 6 and with those parties who enter into

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

12 **SECTION 41.** In Colorado Revised Statutes, **add** 43-4-622 as
13 follows:

14 **43-4-622. Exercise of authority powers by transportation**
15 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF
16 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO
17 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN
18 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE
19 TRANSPORTATION PLANNING ORGANIZATION.

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

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

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

1 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION
2 43-4-603 (3);

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

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

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

11 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION
12 43-4-612.

13 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL
14 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION
15 EXERCISING THE POWERS OF AN AUTHORITY SHALL COMPLY WITH THE
16 PROCEDURES AND GUIDELINES ADOPTED BY THE TRANSPORTATION
17 COMMISSION PURSUANT TO SECTION 43-1-128 (3) AND ANALYZE AND
18 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S
19 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE
20 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON
21 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT
22 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7
23 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING
24 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
25 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE
26 ANALYSIS.

27 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE

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

14 **SECTION 42.** In Colorado Revised Statutes, 43-4-705, **repeal**
15 (2)(a)(II.5) and (13)(b) as follows:

16 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

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

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

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

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

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

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

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

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

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

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

25 (C) ~~This subsection (13)(b)(V) is repealed, effective January 1,~~
26 ~~2022, if a majority of the electors voting on the ballot issue in subsection~~
27 ~~(13)(b)(III) of this section vote "Yes/For".~~

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

3 **43-4-802. Legislative declaration.** (2) The general assembly
4 further finds and declares that:

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

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

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

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

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

17 **SECTION 44.** In Colorado Revised Statutes, 43-4-803, **amend**
18 (4) and (7); and **add** (26.5) as follows:

19 **43-4-803. Definitions.** As used in this part 8, unless the context
20 otherwise requires:

21 (4) "Bridge enterprise" means the statewide bridge AND TUNNEL
22 enterprise created in section 43-4-805 (2).

23 (7) "Bridge special fund" means the statewide bridge AND TUNNEL
24 enterprise special revenue fund created in section 43-4-805 (3)(a).

25 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR,
26 MAINTAIN, OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF
27 THE STATE HIGHWAY SYSTEM.

1 **SECTION 45.** In Colorado Revised Statutes, 43-4-804, **amend**
2 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and
3 (1)(b)(IV) as follows:

4 **43-4-804. Highway safety projects - surcharges and fees -**
5 **crediting of money to highway users tax fund - definition.** (1) On and
6 after July 1, 2009, the following surcharges, fees, and fines shall be
7 collected and credited to the highway users tax fund created in section
8 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
9 municipalities as specified in section 43-4-205 (6.3):

10 (a) (I) A road safety surcharge, which, except as otherwise
11 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is
12 imposed for any registration period that commences on or after July 1,
13 2009, upon the registration of any vehicle for which a registration fee
14 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.
15 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~
16 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the
17 surcharge is:

18 (VIII) (A) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR
19 AFTER JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2023, THE AMOUNT OF
20 EACH ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION
21 (1)(a)(I) OF THIS SECTION IS REDUCED BY ELEVEN DOLLARS AND TEN
22 CENTS.

23 (B) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER
24 JANUARY 1, 2023, BUT BEFORE JANUARY 1, 2024, THE AMOUNT OF EACH
25 ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION (1)(a)(I)
26 OF THIS SECTION IS REDUCED BY FIVE DOLLARS AND FIFTY-FIVE CENTS.

27 (b) (I) (A) Except as otherwise provided in ~~subparagraph (H)~~ of

1 ~~this paragraph (b)~~ SUBSECTIONS (1)(b)(III) AND (1)(b)(IV) OF THIS
2 SECTION, a daily vehicle rental fee is imposed on all short-term vehicle
3 rentals at the rate of two dollars per day; except that a subsequent renewal
4 of a short-term vehicle rental is exempt from the fee to the extent that the
5 renewal extends the total rental period beyond thirty days. The rental
6 invoice shall list the daily vehicle rental fee separately as a Colorado road
7 safety program fee. ON AND AFTER JULY 1, 2022, A CAR SHARING
8 PROGRAM, AS DEFINED IN SECTION 6-1-1202 (4), SHALL COLLECT THE
9 DAILY VEHICLE RENTAL FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF
10 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING
11 PROGRAM.

12 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle
13 rental" means the rental of any motor vehicle, as defined in section
14 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six
15 thousand pounds or less that is rented within Colorado for a period of not
16 more than thirty days.

17 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
18 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL
19 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
20 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE
21 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF
22 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE
23 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND
24 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE
25 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

26 (B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS
27 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES

1 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
2 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
3 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
4 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
5 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM
6 VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

7 **SECTION 46.** In Colorado Revised Statutes, 43-4-805, **amend**
8 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),
9 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and
10 (5)(g.7) as follows:

11 **43-4-805. Statewide bridge enterprise - creation - board -**
12 **funds - powers and duties - legislative declaration - definition.**

13 (1) The general assembly hereby finds and declares that:

14 (a) The completion of designated bridge projects AND TUNNEL
15 PROJECTS is essential to address increasing traffic congestion and delays,
16 hazards, injuries, and fatalities;

17 (b) Due to the limited availability of state and federal funding and
18 the need to accomplish the financing, repair, reconstruction, and
19 replacement of designated bridges AND TUNNEL PROJECTS as promptly and
20 efficiently as possible, it is necessary to create a statewide bridge AND
21 TUNNEL enterprise and to authorize the enterprise to:

22 (I) Enter into agreements with the commission or the department
23 to finance, repair, reconstruct, and replace designated bridges AND
24 COMPLETE TUNNEL PROJECTS in the state; and

25 (II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL
26 IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates
27 reasonably calculated to defray the costs of completing designated bridge

1 projects AND TUNNEL PROJECTS and distribute the burden of defraying the
2 costs in a manner based on the benefits received by persons paying the
3 fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL
4 DELIVERIES, receive and expend ~~revenues~~ REVENUE generated by the
5 surcharge AND FEES and other ~~moneys~~ MONEY, issue revenue bonds and
6 other obligations, contract with the state, if required approvals are
7 obtained, to receive one or more loans of ~~moneys~~ MONEY received by the
8 state under the terms of one or more lease-purchase agreements
9 authorized by this part 8, expend ~~revenues~~ REVENUE generated by the
10 surcharge to repay any such loan or loans received, and exercise other
11 powers necessary and appropriate to carry out its purposes; and

12 (c) The creation of a statewide bridge AND TUNNEL enterprise is
13 in the public interest and will promote the health, safety, and welfare of
14 all Coloradans and visitors to the state by providing bridges AND
15 REPAIRING, MAINTAINING, AND OPERATING TUNNELS IN A MANNER that
16 ~~incorporate~~ INCORPORATES the benefits of advanced engineering design,
17 experience, and safety.

18 (2) (a) (I) The SCOPE OF THE EXISTING statewide bridge
19 enterprise is hereby created IN THIS SUBSECTION (2)(a)(I) IN 2009 IS
20 HEREBY EXPANDED TO INCLUDE BOTH DESIGNATED BRIDGE PROJECTS AND
21 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR TUNNELS,
22 AND THE NAME OF THE EXPANDED ENTERPRISE IS THE STATEWIDE BRIDGE
23 AND TUNNEL ENTERPRISE. The bridge enterprise ~~shall be and shall operate~~
24 IS AND OPERATES as a government-owned business within the department.
25 The commission shall serve as the bridge enterprise board and shall, with
26 the consent of the executive director, appoint a bridge enterprise director
27 who shall possess such qualifications as may be established by the

1 commission and the state personnel board. The bridge enterprise director
2 shall oversee the discharge of all responsibilities of the bridge enterprise
3 and shall serve at the pleasure of the bridge enterprise board.

4 (b) The business purpose of the bridge enterprise is to finance,
5 repair, reconstruct, and replace any designated bridge in the state and
6 COMPLETE TUNNEL PROJECTS AND, as agreed upon by the enterprise and
7 the commission, or the department to the extent authorized by the
8 commission, to maintain the bridges it finances, repairs, reconstructs, and
9 replaces. To allow the bridge enterprise to accomplish this purpose and
10 fully exercise its powers and duties through the bridge enterprise board,
11 the bridge enterprise may:

12 (I) Impose a bridge safety surcharge, a bridge and tunnel impact
13 fee, and a bridge and tunnel retail delivery fee as authorized in paragraph
14 ~~(g) of subsection (5)~~ BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this
15 section;

16 (c) The bridge enterprise shall constitute an enterprise for
17 purposes 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 than ten
19 percent of its total revenues in grants from all Colorado state and local
20 governments combined. So long as it constitutes an enterprise pursuant
21 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be
22 subject to any provisions of section 20 of article X of the state
23 constitution. Consistent with the determination of the Colorado supreme
24 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
25 1995), that the power to impose taxes is inconsistent with "enterprise"
26 status under section 20 of article X of the state constitution, the general
27 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND

1 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE
2 imposed by the bridge enterprise pursuant to paragraph (g) of subsection
3 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this
4 section is not a tax but is instead a fee imposed by the bridge enterprise
5 to defray the cost of completing designated bridge projects AND TUNNEL
6 PROJECTS that the enterprise provides as a specific service to the persons
7 upon whom the fee is imposed and at rates reasonably calculated based
8 on the benefits received by such persons.

9 (3) (a) The statewide bridge AND TUNNEL enterprise special
10 revenue fund, referred to in this part 8 as the "bridge special fund", is
11 hereby created in the state treasury. All ~~revenues~~ REVENUE received by
12 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE
13 from a bridge safety surcharge ~~collected pursuant to paragraph (g) of~~
14 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this
15 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
16 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A
17 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY
18 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to
19 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~
20 SUBSECTION (5)(r) of this section, shall be deposited into the bridge
21 special fund. The bridge enterprise board may establish separate accounts
22 within the bridge special fund as needed in connection with any specific
23 designated bridge project. The bridge enterprise also may deposit or
24 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,
25 but in no event may ~~revenues~~ REVENUE from any tax otherwise available
26 for general purposes be deposited into the bridge special fund. The state
27 treasurer, after consulting with the bridge enterprise board, shall invest

1 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or
2 reserves, but excluding any proceeds from the sale of bonds or earnings
3 on such proceeds invested pursuant to section 43-4-807 (2), that are not
4 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the
5 types of investments authorized in sections 24-36-109, 24-36-112, and
6 24-36-113. ~~C.R.S.~~

7 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the
8 bridge special fund to pay bond or loan obligations, to fund the
9 administration, planning, financing, repair, reconstruction, replacement,
10 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL
11 PROJECTS, and for the acquisition of land to the extent required in
12 connection with any designated bridge project. The bridge enterprise may
13 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating
14 costs and expenses. The bridge enterprise board shall have exclusive
15 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the
16 bridge special fund.

17 (4) The commission may transfer ~~moneys~~ MONEY from the state
18 highway fund created in section 43-1-219 to the bridge enterprise for the
19 purpose of defraying expenses incurred by the enterprise prior to the
20 receipt of bond proceeds or ~~revenues~~ REVENUE by the enterprise. The
21 bridge enterprise may accept and expend any ~~moneys~~ MONEY so
22 transferred, and, notwithstanding any state fiscal rule or generally
23 accepted accounting principle that could otherwise be interpreted to
24 require a contrary conclusion, such a transfer shall constitute a loan from
25 the commission to the bridge enterprise and shall not be considered a
26 grant for purposes of section 20 (2)(d) of article X of the state
27 constitution. As the bridge enterprise receives sufficient revenues in

1 excess of expenses, the enterprise shall reimburse the state highway fund
2 for the principal amount of any loan from the state highway fund made by
3 the commission plus interest at a rate set by the commission. Any ~~moneys~~
4 MONEY loaned from the state highway fund to the bridge enterprise
5 pursuant to this section shall be deposited into a fund to be known as the
6 statewide bridge AND TUNNEL enterprise operating fund, which fund is
7 hereby created, and shall not be deposited into the bridge special fund.
8 ~~Moneys~~ MONEY from the bridge special fund may, however, be used to
9 reimburse the state highway fund for the amount of any loan from the
10 state highway fund or any interest thereon.

11 (5) In addition to any other powers and duties specified in this
12 section, the bridge enterprise board has the following powers and duties:

13 (c) To issue revenue bonds, payable solely from the bridge special
14 fund, for the purpose of paying the cost of financing, repairing,
15 reconstructing, replacing, and maintaining designated bridges AND
16 COMPLETING TUNNEL PROJECTS;

17 (g.5) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, TO IMPOSE A
18 BRIDGE AND TUNNEL IMPACT FEE TO BE PAID IN THE AMOUNT IMPOSED BY
19 THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.5)(II) OR
20 (5)(g.5)(III) OF THIS SECTION BY EACH DISTRIBUTOR OF SPECIAL FUEL, AS
21 DEFINED IN SECTION 43-4-217 (2)(c), THAT PAYS THE EXCISE TAX IMPOSED
22 ON SPECIAL FUEL PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME
23 TIME AND IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE
24 FEE IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4). FOR THE
25 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND
26 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
27 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL IMPACT FEE ON

1 BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME MANNER IN WHICH IT
2 COLLECTS AND ADMINISTERS THE EXCISE TAX AND THE ROAD USAGE FEE
3 IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4).

4 (II) FOREACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED
5 FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS 2022-23
6 THROUGH 2031-32, THE BRIDGE ENTERPRISE SHALL IMPOSE THE BRIDGE
7 AND TUNNEL IMPACT FEE IN AN AMOUNT OF UP TO:

- 8 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 9 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 10 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 11 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 12 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 13 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

14 AND

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

17 (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,
18 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS
19 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE
20 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN
21 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR
22 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE
23 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE
24 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE
25 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN
26 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
27 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE

1 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

2 (IV) AS USED IN THIS SUBSECTION (5)(g.5), "INFLATION" MEANS
3 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
4 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
5 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE
6 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING
7 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN
8 ADJUSTMENT TO THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
9 AUTHORIZED BY THIS SUBSECTION (5)(g.5) IS TO BE MADE BEGINS.

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

25 (II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
26 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE
27 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A

1 MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

2 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
3 (5)(g.7)(III)(B) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE
4 PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR
5 DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE ENTERPRISE
6 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
7 MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE
8 FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE SHALL
9 NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE BRIDGE
10 AND TUNNEL RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
11 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
12 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
13 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
14 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
15 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

16 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE
17 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL
18 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
19 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
20 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
21 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
22 DURING THE STATE FISCAL YEAR.

23 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS
24 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
25 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
26 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
27 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR

1 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
2 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
3 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS
4 SUBSECTION (5)(g.7) BEGINS.

5 (k) To prepare, or cause to be prepared, detailed plans,
6 specifications, or estimates for any designated bridge project OR TUNNEL
7 PROJECT within the state;

8 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under
9 the terms of one or more loan contracts entered into by the state and the
10 bridge enterprise pursuant to ~~subparagraph (H) of this paragraph (r)~~
11 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY
12 borrowed from the state for the purpose of completing designated bridge
13 projects AND TUNNEL PROJECTS and for any other authorized purpose that
14 constitutes the construction, supervision, and maintenance of the public
15 highways of this state for purposes of section 18 of article X of the state
16 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety
17 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL
18 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~
19 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION
20 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to
21 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under
22 the terms of the loan contract.

23 (III) (A) If the state treasurer receives a list from the governor
24 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)
25 OF THIS SECTION, the state, acting by and through the state treasurer, may
26 enter into a loan contract with the bridge enterprise and may raise the
27 money needed to make a loan pursuant to the terms of the loan contract

1 by selling or leasing one or more of the state buildings or other state
2 capital facilities on the list. The state treasurer shall have sole discretion
3 to enter into a loan contract on behalf of the state and to determine the
4 amount of a loan; except that the principal amount of a loan shall not
5 exceed the maximum amount specified by the governor pursuant to
6 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS
7 SECTION. The state treasurer shall also have sole discretion to determine
8 the timing of the entry of the state into any loan contract or the sale or
9 lease of one or more state buildings or other state capital facilities. The
10 loan contract shall require the bridge enterprise to pledge to the state all
11 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND
12 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE
13 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION
14 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan
15 and may also require the BRIDGE enterprise to pledge to the state any other
16 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan
17 contract entered into by the state, acting by and through the state
18 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~
19 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the
20 BRIDGE enterprise pursuant to such a loan contract shall be only for the
21 benefit of, and enforceable only by, the state and the BRIDGE enterprise.
22 Specifically, but without limiting the generality of said limitation, no such
23 loan contract or pledge shall be for the benefit of, or enforceable by, a
24 lessor under a lease-purchase agreement entered into pursuant to this
25 ~~subparagraph (H)~~ SUBSECTION (5)(r)(III), an owner of any instrument
26 evidencing rights to receive rentals or other payments made and to be
27 made under such a lease-purchase agreement as authorized by

1 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~
2 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary
3 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~
4 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any
5 interest rate exchange agreement entered into pursuant to
6 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~
7 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

8 **SECTION 47.** In Colorado Revised Statutes, **amend** 43-4-1101
9 as follows:

10 **43-4-1101. Legislative declaration.** (1) The general assembly
11 hereby finds and declares that it is necessary, appropriate, and in the best
12 interest of the state to use a portion of the general fund money that is
13 dedicated for transportation purposes pursuant to section 24-75-219 ~~(5)~~
14 to fund multimodal transportation projects and operations throughout the
15 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
16 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS
17 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
18 SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE
19 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
20 part 11 because, in addition to the general benefits that it provides to all
21 Coloradans, a complete and integrated multimodal transportation system
22 THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:

23 (a) Benefits seniors by making aging in place more feasible for
24 them;

25 (b) Benefits residents of COMMUNITIES, IN rural ~~areas~~ AND
26 DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with
27 MORE ACCESSIBLE AND flexible public transportation services;

- 1 (c) Provides enhanced mobility for persons with disabilities; ~~and~~
2 (d) Provides safe routes to schools for children; AND
3 (e) 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.

7 **SECTION 48.** In Colorado Revised Statutes, 43-4-1102, **amend**
8 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

9 **43-4-1102. Definitions.** As used in this part 11, unless the context
10 otherwise requires:

11 (1) ~~"Account" means the transportation revenue anticipation notes~~
12 ~~proceeds account of the multimodal transportation options fund created~~
13 ~~in section 43-4-1103 (1)(b).~~

14 (4) "Fund" means the multimodal transportation AND MITIGATION
15 options fund created in section 43-4-1103 (1)(a).

16 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT
17 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR
18 RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS
19 EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING
20 MULTIMODAL TRAVEL.

21 (5) "Multimodal projects" means capital or operating costs for
22 fixed route and on-demand transit, transportation demand management
23 programs, multimodal mobility projects enabled by new technology,
24 multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS
25 MITIGATION PROJECTS, and bicycle or pedestrian projects.

26 **SECTION 49.** In Colorado Revised Statutes, 43-4-1103, **amend**
27 (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion,

1 (3)(a)(I), and (3)(a)(II) introductory portion; **repeal** (1)(b), (2)(a)(II),
2 (2)(a)(III), and (2)(b); and **add** (2)(a)(IV) and (3)(a.5) as follows:

3 **43-4-1103. Multimodal transportation options fund - creation**
4 **- revenue sources for fund - use of fund.** (1) (a) The multimodal
5 transportation AND MITIGATION options fund is hereby created in the state
6 treasury. The fund consists of money transferred from the general fund to
7 the fund pursuant to section 24-75-219, ~~(5)(a)(II) and (5)(b)(II)~~ RETAIL
8 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION
9 43-4-218 (5)(a)(II), and any other money that the general assembly may
10 appropriate or transfer to the fund. The state treasurer shall credit all
11 interest and income derived from the deposit and investment of money in
12 the fund to the fund.

13 (b) ~~The transportation revenue anticipation notes proceeds account~~
14 ~~is hereby created in the fund. Net proceeds of transportation revenue~~
15 ~~anticipation notes that the state issues shall be credited to the account as~~
16 ~~specified in section 43-4-714 (1)(b). The state treasurer shall credit all~~
17 ~~interest and income derived from the deposit and investment of money in~~
18 ~~the account to the account.~~

19 (2) (a) (I) Except as otherwise provided in ~~subsections (2)(a)(II)~~
20 ~~and (2)(a)(III)~~ SUBSECTION (2)(a)(IV) of this section, subject to annual
21 appropriation by the general assembly, money must be expended from the
22 fund as follows:

23 (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~
24 ~~five hundred thousand dollars from the fund to the fund created in section~~
25 ~~43-4-1002 (1).~~

26 (III) ~~On June 30, 2020, the state treasurer shall transfer ten million~~
27 ~~dollars from the fund to the general fund.~~

1 (IV) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL
2 TRANSFER TWOMILLION FIVE HUNDRED THOUSAND DOLLARS TO THE FUND
3 CREATED IN SECTION 43-4-1002.

4 (b) ~~(I) Subject to the limitations set forth in subsection (2)(b)(H)~~
5 ~~of this section, money must be expended from the account as follows:~~

6 ~~(A) Eighty-five percent to the commission for local multimodal~~
7 ~~projects; and~~

8 ~~(B) Fifteen percent to the commission for state multimodal~~
9 ~~projects that are selected by the commission.~~

10 ~~(H) The commission shall ensure, in cooperation with each~~
11 ~~recipient of such money from the account, that any net proceeds of~~
12 ~~tax-exempt transportation revenue anticipation notes credited to the~~
13 ~~account and any interest and income derived from the deposit and~~
14 ~~investment of any such proceeds are expended only in compliance with~~
15 ~~all applicable federal laws and regulations governing the use of~~
16 ~~tax-exempt note proceeds.~~

17 (c) With respect to the ~~distribution~~ DISTRIBUTIONS of money for
18 local multimodal projects required by subsection (2)(a)(I)(A) of this
19 section, ~~and, for net proceeds of taxable transportation revenue~~
20 ~~anticipation notes and interest and income derived from the deposit and~~
21 ~~investment of such proceeds only, the distribution of money for local~~
22 ~~multimodal projects required by subsection (2)(b)(I)(A) of this section,~~
23 the commission shall establish a formula for disbursement of the amount
24 allocated for local multimodal projects, based on population and transit
25 ridership AND OTHER CRITERIA DEVELOPED in consultation with the
26 transportation advisory committee created in section 43-1-1104, the
27 transit and rail advisory committee of the department, THE STATE

1 TRANSPORTATION ADVISORY COMMITTEE OF THE DEPARTMENT, transit
2 advocacy organizations, and bicycle and pedestrian advocacy
3 organizations. Recipients shall provide a match equal to the amount of the
4 award; except that the commission may create a formula for reducing or
5 exempting the match requirement for local governments or agencies due
6 to their size or any other special circumstances AND MAY ALSO, IF
7 RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY
8 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC
9 PROJECT.

10 (3) (a) The department shall annually report to the transportation
11 legislation review committee of the general assembly created in section
12 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~
13 including, at a minimum:

14 (I) An aggregate accounting of all money expended from the fund
15 ~~and the account~~ during the prior fiscal year; and

16 (II) A listing of all projects receiving funding from the fund ~~and~~
17 ~~the account~~ during the prior fiscal year that includes for each project:

18 (a.5) EACH TRANSPORTATION PLANNING REGION SHALL ANNUALLY
19 REPORT TO THE DEPARTMENT REGARDING THE STATUS OF LOCAL
20 MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED
21 FUNDING FROM THE FUND.

22 **SECTION 50.** In Colorado Revised Statutes, **add** parts 12 and 13
23 to article 4 of title 43 as follows:

24 PART 12

25 CLEAN TRANSIT

26 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
27 HEREBY FINDS AND DECLARES THAT:

1 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO
2 CONTINUE TO INCREASE IN COMMUNITIES ACROSS THE STATE;

3 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
4 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
5 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
6 POLLUTION;

7 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
8 INCREASED EMISSIONS FROM MOTOR VEHICLES USED TO MAKE RETAIL
9 DELIVERIES CAN BE MITIGATED AND OFFSET BY SUPPORTING THE
10 WIDESPREAD ADOPTION OF ELECTRIC BUSES FOR TRANSIT FLEETS AND
11 REDUCING VEHICLE MILES TRAVELED BY ENCOURAGING PEOPLE TO
12 CHOOSE CLEAN, EFFICIENT, PUBLIC TRANSIT OPTIONS INSTEAD OF
13 PERSONAL MOTOR VEHICLE TRAVEL;

14 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
15 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
16 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
17 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
18 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
19 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
20 MITIGATION ACTIVITIES;

21 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
22 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
23 ACCELERATE THE ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND
24 URBAN AREAS THROUGHOUT THE STATE BECAUSE ELECTRIFICATION:

25 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
26 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
27 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT

1 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS IN
2 AND BETWEEN COMMUNITIES, INCLUDING COMMUNITIES NEAR HIGH-USE
3 TRANSIT CORRIDORS AND DISPROPORTIONATELY IMPACTED COMMUNITIES,
4 ANDHELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION
5 REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT
6 STANDARDS; AND

7 (II) BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
8 WITH THE USE OF MOTOR VEHICLES, HELPS PUBLIC TRANSIT PROVIDERS
9 OPERATE MORE EFFICIENTLY, USE COST SAVINGS TO PROVIDE MORE
10 RELIABLE AND CONVENIENT TRANSIT SERVICE TO MORE RIDERS, AND
11 FURTHER REDUCE EMISSIONS BY REDUCING PERSONAL MOTOR VEHICLE
12 USE; AND

13 (f) BY REDUCING MOTOR VEHICLE EMISSIONS, TRANSIT FLEET
14 ELECTRIFICATION EFFECTIVELY REMEDIATES SOME OF THE IMPACTS OF
15 RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE INCREASED MOTOR
16 VEHICLE EMISSIONS RESULTING FROM SUCH DELIVERIES.

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

18 (a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
19 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE
20 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY
21 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN
22 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT
23 ENTERPRISE THAT CAN PROVIDE SPECIALIZED REMEDIATION AND OTHER
24 SERVICES THAT HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE
25 CONSTRUCTION OF THE CHARGING INFRASTRUCTURE NEEDED TO SUPPORT
26 ELECTRIFICATION AND THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

27 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE

1 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
2 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
3 THROUGH INCENTIVIZATION, SUPPORT, AND ACCELERATION OF THE
4 ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND URBAN AREAS
5 THROUGHOUT THE STATE;

6 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
7 WHEN, IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL
8 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
9 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
10 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
11 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

12 (I) MAKING GRANTS OR LOANS OR PROVIDING REBATES TO FUND
13 THE ACQUISITION OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR
14 VEHICLES FOR USE IN TRANSIT FLEETS AND THE CONSTRUCTION OF
15 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF SUCH ELECTRIC
16 MOTOR VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

17 (A) IMPROVING TRANSPORTATION OPTIONS FOR FEE PAYERS AND
18 THE GENERAL PUBLIC, MAKING TRANSIT MORE ATTRACTIVE TO NEW OR
19 INFREQUENT USERS, AND REDUCING PERSONAL MOTOR VEHICLE
20 EMISSIONS; AND

21 (B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCING TRAFFIC
22 CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL
23 DELIVERIES, FURTHER REDUCES EMISSIONS OF AIR POLLUTANTS AND
24 GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCES
25 AND MITIGATES THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
26 SUCH EMISSIONS;

27 (II) CONTRIBUTING IN A UNIQUE AND TARGETED WAY TO THE

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

5 (III) PROVIDING ADDITIONAL REMEDIATION SERVICES TO OFFSET
6 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW;

7 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
8 THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY
9 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
10 THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
11 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*
12 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

13 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
14 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
15 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
16 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
17 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
18 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
19 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL
20 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION
21 43-4-1203 (7) IS:

22 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
23 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
24 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
25 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
26 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE
27 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME

1 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
2 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
3 SYSTEM SPECIFIED IN THIS SECTION; AND

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

7 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
8 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
9 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY
10 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
11 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
12 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
13 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
14 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
15 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

16 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

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

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

24 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
25 CREATED IN SECTION 43-1-106 (1).

26 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
27 CREATED IN SECTION 24-1-128.7.

1 (5) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
2 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
3 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
4 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME
5 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS
6 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE
7 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS
8 GREATER THAN FORTY PERCENT.

9 (b) AS USED IN THIS SUBSECTION (5):

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

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

15 (6) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
16 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
17 HYBRID ELECTRIC MOTOR VEHICLE.

18 (7) "ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE
19 CREATED IN SECTION 43-4-1203 (1)(a).

20 (8) "FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND
21 CREATED IN SECTION 43-4-1203 (5)

22 (9) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
23 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
24 THAT USES HYDROGEN GAS AS FUEL.

25 (10) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
26 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
27 LABOR STATISTICS, CONSUMER PRICE INDEX FOR

1 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
2 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
3 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
4 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
5 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
6 43-4-1203 (7) BEGINS.

7 (11) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL
9 DELIVERY DEVICE.

10 (12) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
11 OPERATED ROBOT THAT IS:

12 (a) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
13 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON
14 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
15 TYPICALLY USED BY PEDESTRIANS;

16 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
17 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
18 AND

19 (c) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR WHEN
20 ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT
21 ARE TYPICALLY USED BY PEDESTRIANS.

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

27 (14) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE

1 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
2 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
3 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES
4 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT
5 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

6 (15) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 39-26-102 (8).

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

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

12 (18) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION
13 43-1-102 (4).

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

16 **43-4-1203. Clean transit enterprise - creation - board - powers**
17 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS
18 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES
19 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER
20 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF
21 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES
22 SET FORTH IN THIS SECTION.

23 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
24 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
25 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
26 IN SECTION 24-1-105.

27 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

1 NINE MEMBERS APPOINTED AS FOLLOWS:

2 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL
3 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
4 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL
5 MAKE REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE
6 BEEN SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER
7 MEMBERS THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN
8 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO
9 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE
10 GOVERNOR:

11 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND
12 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

13 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE
14 TRANSIT EXPERTISE;

15 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE
16 TRANSIT EXPERTISE;

17 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS
18 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

19 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED
20 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;

21 AND

22 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP
23 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

24 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
25 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

26 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
27 DIRECTOR'S DESIGNEE; AND

1 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
2 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

3 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
4 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
5 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS
6 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION
7 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS
8 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A
9 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE
10 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS
11 SERVE FOR AS LONG AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED
12 TO SERVE.

13 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
14 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
15 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
16 PURSUANT TO THIS PART 12.

17 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO
18 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH
19 IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED
20 BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING
21 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
22 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
23 ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION
24 ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,
25 PROVIDING THE ASSOCIATED RECHARGING INFRASTRUCTURE FOR ELECTRIC
26 TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS
27 THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC

1 TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT
2 ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE
3 ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS
4 BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
5 THROUGH THE BOARD, THE ENTERPRISE MAY:

6 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
7 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

8 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS
9 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

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

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

20 (5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED
21 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL
22 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO
23 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
24 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY
25 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
26 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
27 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
3 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE
4 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY
5 OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY
6 THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND
7 OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS
8 AUTHORIZED BY THIS PART 3.

9 (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE
10 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR
11 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
12 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A
13 TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18
14 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE
15 PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND
16 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
17 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
18 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
19 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE
20 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR
21 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
22 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
23 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
24 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
25 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
26 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
27 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING

1 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
2 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
4 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE
5 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY
6 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
7 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
8 REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
9 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
10 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
11 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
12 THE COMMISSION.

13 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
14 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
15 DUTIES:

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

18 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
19 PERSONAL PROPERTY;

20 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL
21 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT
22 TO CARRY OUT ITS BUSINESS PURPOSE;

23 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

24 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND
25 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
26 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED
27 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO

1 SHALL CREDIT THE MONEY TO THE FUND;

2 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO
3 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO
4 SUBSECTION (8) OF THIS SECTION;

5 (g) TO PROMULGATE RULES GOVERNING THE PROCESS BY WHICH
6 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES
7 GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

8 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
9 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
10 GRANTED BY THIS SECTION.

11 (7) (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, A CLEAN TRANSIT RETAIL DELIVERY FEE ON EACH RETAIL
15 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
16 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
17 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
18 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
19 43-4-218 (6) THE CLEAN TRANSIT RETAIL DELIVERY FEE. FOR THE PURPOSE
20 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
21 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
22 AND ADMINISTER THE CLEAN TRANSIT RETAIL DELIVERY FEE ON BEHALF
23 OF THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
24 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218
25 (3).

26 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
27 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL

1 IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
2 OF THREE CENTS.

3 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(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 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS
8 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR
9 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
10 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE
11 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
12 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
13 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
14 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
15 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
16 BEGINS.

17 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
18 THE CLEAN TRANSIT RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
19 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
20 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
21 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
22 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
23 STATE FISCAL YEAR.

24 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT
25 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE
26 ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO
27 SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

1 (b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO
2 FUND:

3 (I) CLEAN TRANSIT PLANNING EFFORTS;

4 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION
5 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC
6 TRANSIT PROVIDERS;

7 (III) THE CONSTRUCTION OF CHARGING INFRASTRUCTURE FOR
8 ELECTRIC MOTOR VEHICLES USED BY PUBLIC TRANSIT PROVIDERS; AND

9 (IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR
10 VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC
11 MOTOR VEHICLES.

12 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE
13 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
14 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
15 APPLICATIONS.

16 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
17 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
19 THE AIR QUALITY CONTROL 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 WHEN DEVELOPING THE RULES.

25 (10) (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 (10)(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 PART 13

19 NONATTAINMENT AREA AIR POLLUTION

20 MITIGATION ENTERPRISE

21 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
22 HEREBY FINDS AND DECLARES THAT:

23 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE
24 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH
25 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL
26 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM
27 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL

1 AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN
2 NONATTAINMENT AREAS, INCLUDING BUT NOT LIMITED TO
3 DISPROPORTIONATELY IMPACTED COMMUNITIES AND COMMUNITIES
4 ADJACENT TO HIGHWAYS;

5 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE
6 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION
7 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING
8 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
9 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE
10 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
11 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
12 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
13 CONSTRUCTION EQUIPMENT;

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

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

26 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
27 WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION

1 PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR
2 POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF
3 TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS
4 AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF
5 PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK
6 COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE
7 STATE'S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND
8 EMISSIONS.

9 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
10 BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
11 ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES
12 THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN
13 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME
14 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,
15 2018 CO 36;

16 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
17 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
18 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
19 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
20 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
21 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
22 GENERATED BY FEES, NOT TAXES, BECAUSE THE AIR POLLUTION
23 MITIGATION PER RIDE FEE AND THE AIR POLLUTION MITIGATION RETAIL
24 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
25 SUBSECTIONS (7) AND (8) OF THIS SECTION ARE:

26 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
27 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION

1 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
2 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
3 ACTIVITIES ON WHICH THE FEES ARE ASSESSED, AND CONTRIBUTE TO THE
4 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
5 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
6 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
7 SYSTEM; AND

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

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

20 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 25-7-103 (1.5).

24 (2) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
25 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY
26 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
27 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF

1 PROPULSION.

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

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

8 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR
9 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL
10 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR
11 PROGRAM.

12 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF
13 TRANSPORTATION.

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

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

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

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

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

4 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING
5 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO
6 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND
7 FOR AN ELIGIBLE PROJECT.

8 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A
9 NONATTAINMENT AREA THAT:

10 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

11 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS
12 POLLUTANTS.

13 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR
14 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303
15 (1)(a).

16 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION
17 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

18 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC
19 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
20 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
21 AND SULFUR HEXAFLUORIDE.

22 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
23 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
24 THAT USES HYDROGEN GAS AS FUEL.

25 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
26 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
27 LABOR STATISTICS, CONSUMER PRICE INDEX FOR

1 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
2 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
3 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
4 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
5 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303
6 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY
7 SECTION 43-4-1303 (8) BEGINS.

8 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR
9 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS
10 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION
11 25-7-107.

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

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

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

25 (20) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN
26 SECTION 39-26-102 (8).

27 (21) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 39-26-102 (9).

2 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
3 40-10.1-602 (5).

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

6 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
7 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

8 (25) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
9 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

10 **43-4-1303. Nonattainment area air pollution mitigation**
11 **enterprise - creation - board - powers and duties - fees - fund.**

12 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
13 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS
14 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
15 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
16 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
17 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

18 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
19 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
20 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED
21 IN SECTION 24-1-105.

22 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
23 UP TO SEVEN MEMBERS AS FOLLOWS:

24 (I) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

25 (A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,
26 ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

27 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A

1 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
2 DENVER REGIONAL COUNCIL OF GOVERNMENTS;

3 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
4 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
5 METROPOLITAN PLANNING ORGANIZATION; AND

6 (D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF
7 DISPROPORTIONATELY IMPACTED COMMUNITIES;

8 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

10 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
11 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

12 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
13 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
14 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED
15 TO SERVE BY AN EXECUTIVE DIRECTOR.

16 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE
17 ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
18 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT
19 RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL
20 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES
21 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING
22 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING
23 DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO
24 DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS
25 RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF
26 ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.
27 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY

1 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE
2 MAY:

3 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN
4 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY
5 SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

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

18 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
19 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
20 CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR
21 POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE
22 FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
23 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
24 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
25 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
26 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
27 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND

1 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
2 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
3 SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE
4 AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF
5 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

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

1 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
2 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
3 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
4 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
5 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
6 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
7 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
8 INTEREST AT A RATE SET BY THE DEPARTMENT.

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

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

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

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

21 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
22 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
23 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
24 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
25 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,
26 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
27 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A

1 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
2 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
3 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
4 SINGLE-SOURCE BIDS.

5 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
6 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
7 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
8 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
9 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
10 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
11 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
12 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
13 MONEY TO THE FUND.

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

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

20 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
21 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
22 GRANTED BY THIS SECTION.

23 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
24 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR
25 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION
26 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND
27 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE

1 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION
2 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
3 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION
4 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A
5 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE
6 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

7 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
8 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR
9 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

10 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED
11 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
12 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

13 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER
14 PREARRANGED RIDE.

15 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
16 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
17 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
18 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION
19 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE
20 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
21 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
22 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
23 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND
24 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
25 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
26 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
27 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR

1 BEGINS.

2 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
3 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES
4 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE
5 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE
6 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN
7 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER
8 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS
9 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST
10 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT
11 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE
12 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS
13 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE
14 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION
15 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
16 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL
17 CUMULATIVE INFLATION OR FIVE PERCENT.

18 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE
19 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET AIR POLLUTION
20 MITIGATION PER RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER,
21 WHO SHALL CREDIT THE REVENUE TO THE FUND.

22 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
23 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
24 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
25 ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON
26 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
27 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE

1 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
2 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
3 SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY
4 FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS
5 AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF
6 REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION
7 MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE
8 SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL
9 DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

10 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
11 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
12 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
13 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

14 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
15 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
16 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
17 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
18 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
19 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
20 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
21 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
22 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
23 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
24 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
25 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
26 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
27 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

1 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
2 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
3 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
4 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
5 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
6 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
7 DURING THE STATE FISCAL YEAR.

8 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
9 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
10 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
11 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM
12 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
13 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
14 ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE
15 TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR
16 COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE
17 MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL
18 AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH
19 AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE
20 MATTER.

21 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
22 ENTERPRISE SHALL:

23 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
24 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
25 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
26 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
27 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE

1 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
2 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

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

10 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
11 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING
12 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND
13 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS
14 AND ACTIVITIES; AND

15 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
16 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
17 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
18 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
19 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
20 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
21 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
22 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
23 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
24 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
25 COMMITTEES CONTINUES INDEFINITELY.

26 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
27 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN

1 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
2 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

3 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
4 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
5 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
6 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
7 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
8 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
9 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
10 LOCAL GOVERNMENTS COMBINED.

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

13 **SECTION 51.** In Colorado Revised Statutes, **repeal** 43-4-714.

14 **SECTION 52. Severability.** If any provision of this Senate Bill
15 21-260 or the application thereof to any person or circumstance is held
16 invalid, such invalidity does not affect other provisions or applications of
17 this Senate Bill 21-260 that can be given effect without the invalid
18 provision or application, and to this end the provisions of this Senate Bill
19 21-260 are declared to be severable.

20 **SECTION 53. Effective date.** This act takes effect upon passage;
21 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as
22 enacted in section 49 of this act, takes effect only if Senate Bill 21-238
23 becomes law, in which case section 43-4-1103 (2)(a)(IV) and takes effect
24 either upon the effective date of this act or Senate Bill 21-238, whichever
25 is later.

26 **SECTION 54. Safety clause.** The general assembly hereby finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety.